

**Demolition of triple garage and part of existing dwelling,  
felling of trees, erection of two dwellings with associated  
garaging, access drive, parking space and courtyard areas  
and alterations to existing access  
15 Bridge Street Packington Ashby De La Zouch  
Leicestershire LE65 1WB**

**Report Item No  
A3**

**Application Reference  
19/00225/FUL**

**Grid Reference (E) 436026  
Grid Reference (N) 314439**

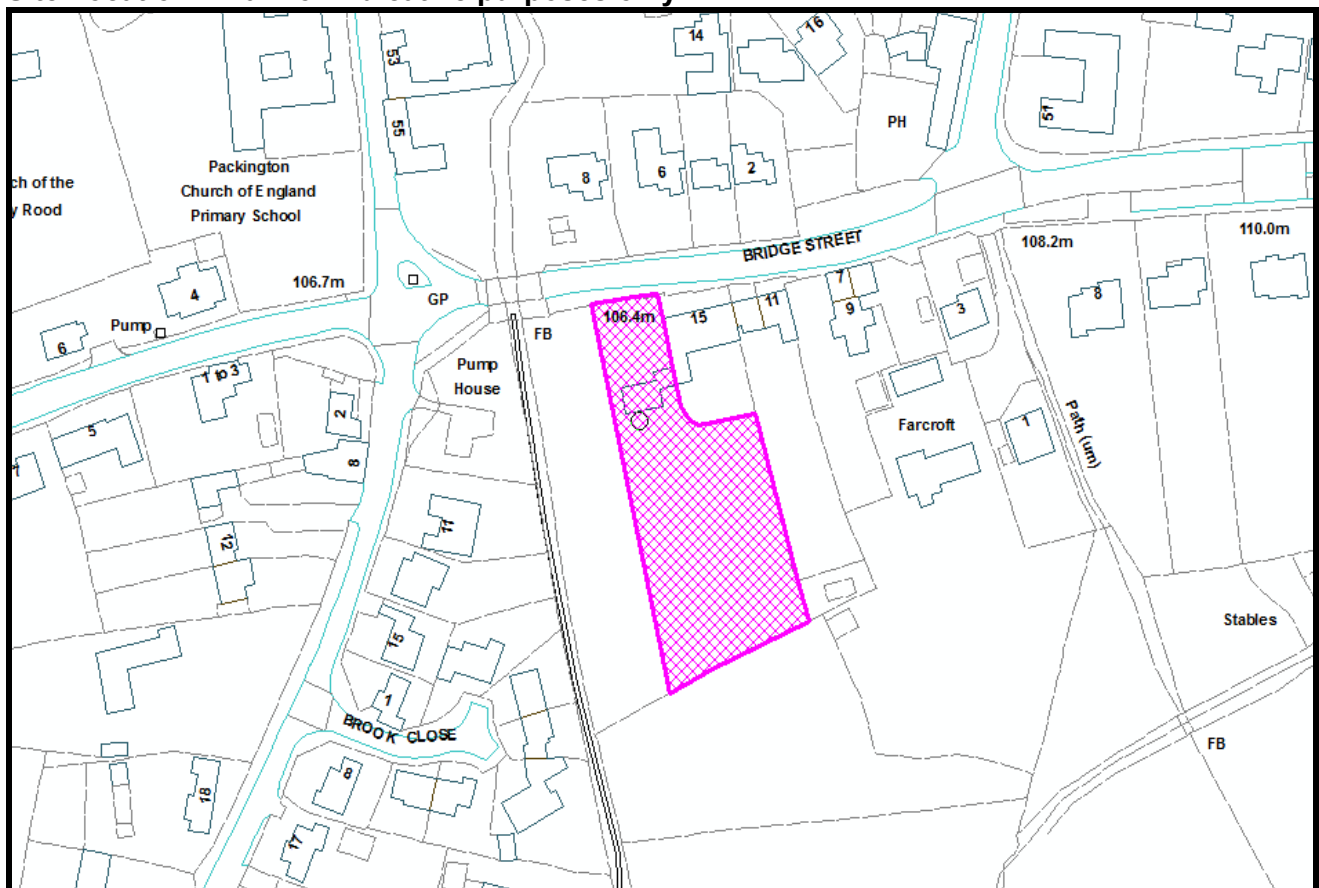
**Date Registered:  
5 February 2019  
Consultation Expiry:  
29 July 2019  
8 Week Date:  
2 April 2019  
Extension of Time:  
12 February 2020**

**Applicant:  
Mr Jeremy Hall**

**Case Officer:  
Jenny Davies**

**Recommendation:  
PERMIT subject to S106 Agreement**

#### Site Location - Plan for indicative purposes only



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## **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, the application is recommended for approval and objections have been received.

