

**Erection of three detached dwellings and three double garages (one attached and two detached) with associated access, landscaping and drainage
Land At Drum And Monkey Lane Packington Leicestershire**

**Report Item No
A4**

**Application Reference
24/01294/FUL**

**Grid Reference (E) 436410
Grid Reference (N) 314785**

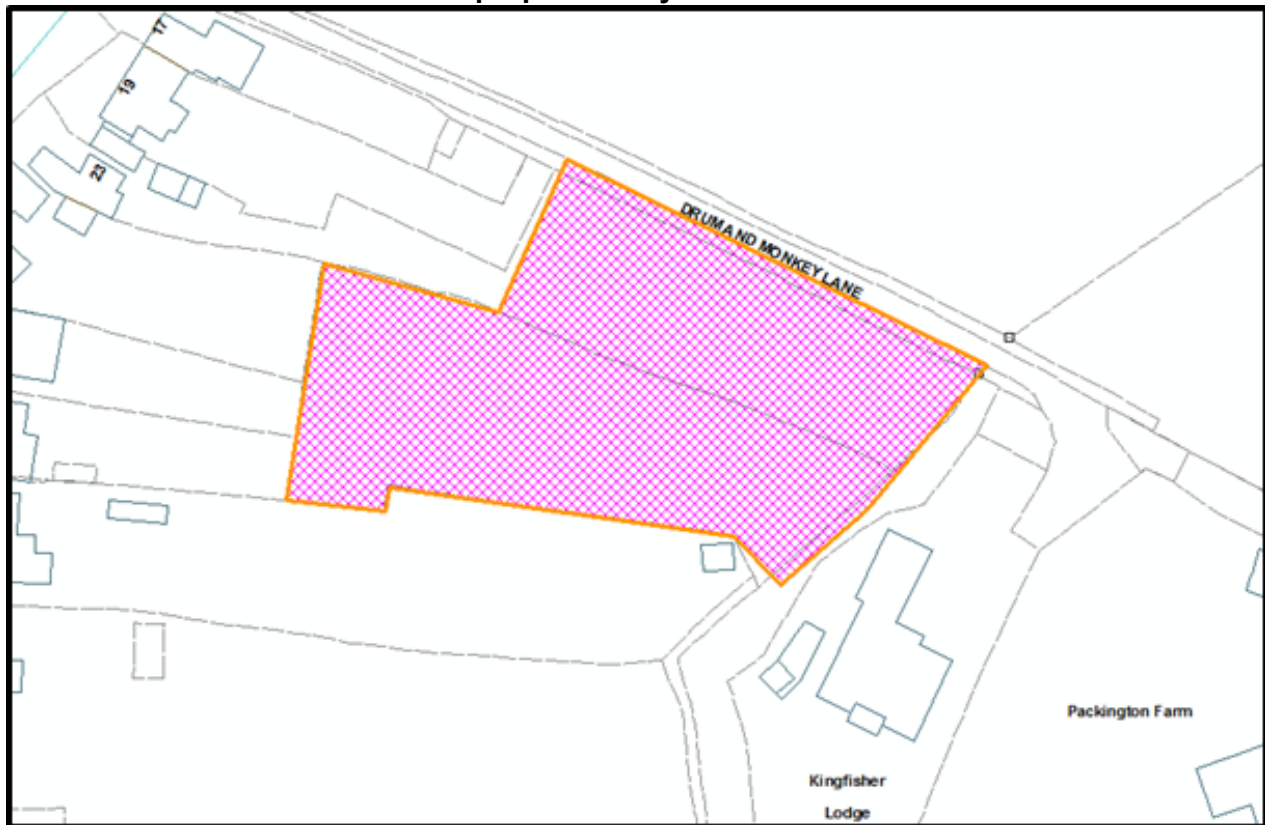
**Date Registered:
7 November 2024
Consultation Expiry:
26 February 2025
8 Week Date:
2 January 2025
Extension of Time:
None Agreed**

**Applicant:
Mr N Rushton**

**Case Officer:
Sarah Booth**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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1. Proposals and Background

Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee as Councillor Rushton is the landowner.

