

Erection of a self-build detached dwelling (outline application with all matters reserved)

Report Item No
A2

Fieldview House
Babelake Street
Packington
Ashby De La Zouch
Leicestershire
LE65 1WD

Application Reference:
23/00292/OUT

Date Registered:
14 March 2023

Consultation Expiry:
26 April 2023

8 Week Date:
1 May 2023

Extension of Time:
16 June 2023

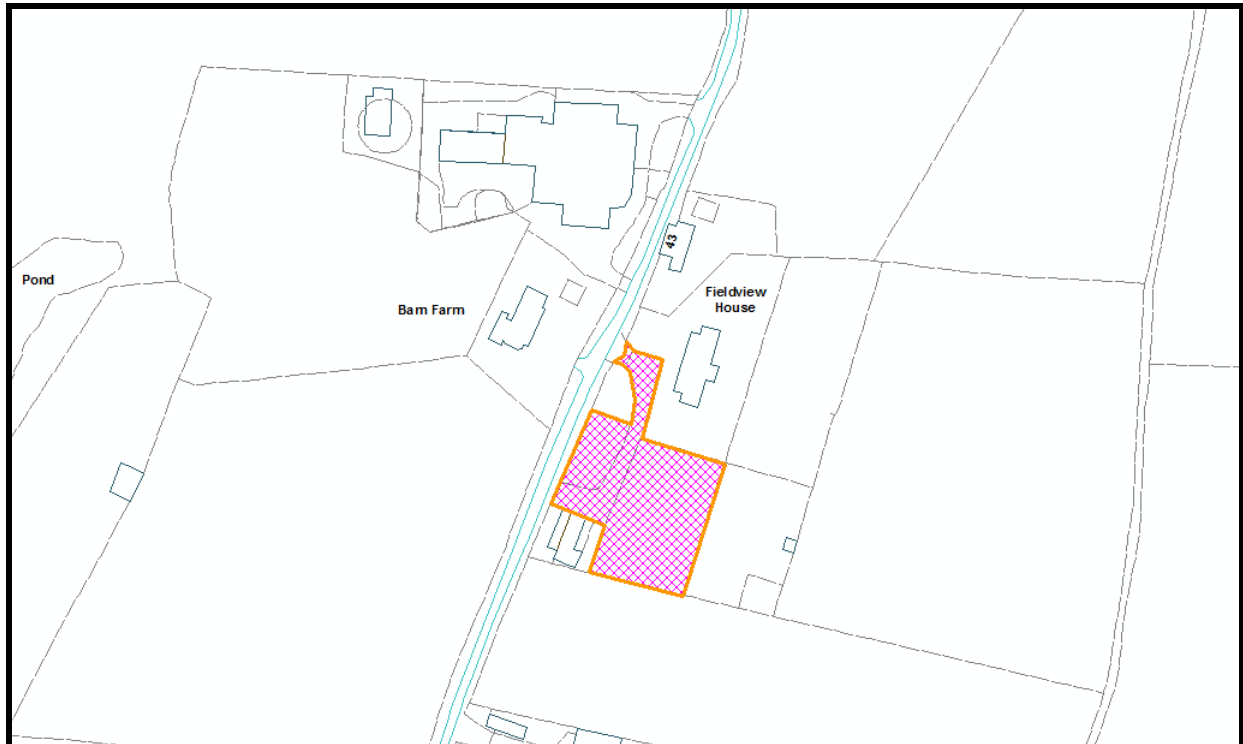
Grid Reference (E) 435847
Grid Reference (N) 314050

Applicant: Mr James Mattley

Case Officer: Lewis Marshall

Recommendation:
PERMIT subject to S106 agreement

Site Location - Plan for indicative purposes only



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RECOMMENDATION – PERMIT, subject to the following condition(s):

1. The reserved matters to be submitted within three years and the development permitted shall begin before the expiration of two years from the date of reserved matters approval
2. Submission and approval of Reserved Matters (Scale, Appearance, Access, Landscaping and Layout) prior to commencing development
3. The development to be in accordance with the approved plans.
4. Prior to commencement, precise details of the existing and finished ground levels and the proposed floor levels
5. Foul drainage to be disposed of via a Package Treatment Plant with drainage field
6. Details of surface water management and disposal
7. Details of existing trees to be submitted with reserved matters and provision of tree protection measures prior to and throughout construction
8. The reserved matters to include a scheme of biodiversity enhancement to secure biodiversity net gain

This application is brought to Planning Committee in line with Part 4, Rule 7.4 of the Council's Constitution (9th May 2023) because the application is recommended for approval by officers and the application is submitted by the close relative of a serving member or officer of the Council. It must be emphasised that the Senior Officer who is the relative of applicant for this case has not been involved in any way or form with the consideration of this application.