### **Proposal**

Planning permission is sought for the demolition of a triple garage and part of an existing dwelling, the felling of trees, erection of two dwellings with associated garaging, access drive, parking space and courtyard areas and alterations to an existing access at No. 15 Bridge Street, Packington. The site is part of the garden to No. 15. The dwellings would be served by an access in a similar position to the existing access off Bridge Street.

### **Consultations**

Members will see from the main report below that a total of two letters of representation have been received, which both raise objections. Packington Parish Council has no comments to make. 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 dwellings on the site
- Impact on the setting of listed buildings and the Packington Conservation Area
- Impact on archaeological remains
- Impact on residential amenities
- Impact on highway safety
- Impact on trees
- Impact on protected species
- Impact on flood risk and surface water drainage
- Impact on the River Mease SAC

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposal 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 demolition of a triple garage and part of an existing dwelling, the felling of trees, erection of two dwellings with associated garaging, access drive, parking space and courtyard areas and alterations to an existing access at No. 15 Bridge Street, Packington. The site forms part of the garden to No. 15 and lies on the southern side of Bridge Street, with the Gilwiskaw Brook adjoining to the west with dwellings beyond, dwellings lying to the north and east and a small area of woodland lying to the south. The site is fairly level but slopes down gradually towards the brook.

The attached triple garage and a single storey side projection to No. 15 would be demolished. One dwelling would be located towards the front of the site broadly in line with the front of the garage, with the other dwelling positioned further back into the site. Both dwellings would be detached with two storeys.

The existing access off Bridge Street would be utilised with some minor alterations and would lead onto a driveway serving the new dwellings and No. 15. Parking and turning space for the new dwellings and No. 15 would be provided on the front and central parts of the site, including a triple garage close to the eastern boundary in the centre of the site. A garden area for No. 15 would be retained to the south of the existing dwelling. The western part of the existing garden area is outside the application site and would no longer form garden land but be retained as a paddock. There are a number of trees on the site, some of which are proposed to be removed. 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 Gilwiskaw Brook lies within the River Mease Site of Special Scientific Interest (SSSI) and is a tributary of the River Mease. The site also lies within the Packington Conservation Area. The Church of the Holy Rood is a Grade 2\* listed building and lies approximately 140 metres to the north west of the site. No. 55 Mill Street, which lies on the opposite side of Bridge Street, is a Grade 2 listed building and lies approximately 45 metres to the north west. No. 18 Babelake Street is also a Grade 2 listed building and lies around 100 metres to the west of the site. The trees are protected by virtue of their location within a conservation area.

The site's planning history relates to works to three willow trees (18/00636/TCA) and the erection of railings and wooden gateposts (14/00093/FUL).

### 2. Publicity

10 Neighbours have been notified.

Site Notice displayed 15 February 2019.

Press Notice published Leicester Mercury 27 February 2019.

### 3. Summary of Consultations and Representations Received

#### Statutory Consultees

**Packington Parish Council** has no comments to make.

**The Environment Agency** initially objected on the grounds of lack of a Flood Risk Assessment (FRA) and risks to groundwater. Following submission of amended plans and flood risk assessments the Environment Agency has removed both its objections and recommends conditions.

**Historic England** does not wish to make any comments.

**Leicestershire County Council - Archaeology** initially requested submission of an Archaeological Impact Assessment and field evaluation, potentially including trial trenching. Following the submission of additional information, the County Archaeologist has no objections subject to conditions.

**Leicestershire County Council - Ecology** - following submission of additional protected species surveys the County Ecologist has no objections subject to conditions.

**Leicestershire County Council - Highway Authority** initially recommended refusal on the grounds that an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road could lead to increased dangers for road users. Following submission of amended plans and additional highway reports, the Highway Authority has no objections subject to conditions.

**Leicestershire County Council - Lead Local Flood Authority** - following submission of additional information the LLFA advises that its concerns in relation to surface water and a culvert have been satisfied.