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

1 – contribution under the River Mease Developer Contribution Scheme

Conditions

1. Standard time limit of three years for implementation
2. Approved plans
3. Construction hours between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays
4. Construction management plan and method statement for protection of the adjacent watercourse and trees and hedgerows during construction and details of construction traffic management including wheel cleansing facilities and vehicle parking and turning facilities
5. Scheme of supervision for tree/hedgerow protection measures and works within the no-dig construction areas and protective fencing areas during construction
6. No occupation or use of the development until scheme of supervision under condition 5 submitted to and approved by the LPA
7. No development to commence on site until trees/hedgerows protection measures during construction
8. Works within areas of no-dig construction undertaken in accordance with submitted method statement and areas of ground protection
9. Construction method statement for any works within tree/hedgerow protection areas
10. Management plan for the protected tree
11. Construction management plan for the public footpath
12. Measures to mitigate against residual risks from groundwater during construction and details of groundwater resistance/resilient building techniques
13. Management of surface water drainage during construction
14. Details of surface water drainage scheme
15. Scheme for management and maintenance of surface water drainage scheme
16. Scheme for management and maintenance of foul water drainage scheme
17. Details of existing and finished ground and finished floor levels
18. Materials and details – as per details provided
19. Bin storage to be provided prior to occupation
20. Any external lighting to the access drive, turning and parking areas to be agreed
21. Soft landscaping scheme and timetable for implementation and future replacement for landscaping
22. Hard landscaping scheme and timetable for implementation
23. Amendments to the south eastern boundary fence to Plot 3
24. Other boundary treatments within the site in accordance with submitted plan
25. Biodiversity enhancements (bat and bird boxes and hedgehog holes)
26. Restriction on external light spill to hedgerows
27. Site accesses and visibility splays provided before occupation
28. Pedestrian visibility splays to be provided before occupation

29. Surfacing of access drive before occupation
30. Closure of existing access onto Drum & Monkey Lane before occupation
31. Parking spaces to be provided before occupation
32. Signage to vehicular access to advise no vehicular access to front of Plot 3, no turning space beyond the access and to use on-site parking/turning for Plot 3
33. Pedestrian footpath link to Plot 3 provided before occupation
34. Scheme for safety measures for users of the public footpath
35. Removal of permitted development rights for extensions to dwellings
36. Restrictions on new windows/openings
37. Obscure glazing/non-opening elements to some windows
38. Removal of permitted development rights for hard surfaces
39. Removal of permitted development rights for boundary treatments
40. Removal of permitted development rights for new access onto Drum & Monkey Lane
41. Restriction of extent of residential curtilage to Plots 2 and 3
42. Biodiversity Gain Plan to be prepared in accordance with submitted BNG information and approved Biodiversity Gain Plan to be implemented.

Note to Applicant

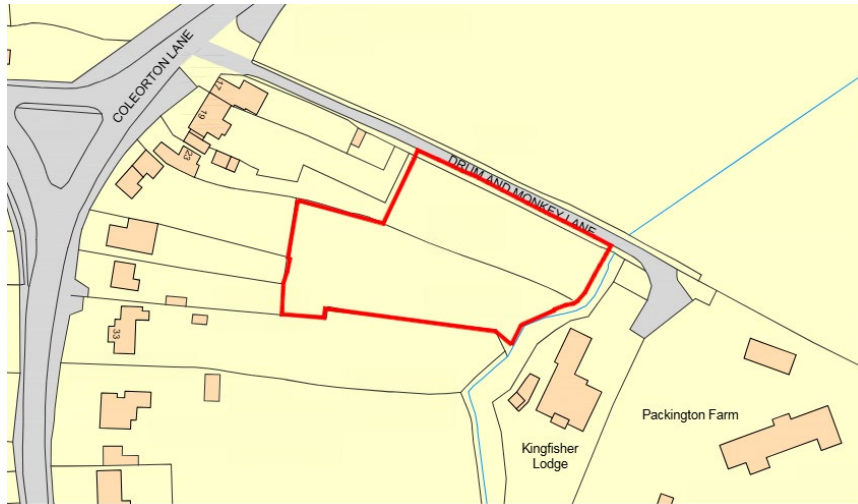
Mandatory National BNG condition to submit Biodiversity Gain Plan before development commences

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of three detached dwellings and three double garages (one attached and two detached) with associated access, landscaping and drainage at land at Drum and Monkey Lane, Packington.