MAIN REPORT

1. Proposals and Background

This is an outline planning application for the erection of one self-build dwelling. The outline application seeks to establish the principle of development with the design to be subject of a later reserved matters application if approved.

The site is 0.18 hectares in size and forms part of a paddock located on the eastern side of Babelake Street. A stable block owned by the applicant lies to the south of the site and the site is adjoined by the remainder of the paddock and two dwellings. A large, detached dwelling known as Fieldview House is located to north of the application site. The submitted plan indicates that an existing access into the site from Babelake Street (which serves the existing dwelling, stables and paddock) would be used. As all detailed matters are reserved for future determination, no details of the siting, size or design of the dwelling have been submitted.

The site lies outside the Limits to Development as identified in the adopted Local Plan and lies within the catchment area for the River Mease Special Area of Conservation and the Gilwiskaw Brook (which is a tributary of the River Mease and part of the SSSI) lies approximately 110 metres to the east of the site. Blake Farmhouse (No. 33 Babelake Street) lies approximately 110 metres to the north of the site and is a Grade II listed building. The hedgerow fronting the site has been designated as a Local Wildlife Site. A plan of the site is shown on figure 1 below.



Figure 1 – Site Location Plan

The application is supported by a Planning Statement and River Mease Statement. The plans and all other documentation associated with the application are available to view on the District Council's website.

The planning history for the wider site is listed below -

20/00916/FUL - Erection of detached garage and log store – Refused July 2020 and allowed on appeal November 2020

17/00174/REM - Erection of one self-build dwelling (reserved matters to Outline Planning Permission 16/00612/OUT) – Approved May 2017

16/00612/OUT - Erection of one self-build dwelling (outline - all matters reserved) – Approved October 2016

13/00670/FUL - erection of one single storey storage building for purposes ancillary to equestrian use – Approved October 2013

12/00642/FUL - Erection of an agricultural building for the storage of feed, agricultural machinery and animals, improvements to vehicular access and access roadway along with the relocation of existing lorry body container – Approved October 2012

10/00970/FULM - Formation of a menage, including removal of topsoil and erection of post and rail fencing and continued use of land for the keeping of horses (revised scheme) – Approved January 2011

10/00381/FULM - Formation of menage, including removal of topsoil and erection of post and rail fencing and continued use of land for the keeping of horses – Refused July 2010

02/01462/FUL - change of use of fields to paddock and the erection of stables – Approved December 2002

02/00152/FUL - Change of use of field to paddock and the erection of stables – Refused September 2002

2. Publicity

Six neighbours notified on 14 March 2023.

A site notice was displayed on the 17 March 2023.

A press notice was published in the Leicester Mercury on the 22 March 2023.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

No Objections from:

Leicestershire County Council – Ecology.
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Minerals Authority
Leicestershire County Council – Archaeology

NWLDC - Environmental Protection
NWLDC – Conservation Officer

No Objections, subject to conditions and/or informatives, from:

NWLDC – Tree Officer
Natural England
Environment Agency

Objections from:

Packington Parish Council for the following reasons:

- The site is outside of the settlement boundary
- Support the continuation of the equestrian use of land
- Use of the access should be for Fieldview House only
- Other self-build applications in Packington have been refused
- Concerns with Flood Risk and Ecology

Support from:

Ward Cllr Smith for the following reasons:

- The Council have previously supported a self-build dwelling in this location previously.
- The Council have failed to provide a sufficient number of self-build plots in order to meet demand.
- The proposed dwelling would have no impacts on existing residential properties or the surrounding area (he notes that there have been no/limited public opposition to the proposals).

Third Party Representations

Two letters of representation have been received supporting the application with the comments raised summarised as follows:

- The development would have no impact on the environment or existing residents.
- The development and new residents would provide social and economic benefits to the village.
- The development would be infilling, small scale and unobtrusive.
- Babelake Street is lightly trafficked.