**Natural England** has no objections subject to conditions.

**NWLDC - Conservation Officer** has no objections to the amended plans.

**NWLDC - Environmental Protection** has no environmental observations.

**NWLDC - Tree Officer** has no objections to the amended plans.

**NWLDC - Waste Services** advises that the proposed bin collection area is acceptable.

**Severn Trent Water** has not raised any objections and makes comments in respect of surface water disposal and sewer connections.

No comments have been received from the Leicestershire County Council Waste and Minerals team.

#### Third Party Representations

Two letters of representation have been received which object on the following grounds:

- impact on the conservation area;
- impact on the rural character of the village;

- impact on ecosystems, habitat and wildlife that uses the garden and brook, including kingfishers, woodpeckers and other birds;
- adding to existing problems relating to surface water run-off;
- previous flooding issues on Bridge Street.

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 - February 2019**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are applied. 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)  
Paragraphs 91 and 92 (Promoting healthy communities)  
Paragraphs 102, 103, 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 158-164 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraphs 170, 175, 177, 178, 179, 180 and 181 (Conserving and enhancing the natural environment)  
Paragraphs 189, 190, 192, 193-196, 197 and 199-202 (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  
En6 - Land and Air Quality  
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 2017  
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  
Good Design for North West Leicestershire SPD - April 2017  
National Design Guide - October 2019  
Leicestershire Highways Design Guide (Leicestershire County Council)  
Manual for Streets 2  
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 is garden land to No. 15 Bridge Street. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF and therefore the site 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 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 2.6km 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 and the site is socially sustainable in terms of access to services/facilities.

There would also be very limited economic and social 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, some limited harm would arise from the loss of greenfield land. The less than substantial harm to the historic environment is considered to be outweighed by public benefits. The proposal would not result in any unacceptable impacts on the natural or built environment.

Therefore in the overall balance, the less than substantial harm to the historic environment is considered to be outweighed by public benefits. 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 environment and very limited economic benefits which all weigh positively in the balance. It is therefore considered that the proposal represents a sustainable form of development.

### **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 the setting of a listed building, or the character and appearance of a Conservation Area, to have special regard to the desirability of preserving the setting of the building, 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. The Church of the Holy Rood is a Grade 2\* listed building and lies approximately 140 metres to the north west of the site. No. 55 Mill Street, which lies on the opposite side of Bridge Street, is a Grade 2 listed building and lies approximately 45 metres to the north west. No. 18 Babelake Street is also a Grade 2 listed building and lies around 100 metres to the west of the site. These are all designated heritage assets. No. 15 Bridge Street, along with Nos. 7/8 and 11 Bridge Street and the nearby bridge across the Gilwiskaw Brook, are all considered to be unlisted buildings of interest and therefore are undesignated heritage assets.

In respect of the significance of the heritage assets, the church is a very important building within the village, as it is the earliest surviving building, is within an area of archaeological interest and forms an area of green space within the Conservation Area, as well as being a landmark within this part of the village and the approach along Measham Road from the west. No. 55 Mill Street's and No. 18 Babelake Street's significance derives from their age (they dates from the 17th/18th centuries), that they are part timber framed buildings, are two of the last few remaining older buildings in the village with a thatched roof, and that the original buildings are modest vernacular structures with historic internal and external features. The significance of this part of the Conservation Area comes from it forming the historic southern edge of the village, its association with the agricultural development of the village, the openness and undeveloped nature around the brook, and the views of the church tower.

There are a number of trees on the site, including crack willows and weeping willows alongside the brook; mostly silver birches (with hawthorn, willow and laurel trees) covering most of the rear of the site; cypress, weeping birch, holly, apple and deodar (cedar) trees adjacent to the eastern boundary and a group of cypress trees in the centre of the site. A group of weeping willow and black poplar trees located in the north western corner of the site adjacent to the bridge have been cut back significantly. The trees are protected by virtue of their location within a conservation area and are considered to make a significant contribution to the character and

appearance of the Conservation Area.

Significant weight is given to preserving the setting of the listed buildings and the Conservation Area. There is no objection to the demolition works. The position of the dwellings and driveway have been amended so that the development would only extend one metre beyond the western edge of the existing path adjacent to the garage, therefore leaving the western part of the site (at least 15 metres wide) and its trees undeveloped, and retaining its positive contribution to the Conservation Area from its openness and undeveloped nature and the setting it provides to No. 15 and the brook.