Site Location Plan



Aerial View of the Site



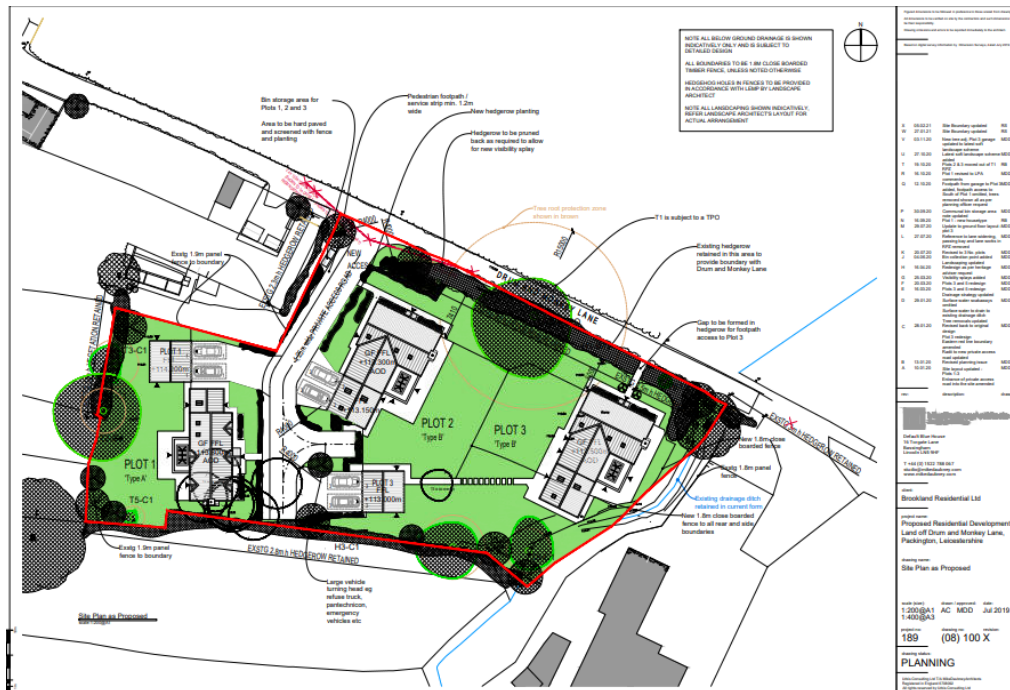
The proposal is almost identical to a scheme for three dwellings and garages on the site that was resolved to be permitted at Planning Committee on 3 November 2020, with the permission being issued on 31 March 2021 (19/02102/FUL). The only differences on the current scheme are that the garden to Plot 3 has been reduced on its eastern side and so is further away from the

watercourse, and the red line boundary therefore follows the amended south eastern edge to the garden.

Current Application Layout



2019 Application Layout



The site lies on the southern side of Drum and Monkey Lane and is adjoined by dwellings and gardens to the south and west, with open fields lying to the north on the opposite side of the lane. A watercourse adjoins the site to the east, with dwellings and gardens beyond. It is understood that the site previously formed part of the gardens to No. 23 and 31 Normanton Road.

The site is currently grassed with a mature ash tree on the northern boundary, which is protected by Tree Preservation Order T481. The protected ash tree and most of the frontage hedgerow would be retained, along with the hedgerow on the southern boundary and trees in the south eastern corner and close to the western boundary. Trees are proposed to be removed close to the southern and western boundaries and in the north eastern corner. A hedgerow that ran through the centre of the site has been removed, and other trees and vegetation within the site have been removed. There are also other trees and vegetation on adjacent land, including within the gardens to the west of the site. The land slopes down by approximately two metres from west to east towards the watercourse and very gradually from north to south.

Site Photos



The dwellings are proposed to connect to a private pumping station on the site which would discharge to a rising main running through the garden to No. 31 Normanton Road, which would connect into No. 31's foul drainage system and then the adopted mains sewer system.

One of the dwellings (Plot 1) would be located at the western end of the site, with the other two (Plots 2 and 3) fronting onto Drum and Monkey Lane. Detached double garages are proposed to Plots 1 and 3, with an attached garage to Plot 2.

Drum and Monkey Lane is an unadopted road, and leads off the public highway in a south easterly direction where Normanton Road and Coleorton Lane meet. Public footpath O64 runs along Drum and Monkey Lane. Currently the lane serves two dwellings that have been built on the former poultry farm site, and permission also exists for another dwelling there. Vehicular access is also available from the lane to the site and to the rear gardens/parking areas to Nos. 17 and 19 Normanton Road.

The existing access onto the lane would be closed and a new access would be formed at the western end of the northern boundary, serving all three dwellings. A new pedestrian access to serve Plot 3 would also be formed at the eastern end of the northern boundary. A turning area is proposed close to the southern boundary.

Following officer and consultee comments, amended plans and information have been submitted to address matters relating to flood risk, highway safety, bin collection arrangements and biodiversity net gain.

The precise dimensions of the proposal are available to view on the Council's website.

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan (2021). Packington House on Spring Lane lies around 230 metres to the south east and No. 9-11 Normanton Road lies around 90 metres to the north west, which are both Grade 2 listed buildings. The Packington Conservation Area lies to the west of the site and runs along part of its western boundaries. Nos. 17, 19, 23 and 25/27 Normanton Road are identified in the Packington Conservation Area Appraisal as unlisted buildings of interest.

The site lies within Flood Zone 1. The eastern parts of the site lie within an area at low risk of surface water flooding. Parts of Drum and Monkey Lane lie within areas at low to high risk of surface water flooding. The site also lies within the catchment area of the River Mease Special Area of Conservation and the adjacent watercourse is a tributary of the Gilwiskaw Brook, which in turn is a tributary of the River Mease.

Other Planning History:

An outline application for the erection of a single storey detached dwelling and detached garage on the northern part of the site (19/01063/OUT) was withdrawn in July 2019. Other planning history relates to extensions to No. 23 Normanton Road and for works to two ash trees that were erroneously submitted, as the trees are not in the Conservation Area.