- The existing access is safe and capable of accommodating additional vehicle movements.
- The self-build dwelling would enable former residents to return to the village.
- The adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 78, 79, 80 (Delivering a sufficient supply of homes)
Paragraph 81, 82 and 83 (Building a strong, competitive economy);
Paragraphs 93 and 100 (Promoting healthy and safe communities);
Paragraphs 107, 108, 109, 110, 111, 112 and 113 (Promoting sustainable transport);
Paragraphs 119, 120, 122 and 124 (Making effective use of land);
Paragraphs 126, 128, 130, 132 and 134 (Achieving well-designed places);
Paragraphs 152, 153, 154, 157, 159, 161, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 174, 180, 183, 184, 185, 186, 187 and 188 (Conserving and enhancing the natural environment); and
Paragraphs 189, 194, 195, 197, 199, 200, 202, 204 and 205 (Conserving and enhancing the historic environment).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

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

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 He1 - Heritage
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 66

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

National Planning Practice Guidance - 2021

National Forest Strategy 2014 - 2024

National Design Guide – October 2019

The Self-Build and Custom Housebuilding Act 2015

The Conservation of Habitats and Species Regulations 2017

Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

River Mease Water Quality Management Plan – August 2011

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

Natural England's Standing Advice 4th Edition – November 2021

Environment Agency Advice for Local Authorities on non-mains drainage from non-major development

5. Assessment

Principle of Development

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

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of this application are policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2 and S3, the policies of greatest importance in this case, are effective, not out of date and carry significant weight.

The site is located within land falling outside the defined Limits to Development designated as countryside within the adopted Local Plan. Residential development is not a form of development that is permissible by Policy S3 of the adopted Local Plan (2021) and the proposal does not constitute the redevelopment of previously developed land under criterion (e) or an exceptions site for affording housing under criterion (g) of Policy S3.

In terms of the compliance with criterion (i) to (vi) of Policy S3 this would be assessed as follows:

- (i) *The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.*

For the reasons discussed in the design section of this report, it is considered that the character of the landscape would be safeguarded.

- (ii) *It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.*

It is considered that the proposed development individually, or cumulatively with other development, would not undermine the physical and perceived separation and open undeveloped character between nearby settlements.

- (iii) *It does not create or exacerbate ribbon development.*

It is considered that the proposal would not create or exacerbate ribbon development.

- (iv) *Built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate.*

The proposed development would be well related to existing dwellinghouses fronting Babelake Street.

- (v) *The development will not seriously undermine the vitality and viability of existing town and local centres.*

On the basis that the development relates to a new dwellinghouse, it is considered that there is no conflict with this criterion.

- (vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport.*

In terms of social sustainability Packington is defined as a "Sustainable Village" within the Local Plan which 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, and there is a limited hourly public transport service. These services/facilities are within one km walking distance of the site. Ashby-de-la-Zouch is also located approximately 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 and verges and footways are available further along the road. Furthermore, there are several public footpaths leading off Babelake Street providing links 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. As such 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.

Given the location of the proposed development future residents would not be heavily dependent on the private car to access the most basic of services. Although the site is outside

of the defined settlement limits, the site is currently considered to be accessible by a range of sustainable transport and therefore, the proposal would not conflict with criterion (vi) of Policy S3. Accordingly, the development is considered to represent sustainable development, a core objective of the NPPF, and would not result in conflict with criterion (vi) of Policy S3 of the adopted Local Plan as well as provisions of the NPPF. It is also a material consideration that the Local Planning Authority has granted planning permission for one dwelling adjacent to the application site which also falls outside of the settlement limits.

Notwithstanding the above, the development is not supported in principle by policies S2 and S3 of the Local Plan. The proposal would therefore conflict with the broad objective of containing new residential development within the settlement limits of sustainable villages such as Packington.

Self-Build

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of January 2023, there are 98 individuals on the self-build register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots. The demand is split in different base periods and in the current base period, based on the number of entries on the register, there is currently a shortfall of four self-build plots. It is therefore considered that the relevant policies of the Local Plan are failing to secure sufficient permissions in this regard.

The adopted Local Plan is silent on the matter of self-build housing and in instances where the Local Planning Authority is not delivering a sufficient number of self-build plots to meet demand, paragraph 11 of the NPPF would apply which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

In light of the existing shortfall of self-build plots and that the application site falls within none of the areas identified within paragraph 11(d)i, the test to be applied in this case is that set out in paragraph 11(d)ii; that planning permission should be granted for the proposal unless:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

The Council's Planning Policy Team has confirmed that the applicant (Mr. James Mattley) is currently on the Council's self-build register. Therefore, in light of this shortfall that derives from the Self Build Register, this need has to be balanced against planning considerations in coming to a view on the suitability of the proposal. This balancing exercise will be undertaken upon completion of the consideration of all planning matters at the end of this report.