Some garden land would be lost but the rearmost part of the site would form the garden to Plot 2 with the majority of the mature trees here retained. The development would be well related to the existing dwelling and would be similar in form to other development to the rear of the older properties on this side of Bridge Street. Whilst Plot 1 would be set back behind the historic building line, the front of the would remain open which reflects the existing situation. The development would therefore not be overly prominent in the locality or streetscene.

Several trees are proposed to be removed, including the group of cypress trees in the centre of the site, weeping birch trees, cypress and holly trees close to the eastern boundary, a laurel close to the southern boundary, and a small number of silver birches on the southern part of the site. The Tree Officer has not raised objection to the removal of these trees, some of which are semi-mature. The Tree Officer also has no objections to the amended layout which shows that the majority of trees on the site, including the two main groups of silver birch trees on the rear of the site, would be retained.

The design of the dwellings and new garage have been changed during the course of the application and are considered appropriate in this location. Plot 1 would be linear and have the appearance of a barn that has been converted, with its gable end facing the road, which is considered appropriate in this location. Plot 2 would have a more traditional form but with contemporary glazing, and would be set back and screened to some extent by Plot 1 and No. 15. The garage has been reduced in size and relocated well within the site. The Conservation Officer has no objections to the amended site layout, design of the dwellings and materials. Historic England has no comments to make.

The development would be well separated from the listed buildings at No. 55 Mill Street and No. 18 Babelake Street, with screening in-between from existing dwellings and mature vegetation. The church cannot be seen in views of the site along Bridge Street or Measham Road. The church and the site can both be seen at the northern end of Babelake Street but not in the same view. However there are views of the church tower from within the site. Some of these views would be retained, including from the western part of the garden that is not part of the application site. Therefore it is considered that the proposal would not adversely impact on the setting of the listed buildings.

Given the above it is considered that the proposal would result in less than substantial harm to the designated heritage assets. Considerable weight and importance is attached to this harm to the heritage assets.

Paragraph 196 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the public benefit of the efficient use of land and a small contribution to the District's housing land supply. Therefore the proposal complies with the NPPF and Policy HE1 of the Local Plan.



### **Archaeology**

The County Archaeologist initially advised that that given the site's location in the historic core of the village, where archaeological remains may be present, an archaeological impact assessment and field evaluation needed to be undertaken before determination of the application. Following submission of this information, the County Archaeologist advised that trial trenching of the site would be required. Following a report into the trial trenching, the County Archaeologist advises that the archaeological potential of the site is still unclear, as evidence was found from the 13th century onwards. Therefore further trial trenching needs to be undertaken after demolition but before any construction works, which could be secured by condition.

### **Design and Layout**

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

The proposal results in a density of approximately seven dwellings per hectare. The Local Plan does not contain a policy setting specific densities. This density is considered appropriate having regard to the character of the area and the site's location within the Conservation Area.

The layout and design of the dwellings are considered acceptable in the context of the site's location in the Conservation Area (as considered in detail in the section of this report above relating to the historic environment), and in relation to the nearby parts of the village which are outside the Conservation Area (e.g. the modern dwellings on the opposite side of Bridge Street and on Babelake Street to the west of the site). There would be limited views of the development from the adjacent countryside to the south due to screening from trees. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development.

A bin collection area for the new dwellings would be located adjacent to the access close to Bridge Street (considered below in the 'Other Matters' section of this report). The bin collection area would be small in scale and hardsurfaced and would not need to be enclosed. In addition bins should only be left in this area for collection and not stored there on a permanent basis.

As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the locality and would comply with Policies D1 and En3 of the Local Plan.

### **Residential Amenities**

The proposal would result in traffic using the driveway which would run adjacent to No. 15 Bridge Street and its retained rear garden. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which was considered to be a yardstick for an acceptable standard in an appeal decision at Ashby de la Zouch (07/00624/OUT).

The bin collection area would be six metres from No. 15. However the area would be small in scale and a condition could be imposed requiring it to be used for bin collection only. The Council also has separate powers under the Environmental Protection Act to deal with noise/smells/odour.

Plot 1 would be 8.5 metres from the nearest side and rear windows to No. 15, and would have first floor windows and rooflights serving habitable rooms in its side (northern) and rear (eastern)

elevations. However Plot 1 would not be positioned directly opposite No. 15's windows. Its side windows would not face directly towards No. 15 or its garden and the rooflights would be high level. The distance between Plot 1's first floor rear windows and No. 15's garden would not be significantly less than the 10 metre distance set out in the Council's Good Design SPD, and the windows would face towards the end of No. 15's garden. These windows would also need to be clear glazed and openable to provide adequate light and ventilation, and the agent advises that this is acceptable to the applicant who lives at No. 15. Plot 2 would be 15 metres from No. 15's retained garden and 23 metres from No. 15 itself. The garage would be positioned immediately adjacent to the southern boundary to No. 15's retained garden but would be single storey with no openings proposed in its side elevation.