2. Publicity

15 Neighbours have been notified.

Site Notice displayed 15 November 2024.

Press Notice published Leicester Mercury 20 November 2024.

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 on the Council's website.

Statutory Consultees

Packington Parish Council - Objects to the application on the following grounds (which included photos):

"Packington Parish Council urge North West Leicestershire District Council not to grant this planning application due to the many issues it will create for the village of Packington.

Since the previous planning application was submitted, flooding is a significant issue in Packington, and we have seen an increase in the depth and the destruction it has caused year on year, which will only increase due to climate change becoming more damaging to the village. The land at the bottom of Drum and Monkey Lane relies on the Gilwiskaw Brook to drain the surrounding area surface water run-off, including run-off from the proposed development land. However, with increased rainfall, the brook often becomes overwhelmed and breaks its banks. The surrounding fields are often waterlogged with significant surface water. The ditches in the area that run into Spring Lane and the adjacent new development has caused flooding. The land may lie within a low flood risk area; however, the reality is that it does flood and has impacted many houses in the area by flooding, not only the roads but properties on Spring Lane, Drum and Monkey Lane, Normanton Road and down to Mill Street and Babelake Street.

The Parish Council also have great concern for road and pedestrian safety if this application was to be granted. The exit to Drum and Monkey Lane is onto Coleorton Lane, a fast bend with vehicles leaving a 60mph zone and entering a 30mph zone. Vehicles are slow to reduce their speed which has warranted the installation of a vehicle activated speed sign. This section of road is listed in the Leicestershire Road Safety Partnership as a 'community concern site'.

North West Leicestershire District previously rejected a planning application to build 3 dwellings on land opposite the Drum and Monkey Lane junction due to access and road safety issues. The same safety concerns should be applied to this application.

There is also a concern with visibility at the junction of Drum and Monkey Lane due to parked vehicles at the top of the lane and foliage which is consistently overgrown. The parked cars are from dog walkers and hikers accessing the public footpath located there. Weekends are particularly an issue. There will regularly be over 10 cars parked here. There have been two accidents at this junction in the last year. The surge in traffic to and from the proposed development will increase the likelihood of further accidents and safety generally.

Along with visibility concerns, there are also concerns for pedestrian and driver safety using Drum and Monkey Lane. The lane has a very well used public footpath but in places the lane is only 2.9 metres wide making it very difficult for vehicles to move freely if there are also pedestrians on the road. Due to this reason, the development fails to comply with 4 out of the 5 requisites in clause 110 of the National Planning Policy Framework.

The development fails as it doesn't consider the needs of those users with disabilities using Drum and Monkey Lane. It fails on creating a safe place that minimises the scope for conflict between

pedestrians, cyclists and vehicles. It fails to give first priority to pedestrian and cycle movements and there is significant danger and hazard to the safety of pedestrians, cyclists and disabled users who use the public footpath. The development doesn't allow for the efficient delivery of goods and access by service and emergence vehicles. Large vehicles cannot deliver to the proposed site without blocking the lane completely.

NWLDC have previously rejected planning applications on Spring Lane, which is considerably wider than Drum and Monkey Lane, due to conflicts between pedestrians and vehicles. Spring Lane is also an adopted road and has many passing opportunities for vehicles and pedestrians due to the presence of grassed verges. It is classed as a County Highway and, unlike Drum and Monkey Lane which is unadopted (with no verges) and has a well-used public footpath.

There is no dedicated footpath for pedestrians along Drum and Monkey Lane and no passing opportunities. The increase in traffic a 5 bedroom home (potentially 7 bedroom if loft space conversion is permitted) and the build of the live planning permission for a further 4 bedroom home on the former Poultry Farm site, would cause a real safety concern for pedestrians and would also increase upon the requirement that NWLDC placed upon a previous planning application, stating that the new development could not increase traffic volumes on the Lane above those from the previous Poultry Farm development which was demolished to make way for the new current housing site.

There is simply not the adequate space for the majority of large vehicles that would need to visit the proposed site to deliver goods to turn at the end of the land. There is neither the space nor availability. The turning head at the top of the lane is private land and the developers would not be permitted to use this as such. This would therefore mean that large vehicles would have to reverse down Drum and Monkey Lane which would be very hazardous for pedestrians and other vehicle users of the Lane.

The junction onto Drum and Monkey Lane would also be deemed inadequate as it does not meet the visibility splays in the LCC Highways Design Guide. We also believe the visibility splay quoted in the planning application to be inaccurate stating there is 36 metres of sighted distance. This would only be possible if 33 metres of hedgerow were removed. This does not conserve, restore or enhance the biodiversity of the district as stated in the Local Plan. This application should therefore not be supported.