Design and Impact upon Character and Heritage Assets

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. Policy S3 requires that developments in the countryside safeguard and enhance the appearance and character of the landscape, including its historic character and local distinctiveness. Policy He1 of the adopted Local Plan and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed development must also be considered against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The site consists of equestrian paddocks with a small woodland belt to the south. The site is largely screened from Babelake Street with a large hedgerow and ancillary outbuildings that currently serve Fieldview House. This part of Babelake Street is characterised by sporadic and loose knit development and the proposal would result in the loss of greenfield land within the countryside. However, the development will be located within an existing cluster of dwellings, the existing stable block, and a farm complex made up of several buildings and associated hardstanding. As such it is considered that harm to the character and visual amenities of the countryside would be limited as the development would not appear prominent within the rural landscape and would be well screened by the existing frontage hedgerow and seen within the context of existing built development. The existing belt of woodland to the south also encloses the development from the wider countryside beyond.

There is variety in the scale and design of the dwellings along Babelake Street and a self-built dwelling would give an opportunity to reflect local character and distinctiveness. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being cramped or resulting in over-development.

Blake Farmhouse (No. 33 Babelake Street) lies approximately 110 metres to the north of the site and is a Grade II listed building. Therefore, the impact of the development on the setting of the listed building should be given special regard as required by the 1990 Act. No. 33 dates from the 18th century and part of its significance comes from its traditional design and many original details and design features and its prominence within the street scene (due to its scale and design). Its significance is also due to its association with the farm which forms the historic edge to the settlement with the countryside beyond.

Significant weight is given to preserving the setting of the Grade II listed building. There is some distance between the site and the listed building with intervening screening from existing buildings and mature vegetation. Any views of a dwelling in the setting of the listed building from public footpaths and in longer views would be alongside existing development along Babelake Street. There is no evidence to suggest there is any direct functional/historic relationship between the site and the listed building. Therefore, it is considered that a dwelling on the site would result in no harm to the setting of the listed building and would not therefore be harmful to its significance.

Overall, the proposal is considered to be in accordance with Policies D1, S3 and He1 of the adopted Local Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

Furthermore, the proposal would serve to preserve the setting of listed buildings as is desirable under Section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact Upon Residential Amenity

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. It is important to consider the relationship between the neighbouring property in terms of overlooking, privacy, access to light, noise and odour.

Given that the application is submitted in outline form with all matters reserved, it is not possible to assess the impacts upon the residential amenity of surrounding dwellings in detail. Impacts, particularly in terms of privacy, loss of sunlight and daylight and overbearing impacts would be a primary consideration at the reserved matters stage, when details of the scale and appearance of the proposal are presented for approval. How the proposed scale, appearance, including details of proposed ground levels and boundary treatments will impact or preserve amenity will also be considered carefully at the reserved matters application stage. However, the submitted block plan which indicates how the site would be divided provides a high degree of confidence that a scheme is capable of being delivered that would accord with policy D2 of the Local Plan.

The site is located close to a farm and stables which could result in smells and noise affecting occupiers of the new dwelling. However, no objections have been raised in respect of this matter by the Council's Environmental Protection team and it is not unusual for dwellings to be located close to such uses in rural areas.

Overall and subject to conditions, the proposal is not considered to result in significant or harmful impacts upon existing surrounding or future occupier residential amenity.

Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

Highway Considerations

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

The site is located within the countryside and the indicative block plan submitted suggests that the dwelling would be accessed via the existing access that serves Fieldview House. It is not anticipated that there are changes proposed to the access arrangements where the site adjoins the public highway.

The Local Highway Authority has been consulted on the proposal and has referred the Local Planning Authority to standing advice.

It should also be noted that the Local Highway Authority raised no objections to the use of the access in considering the application for Fieldview House which was granted planning permission in 2016. In considering the outline application the County Highways Authority advised that due to the site's existing use as a pony paddock the proposed dwelling would not result in a significant increase in trips and an argument could be made that there would be reduction in movements on a daily basis. Based on these conclusions a condition was imposed on the outline permission to limit the occupancy of the dwelling to the owners/users of the adjacent land and stables so as to ensure there would not be a substantial increase in vehicles using the access. In considering the additional vehicle movements generated by an additional dwelling within the site, the number of vehicular movements associated with an additional single dwelling is likely to be very low and it is not considered that such a restriction on the occupancy would be reasonable or necessary in the consideration of this application.