Both new dwellings would be at least 25 metres from No. 11 Bridge Street, with Plot 1 also being 25 metres from its garden. Plot 2 would be 13 metres from its garden, with no first floor windows in its elevations that directly face this garden. The garage would be three metres from No. 11's garden but as noted above would be single storey with no openings in its eastern elevation.

Plots 1 and 2 would be at least 30 metres from the nearest dwellings on Babelake Street (Nos. 11 and 13) and Brook Close (Nos. 2, 3 and 4) and over 20 metres from their gardens.

As such it is considered that the proposal would not be significantly harmful to the amenities of occupiers of nearby dwellings from noise and disturbance, smells/odour, overlooking, loss of light and oppressive outlook and would comply with Policy D2 of the Local Plan and the Council's Good Design SPD.

### **Highway Safety**

Bridge Street is a classified road subject to a 30mph speed limit. The County Highway Authority initially recommended refusal on the following grounds:

*The proposal, if permitted could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users.*

Additional information and amended plans showing an amended access arrangement (in a similar position to the existing access) have been submitted. The Highway Authority advises that the visibility splay to the east is achievable, and that whilst the available visibility to the west would be less than set out in the Highways Design Guide, it would only be two metres less than required in Manuals for Streets 2, in a location where vehicles are unlikely to be overtaking due to the restricted width of the bridge. As such the Highway Authority would not seek to resist the proposal given the low level of personal injury collisions in this location in the last five years.

The Highway Authority has not raised any concerns in relation to the parking and turning facilities. The bin collection area would not fall within any of the splays and would be separate from the site access.

The Highway Authority therefore advises that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. The proposal therefore complies with Policies IF4 and IF7 of the Local Plan and paragraph 109 of the NPPF.

## **Trees**

The impact on the historic environment from the loss of some of the trees on the site is considered earlier in the report in the section relating to the historic environment.

Plot 2 and the garage would have the closest relationships with the retained trees. Plot 2 would have a large rear garden with areas that would not be shaded by trees. Whilst the canopies of the closest silver birches would be around two metres from Plot 2, most of these trees are further away, and generally do not have large canopies or form dense areas of planting. The garage would close to the apple and deodar (cedar) trees to be retained close to the eastern boundary but would be outside their root protection areas. Conditions could be imposed relating to protective fencing during construction and submission of method statements for any works, e.g. changes in ground levels, installation of services, within root protection areas. As such the proposal would comply with Policy En1 of the Local Plan.

## **Ecology**

A brook adjoins the site to the west, there are trees and hedgerows on and adjacent to the site, the site forms a large garden, there are large gardens and areas of grassland nearby and parts of a building would be demolished. 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.

Following submission of further protected species surveys the County Ecologist advises that no protected species were identified on the site and so no further surveys are required. A condition is recommended in relation to light spill onto hedgerows to maintain their potential for bat foraging.

Whilst some trees would be removed there is other similar habitat on the site and on adjacent land. The County Ecologist has not raised any concerns in relation to impacts on protected species that may use the brook. Concerns have also been raised by a resident regarding impacts on wildlife, in particular birds, that use the brook, garden to No. 15 and trees on the site, from noise and disturbance and loss of habitats. The County Ecologist advises that as the trees and hedgerows to the west and south of the site are being retained there would be a reasonable buffer between the brook and the development which should provide sufficient habitat as a wildlife corridor.

On this basis it is considered that protected species would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2017 and Policy En1 of the Local Plan.

## **Flood Risk and Drainage**

Flood Zones 2 and 3 to the Gilwiskaw Brook extend along the western edge of the garden to No. 15, although this area is outside the application site. Therefore the whole of the application site lies within Flood Zone 1 and no part lies within Flood Zones 2 and 3. Parts of the amended site, the western part of the garden (which is outside the site), the brook and Bridge Street also lie within areas at low, medium and high risk of surface water flooding. The Council is also aware that there have been several flooding incidents in the surrounding area.