The planning application also states that there will be a bin store located at the entrance to the development. As NWLDC do not allow refuse vehicles to travel on unadopted roads to collect household waste or recycling, they would be expected to move their refuse bins to the collection point at the end of the Lane. These properties will not be serviced by refuse vehicles. This would therefore increase the number of bins waiting at the bell mouth area on Coleorton Lane for collection, to between 7 and 70 bins (there are often up to 10 bins and boxes per dwelling per fortnight for recycling).

The proposed development does not have prescriptive right of way on Drum and Monkey Lane. The prescriptive rights have only been noted by Land Registry which is as much as they can do. Therefore, there is likely to be a right of way issue if this development was granted. Packington Parish Council urge you to refuse this application."

NWLDC Conservation Officer - has referred to his previous comments relating to application 19/02102/FUL, where he raised concerns in respect of the layout and design of the schemes.

Refers to Standing Advice:

LLFA

No objections subject to conditions:

County Highway Authority

LCC Ecology

County Archaeologist

No objections from:

NWLDC Environmental Protection

LCC Minerals And Waste Planning

Police Architectural Liaison Officer

No Comments received from:

NWLDC Tree Officer

NWLDC Building Control

NWLDC Waste Service

Severn Trent Water

If any comments are received, they will be reported on the Update Sheet.

Third Party Representations

11 letters of representation have been received (some of which include photographs and videos) from five different addresses from third parties. The letters of representation all raise objections with the comments summarised as follows:

Grounds of Objections	Description of Impact
Design and layout	Third storey not in keeping with locality PLANNING APPLICATIONS- SECTION A
	Out of scale
	Blight on the village
	Waste receptacles will all have to be left at the junction with Coleorton Lane/Normanton Lane because the NWLDC waste collection vehicles do not access Drum and Monkey Lane.
Residential Amenity	Loss of privacy in house and garden/impact on visual amenity
	Should not be considered as in-fill
	Additional bins at the entrance to Drum and monkey Lane will result in loss of amenity for nearest neighbour
	Proposed signs will affect residential amenity
Highway safety	Single track/one car width only
	Poor access, the narrowness of Drum and Monkey Lane
	Unacceptable increase in traffic is a danger to public safety
	Vehicles and pedestrian safety
	Exit onto Coleorton Lane is of concern due to speed of traffic and visibility
	Medium and heavy goods vehicles will have to reverse out of the lane due to the narrowness
	Potential for additional on street parking causing a hazard due to the size of the dwellings and amount of onsite parking proposed f
	Drum and Monkey Lane is not the required width for access by fire tenders
	Visibility at junction is below standard required
	Questions validity of proposed safety signage and its effectiveness
	Additional refuse collection from the junction of Drum and Monkey Lane will be a hazard to road safety
	Proposed signs will make the lane even narrower
Previous refusal by LCC to build three dwellings on land	

PLANNING APPLICATIONS- SECTION A

	opposite Drum & Monkey Lane due to access and road safety issues and safety concerns associated with that proposal should apply
	Swept path analysis is incorrect
Impact on Public Footpath 064	Issues raised by residents in respect of the safety of users of Drum & Monkey Lane have not been addressed by the County Highway Authority
	Public footpath is well used
	No footpath
	Concern for the safety of users of the public footpath/fails to meet the requirements of the NPPF
Pollution	Issues raised by residents in respect of the safety of users of Drum & Monkey Lane have not been addressed by the County Highway Authority
	Noise pollution and activity
Flooding	Vehicle emissions pollution
	Change in circumstances since previous application, flooding being a regular occurrence (footage provided)
	Concerns regarding flooding issues in Packington being exacerbated by this development
	Increase in flood risk in the vicinity of this site
	Dwellings proposed in area of historic flooding which will be liable to flooding
	The development would increase run off into the brook (photographic evidence provided)
	Flood risk information submitted is out of date
River Mease SAC/SSSI	Inappropriate development close to brook
Ecological Impacts	Questions why this scheme is not considering alternative to mains sewer connection in order to protect the SAC/SSSI.
	Adverse Impact on wildlife
	Ancient hedgerow bordering the lane should be protected
Other Matters	Adverse impact on character of National Forest

	Design and Access, Heritage Statements, Flood Risk Assessment and Arboriculture Report are out of date
	Significant amount of development in Packington in last 10 years, further development not required
	Previous application has prompted other similar applications in the vicinity and sets a precedent for more similar applications in the future
	Access to utilities
	The developer does not have a right of way along Drum and Monkey Lane
	Comment still awaiting response regarding current developer (Councillor Rushton) involvement in previous application
	Questions impartiality of LCC and NWLDC as Councillor Rushton is applicant