The existing access is located to the north of Babelake Street on an unclassified road subject to a 30mph speed limit. DG20 of Part 3 of the Leicestershire Highway Design Guide (LHDG) requires access points serving between two and five dwellings to have a minimum width of 4.25 metres for a minimum distance of 5m behind the highway boundary. The existing access point is 5.6 metres in width in excess of 5 metres from the edge of the highway. The width of the existing access is therefore deemed to be acceptable in relation to the advice in the LHDG.

The visibility splays of 45 metres in both directions at the access have already been secured as part of planning application 02/01462/FUL. There have been no significant changes to conditions on this lightly trafficked road or significant developments in the surrounding area which would result in a different conclusion being reached regarding the safety of the existing visibility splays at the site access.

In terms of parking provision, the application is submitted in outline form so it is not known precisely how many parking spaces will be required as this will depend on the size of the dwelling. However, it is clear that there is sufficient space within the site to provide parking for at least three cars being the number of spaces that would be required for a 4+ bed dwelling.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe.

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

Ecology

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. The application is not supported by an Ecological Survey or appraisal.

The hedgerow that forms the site's front boundary is identified as a candidate Local Wildlife Site. The application states that there is no intention to remove the hedgerow and the existing access would be utilised. The majority of the site forms part of an equestrian paddock thus has limited ecological value. A small area of woodland is located to the south of the site. There

would be space on the site to accommodate a dwelling without the need to remove or impact on the hedgerow or any other features of biodiversity value. The County Ecologist has no objections and does not consider the proposal needs to be supported by a Preliminary Ecological Appraisal at the outline application stage.

Accordingly, Leicestershire County Council Ecology raises no objection in principle with the impacts and mitigation to be considered and secured as part of the later reserved matters application. A condition is recommended that requires the submission of a scheme of biodiversity enhancements as part of the reserved matters application in order to secure a biodiversity net gain.

Whilst the mandatory requirement for 10 percent BNG has not yet been enacted through the Environment Bill (expected 2023), paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. In this case, whilst no calculations have been provided, no significant loss of habitat would occur as a result of this development and the reserved matters application provides an opportunity to secure long term enhancements as part of the landscaping, appearance and layout. Given the lack of any natural features of biodiversity that would be impacted by the development, overall, it is considered that the proposals is capable of complying with the provisions of paragraph 174(d) of the NPPF.

Given the extent of the proposed works which would be confined to the paddock areas, it is not considered that there would be any impact on protected species, their habitats or other features of biodiversity. The development will accord with policy En1 of the Local Plan and the requirements of the NPPF.

Flood Risk and Drainage

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

There would be no increase in impermeable hardstanding or surfacing as a result of the proposed development. However, the submitted indicative block plan demonstrates that there is sufficient space within the site to provide drainage features that can hold any excess surface water created by the additional areas of hardstanding. Subject to the exact details of surface water management features to be considered as part of the reserved matters application, It is not considered the proposal would result in a material impact on flood risk or drainage and would not exacerbate flood risk elsewhere.

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

The River Mease Special Area of Conservation and SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) and the Gilwiskaw Brook (which is a tributary of the River Mease and part of the SSSI) lies approximately 110 metres to the east of the site. 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.

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

As the proposal would result in additional overnight stays associated with the proposed residential use, there would be an increase in occupancy of the site, resulting in an increase in foul drainage discharge from the site. Additional foul drainage discharge from the site would therefore adversely impact on the SAC as it would pass through the sewage treatment works within the catchment area of the River Mease SAC and contribute to the raised phosphate levels in the river.

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

Foul Drainage

Natural England has advised that connection to the public sewer is the preferred drainage option for the disposal of foul water. 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, it would be eligible for a non-mains drainage solution for the disposal of foul water. A non-mains foul drainage scheme is therefore proposed.

The use of non-mains drainage can mitigate against additional phosphate entering the SAC providing it is suitably designed and managed over the lifetime of the development. Therefore, an assessment under the nutrient neutrality methodology is not required in this case.