The Environment Agency initially objected on the grounds of the lack of a flood risk assessment (FRA). Following the submission of an FRA which advises that site is at little or no risk of flooding, the Environment Agency has withdrawn its objection subject to a condition relating to

ground and floor levels.

A letter from a resident has been received which raises concerns regarding the disposal of surface water runoff from the site. The Lead Local Flood Authority (LLFA) initially commented in respect of a surface water flow route that runs diagonally south west from Bridge Street across the driveway and into the brook and impacts on a culvert that runs underneath the site along a similar route to this surface water flow route. Further information has been submitted which shows that this flow route and culvert cross a part of the site that would remain largely undeveloped save for the bin collection area, which would be small in scale with some surfacing and would not need to be enclosed, and possible resurfacing of the existing access/driveway. As such the LLFA advises that its concerns have been satisfied, and advises that the development does not have any negative impact on surface water drainage.

Severn Trent Water has not raised any objections and advises that surface water disposal should be via soakaways followed by other sustainable methods. Conditions relating to surface water management during construction and when the development is complete could be imposed, as set out below in the section of this report relating to the River Mease SAC, which could include restricting run off rates from the site.

As such the proposal considered to be acceptable in respect of impacts on flood risk or drainage and would comply with Policies CC2 and CC3 of the Local Plan.

#### **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 lies within the River Mease Site of Special Scientific Interest (SSSI) and is a tributary of the River Mease. 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 could result in an increase in foul and surface water drainage discharge, and impact on the Gilwiskaw Brook, both during construction and from surface water runoff. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

As the site is currently a garden with no associated foul drainage discharge, and there would be an increase in occupancy of the site resulting from the two new dwellings, this would increase 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 Environment Agency has issued Standing Advice relating to the River Mease SAC under which it does not need to be consulted on this matter if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution. Natural England advises that mitigation is required in relation to foul drainage under the DCS. The applicant has indicated they are willing to pay the required DCS contribution and a legal agreement is under negotiation.

As the new dwellings would be located on permeable parts of the site, a condition could be imposed requiring surface water to discharge to soakaway or a sustainable drainage system, in order to prevent additional surface water discharge into the mains sewer system. The surface water system would also need to include pollution prevention measures to prevent petrol and oil from entering the brook and measures to restrict the runoff rate from the site.

A condition would also need to be imposed for a construction management plan to prevent adverse impacts on the watercourse during construction. As the garden land adjoining the brook is no longer part of the site, there would be no works taking place within 15 metres of the watercourse and so no direct impact on the watercourse or its banks.

The flows from the two 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 a further 673 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1251 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 Policies En1 and En2 of the Local Plan.

### **Other Matters**

The Environment Agency initially also objected on the grounds that the risks to groundwater from the development were unacceptable, and advised that groundwater here is particularly sensitive due to the site's location adjacent to the brook (which is part of the SSSI/SAC) and on a secondary aquifer. Following submission of a geo-environmental desktop study, the Environment Agency has withdrawn its objection subject to imposition of a condition.

The Council's Waste Services team advises that the bin collection area for the new dwellings adjacent to the site access close to Bridge Street is acceptable. Whilst the Building Regulations require bins to be stored no more than 25 metres from a bin collection area (in this case the Plot 2 would be at least approximately 38 metres from the bin collection area), this is separate legislation and there is no requirement in the Local Plan and Good Design SPD to meet these requirements in such a situation. A bin collection area in this location would not adversely impact on visual and residential amenities or highway safety as outlined earlier in this report. It is therefore considered that there is not any policy justification to warrant a refusal of permission in respect of bin collection. A note to applicant could be imposed advising that residents would need to leave their bins for collection in the bin collection area.

### **Conclusion**

The proposal is acceptable in principle. The proposal would result in less than substantial harm to the designated heritage assets and this harm can be outweighed by public benefits. The proposal would not adversely impact on archaeology, the character and visual amenities of the locality, residential amenities, highway safety, trees, ecology, flood risk and 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 - demolition
- 4 - levels
- 5 - tree protection
- 6 - SAC construction management plan
- 7 - flood risk mitigation
- 8 - surface water disposal
- 9 - highway safety - access, visibility splays, gates, parking and turning space and surfacing
- 10 - materials and details
- 11 - soft and hard landscaping and boundary treatments
- 12 - bin collection area
- 13 - external lighting
- 14 - permitted development rights/obscure glazing
- 15 - paddock land
- 16 - contaminated land
- 17 - archaeology