4. Relevant Planning Policy

National Planning Policy Framework – December 2024

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 7, 8, 9 and 10 (Achieving sustainable development)
- Paragraphs 11 and 12 (Presumption in favour of sustainable development)
- Paragraphs 39, 48 and 49 (Decision-making)
- Paragraphs 56, 57 and 58 (Planning conditions and obligations)
- Paragraphs 61, 65, 73, 75, 78 and 83 (Delivering a sufficient supply of homes)
- Paragraphs 96 and 105 (Promoting healthy and safe communities)
- Paragraphs 109, 110, 115, 116 and 117 (Promoting sustainable transport)
- Paragraphs 124, 125, 129 and 130 (Making effective use of land)
- Paragraphs 131, 135, 136, 137, 139 and 140 (Achieving well-designed places)
- Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 177, 178, 179, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 187, 192, 193, 195, 196, 197 and 198 (Conserving and enhancing the natural environment)
- Paragraphs 202, 205, 207, 208, 210, 212, 213, 214, 215, 216, 218, 219 and 220 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2021)

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 this application:

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

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

Policy M11: Safeguarding of Mineral Resources
Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure
Policy W9: Safeguarding Waste Management Facilities

Other Guidance

National Planning Practice Guidance
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
River Mease Water Quality Management Plan - August 2011
The River Mease Developer Contributions Scheme (DCS)
Natural England - Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites – March 2022
Good Design for North West Leicestershire SPD - April 2017
National Design Guide
Leicestershire Highways Design Guide (Leicestershire County Council)
Packington Conservation Area Study and Appraisal - September 2001
DEFRA Rights of Way Circular (1/09) - October 2009
National Forest Strategy 2014-2024

5. Assessment

Principle of the 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, comprises the adopted North West Leicestershire Local Plan (2021) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

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

the Limits to Development.

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 the matter of principle is Policy S2 as it relates to the provision and distribution of new development, including housing. The Council can demonstrate a five-year housing land supply and it is considered that Local Plan Policy S2 is effective, not out of date and carries significant weight.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, café, public house and play area/recreation ground, along with bus stops served by a limited hourly bus service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site.

Whilst there is no footway or lighting along Drum and Monkey Lane and it is single track, it has a low traffic flow and is a public right of way. Footways and lighting are available from Normanton Road, some 65 metres away, and onwards into the village. As such there are some opportunities to walk to the village from the site along a route which is already in use by pedestrians. 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 which 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.

Given the scale of the development, and when taking into account other sites that have been granted planning permission since 2014 or are currently proposed in the village (totalling 50+ dwellings), it is considered that the proposal would not result in unsustainable demands on local services and facilities. Whilst the site may not be served by mains gas, electricity or water no evidence has been submitted to demonstrate that these services could not be installed. There are also parts of the District without mains gas where gas/oil tanks are used. The proposal would also have limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

The NPPF encourages the effective use of land in meeting the need for homes, and as much use as possible of previously developed land. It is understood that the site was previously part of the established rear gardens to existing dwellings. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF. It is not clear from the available evidence whether the site was previously garden land but it has now been separated from the adjacent dwellings. It is also not considered that the site formed part of the curtilages to nearby dwellings. Regardless of its status the site is greenfield.

The proposal would result in loss of greenfield land. However the site is in a location where occupiers of the dwellings would not necessarily be dependent on the private car, the proposal would not result in unsustainable demands on local services and facilities, would comply with the settlement hierarchy and strategic housing aims set out under Policy S2, and would have limited economic benefits, which all weigh positively in the balance. It is therefore considered that the proposal is acceptable in principle.

Design and Visual Impact

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 131 and 135 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 around 10 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 on the edge of the village.

The NPPF sets out that the case should be considered for the use of policies to resist inappropriate development of residential gardens. The Local Plan does not include such a policy. However an assessment of the impact on the character and visual amenities of the locality is set out below.

This part of the village is characterised by dwellings that front onto Normanton Road, although some recent housing developments in the locality do not have road frontages, including the dwellings on the former poultry farm to the east (which replaced the poultry farm buildings), and a site further south along Normanton Road which fronts onto a private road. Two applications for the erection of one and two dwellings on the rear garden to No. 35 Normanton Road (which lies to the south of the site) and so would have no road frontages, have recently been refused, including on the grounds of adverse impact on the character and visual amenities of the area. The nearest dwellings on Normanton Road are densely developed and set back slightly from the road with long gardens, creating a linear plot pattern extending back, and the dwellings on the former poultry farm site are large in size and on spacious sites. The site is considered to make a positive contribution to the character and visual amenities of the locality due to its undeveloped nature at the edge of the village.

The scheme does not completely reflect the existing linear plot pattern in the area. However the narrower plots are located to the west of the site on Normanton Road, with the existing plot pattern on the site and further to the south being more diluted as the parcels of land, whilst still linear, are wider than those to the west.

The scheme would not be out of keeping with the character of the area as whilst one dwelling would have no road frontage, the other two would front onto Drum and Monkey Lane, which whilst not public highway, is a public right of way. The dwellings would also be set back from the lane. The scheme would also result in a much less dense form of development compared to the nearest dwellings on Normanton Road and would provide a transition from this denser area to the more spacious former poultry farm site.