The proposal seeks to utilise a package treatment plant such as a Kingspan Klargestar Biodisc or similar. A package treatment plant is a system which offers varying degrees of biological sewage treatment and involves the production of an effluent which can be disposed of to ground via a drainage field or direct to a watercourse. The use of a package treatment plant would include for appropriately sized drainage fields and would not discharge solely to a watercourse. This would have a similar arrangement to the existing package treatment plant that has been agreed by the Local Planning Authority for Field View House as part of planning application 16/00612/OUT

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). The Environment Agency has no objections providing that the method of foul drainage discharges into an approved drainage field and surface water discharges into a soakaway or other suds feature. The site is of a sufficient size that there is the required space for a drainage field. Given the distance from the site to the Gilwiskaw Brook (approx. 110 metres) it is considered that a package treatment plant would not adversely impact on the SAC/SSSI.

Surface Water Drainage

Natural England has indicated that subject to mitigation measures to be secured by way of planning conditions and/or S106 agreement, the proposal would not result in harm to the water environment.

Due to the location of the proposed development, which falls within a Special Area of Conservation (River Mease Catchment), an extra treatment to the surface water should be provided before discharging it into the open water course to reduce the pollution hazard level. The proposed parking area is to consist of a small amount of additional permeable gravel which allows water to pass through the surface, between the gravel and the existing permeable laying course which naturally filtrates any pollutants that land on the surface material. Additional surface water also falls into the adjacent pond which would also naturally filtrate as it enters the water table.

A condition could be imposed requiring the discharge of surface water to an on-site sustainable drainage system the design of which can be approved as part of any reserved matters application.

On the above basis, surface water run-off from the site would not adversely impact on the integrity of the River Mease SAC.

Conclusion

Therefore, it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no 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.

Other Matters

Packington Parish Council have raised concerns that approving the application would be inconsistent with other applications for self-build dwellings in the countryside outside of Packington that have been refused. It is also considered that to permit the development would set a precedent for further development on greenfield land outside of the settlement limits.

Each application must be determined on its individual merits. In respect of the examples of previously refused self-build dwellings (17/01575/OUT and 17/00284/OUT). As set out above, the Local Plan is now more than five years old and despite the Self-Build and Custom Housebuilding Act (as amended), the NPPF and the Self-Build and Custom Housebuilding section of the PPG, there are no specific policies within the Local Plan relating to self or custom build housing. The current policy context therefore requires the Local Planning Authority to approve the application unless the harm significantly and demonstrably outweighs the benefits. This is a matter of legitimate planning judgement for the decision taker, which is considered within the conclusion and planning balance below.

In terms of any precedent that could be set by the granting of planning permission, each application must be considered on their individual merits based on the relevant planning policies and other material considerations relevant at the time of determination.

Conclusion and Planning Balance

As set out above, the proposed development would contribute towards the supply of self-build plots when there is an identified shortfall, and the Local Planning authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It should also be acknowledged that, in terms of technical matters, the scheme would be satisfactory. Nevertheless, the scheme would result in residential development on land located outside the Limits to Development.

The most important policies in the determination of this application are policies S2 and S3 as they relate to the provision and distribution of housing and as set out earlier in this report these policies of greatest importance in this case, are effective, not out of date and carry significant weight. However, the adopted Local Plan is silent on the matter of self-build housing and in these circumstances, as set out earlier in this report, paragraph 11(dii) of the NPPF would apply which states that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Limited harm would arise from the loss of greenfield land located within the countryside. However as set out in more detail above, the sites location is considered to be relatively sustainable and the proposal would not result in an 'isolated' dwelling or any unacceptable impacts on the natural, built or historic environment that cannot be overcome with appropriate design and mitigation which can be secured by conditions or at the Reserved Matters application stage, should outline planning permission be granted.

Moderate harm would arise from the granting of a permission that is in conflict with policies S2 and S3 of the Local Plan.

Balanced against the harms, the benefits of the proposed development consist of the economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy. The provision of additional housing in a sustainable location is also afforded positive weight, with additional positive weight given to the provision of a self-build plot where there is currently an identified borough wide shortfall. The benefits of the self-build dwelling can be secured by way of a legal agreement that requires the self-builder to occupy the property for the first three years following construction.

Overall, it is not considered that the harms when considered individually or cumulatively would significantly and demonstrably outweigh the identified benefits.

It is therefore recommended that planning permission be granted subject to Section 106 obligation and subject to the following condition(s) conditions as set out above.

Date: 28th April 2023.