Plot 1 and the garages would not be overly prominent in views from Drum and Monkey Lane or from Coleorton Lane to the north, as they would be set well back and screened by existing vegetation. Plots 2 and 3 would be more visible in these views, but would also be set back, and the frontage hedgerow and the protected ash tree would provide some screening. In addition, the dwellings would be seen alongside existing dwellings to the east and west.

It is considered that the site could accommodate all of the necessary requirements (private gardens, bin storage, parking/turning space) without being too cramped or resulting in over-development. 1.8 metre high close boarded fencing is proposed along some of the boundaries to the plots, but is not proposed along the site boundaries other than such fencing already in place on part of the western boundaries. A soft landscaping scheme was approved under the discharge of conditions on the 2019 application.

The swept path analysis for fire engines and waste collection vehicles shows that there may be some adverse impacts on the hedgerow that runs along the northern side of Drum and Monkey

Lane, if such vehicles turn at the access to the site. However, the Council's waste collection vehicles do not use Drum and Monkey Lane and it is unlikely that larger vehicles such as fire engines and delivery and removal lorries would frequently turn in this area. Turning space would also be provided within the site which is of a suitable size to be used by larger vehicles. As such the potential for adverse impacts on this hedgerow is considered to be infrequent and any adverse impacts would be minimal.

The three dwellings would be linear in form and incorporate traditional features and subservient elements. Plot 1 would be smaller in scale with its rooms partly in the roofspace. Plots 2 and 3 would be larger and have three floors of accommodation, although the second floors would be within the roofspace. The garages would be single storey and of a simple design. There are also large dwellings nearby, including on the former poultry farm site, and there is also a mix in the scale, height and design of nearby dwellings.

Plot 1



Plot 2



Plot 3



Plot 2 would be dual aspect which provides surveillance to Drum & Monkey Lane and the driveway and parking spaces. Whilst Plot 3's garage and parking spaces are located some distance from the dwelling, surveillance would be provided from the front of Plot 1. The view along the driveway would terminate with a partial view of the front of Plot 1 and the hedgerow that forms the southern boundary.

For the reasons set out in the 'Bin Storage and Collection' section of this report, it is considered that the bin collection point would not adversely impact on the character and visual amenities of the locality. Leicestershire Police have not made any comments in respect of the scheme layout

and design.

Therefore, on balance it is considered that the proposal would not be significantly harmful to the character and visual amenities of the public right of way, Drum and Monkey Lane, Coleorton Lane and the wider locality to justify a reason for refusal under Policies D1 and En3 of the Local Plan and the Council's Good Design SPD.

Bin Storage and Collection

A bin storage area within the site would be located adjacent to the end of the long gardens to Nos. 17, 19 and 23 Normanton Road and over 45 metres from the dwellings.

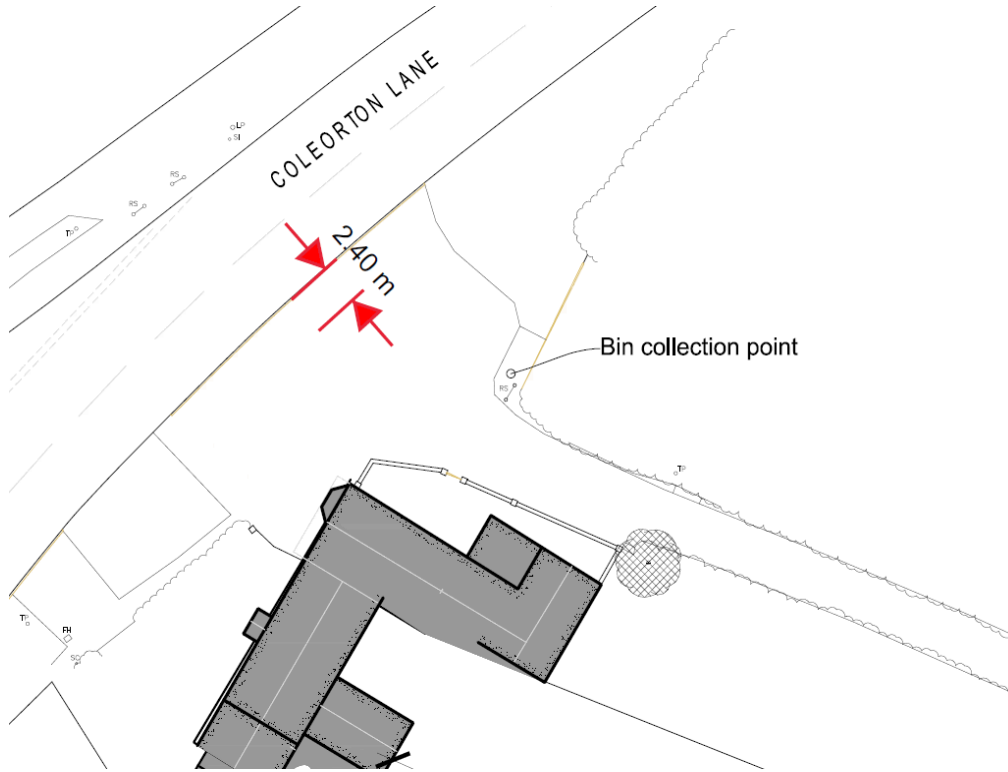
The original layout plan showed a bin collection area to be located within the site. Whilst no comments have been received from the Council's Waste Services team, they did comment on the 2019 application. In respect of that application, they advised that the Council's waste collection vehicles do not use Drum and Monkey Lane as it is not constructed to an adoptable standard, and therefore waste and recycling receptacles could not be left for emptying within the site. As part of the 2019 application, the agent initially suggested that a private waste collection service would be used but the Waste Services team advised that this would not be a viable solution as the residents of the proposed dwellings may not want to pay for such a service in the future. The Council also has a statutory responsibility under the Environmental Protection Act 1990 to collect domestic waste and the Council is also in receipt of an element of Council Tax to provide this service.

The County Highway Authority (CHA) has also advised in respect of the current application that the swept path analysis for a waste collection vehicle show that the lane would not be suitable for use by a waste collection vehicle.

Therefore in respect of the 2019 application, the Waste Services team requested that a bin collection area be provided close to the public highway on the northern side of Drum and Monkey Lane. However it was subsequently confirmed that this is where bins are stored by the occupier of No. 17 Normanton Road. The Waste Services team therefore advised that a bin collection area would need to be provided on an area of hardsurfacing on Coleorton Lane, to the immediate north of Drum and Monkey Lane at its western end.

The bin collection area requested by the Waste Services team lies within the public highway. Whilst the CHA advised in respect of the 2019 application that bin collection areas should not be within the public highway, in this case, considering the site specific circumstances, the CHA has no objections to receptacles being left at the western end of the lane, provided this does not form a formal bin collection area and receptacles are not permanently kept at this location. A formal bin collection area could therefore not be requested and so amended plans have been submitted that show a bin collection point in the same location as on the 2019 application, which could not be secured by condition given the CHA's comments set out above regarding the public highway.

Location of Bin Collection Point and visibility splay set back



Photos of Bin Collection Point





In addition, receptacles should only be left in this area for collection and not on a permanent basis, and the Council's Environmental Protection team have powers under the Environmental Protection Act 1990 to require the removal of bins and such receptacles from within the public highway and from bin collection points regardless of any conditions imposed on a planning permission. The Waste Services team also previously requested that a sign be installed at the bin collection point to advise that receptacles must be removed within 24 hours of having been emptied.

In this case the dwellings would be at least 70 metres from the bin collection point. Whilst the Building Regulations require receptacles to be stored no more than 25 metres from where they are collected, which would be exceeded in this case, 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. The proposed bin collection arrangements would be similar to those for residents of the two dwellings on the former poultry farm site, who it is understood leave their receptacles for collection in a similar location. The bin collection point would be closer to the site than to these dwellings. There would also be a fairly level route from the site to the bin collection point (i.e. no steep gradients) which is hardsurfaced.

Six dwellings (three on the site and three on the former poultry farm site) could leave their receptacles for emptying at the bin collection point.

Receptacles left at the bin collection point would be prominent as it is an open area at the entrance to the village and the public right of way, and no enclosures can be erected for screening as the bin collection point would be within the public highway. The bin collection point would be 6.5 metres from No. 17, which has windows in its side elevation and a side conservatory. No. 17 is on the opposite side of Drum and Monkey Lane and receptacles are already left here for emptying by the two dwellings on the former poultry farm site. The Council's Environmental Protection team have not made any specific comments on the bin collection point but did so in respect of the 2019 application, when they requested that a condition be imposed requiring the bin collection point to only contain waste and recycling receptacles on bin collection day and for them to be removed within 24 hours. However such a condition could not be imposed due to the bin collection point being within the public highway.

As receptacles should only be left in this area for collection and not on a permanent basis, this would reduce the impacts on the character and visual amenities of the area, residential amenities

and highway safety and the risk from arson. The Council also has separate powers under the Environmental Protection Act 1990 to deal with noise and odour.

Whilst the bin collection point may be used for parking by existing residents and users of the public footpath, this is not controlled by existing planning permissions nor is it a formal parking area provided by the CHA. As receptacles should not be left at the bin collection point on a permanent basis, there should still be space for cars to be parked in this area most of the time and on the adjacent area of grass as per the existing situation. These parked cars are also already likely to impact on the visibility available at the junction of the lane with the public highway. The CHA has not raised any concerns in respect of impacts on highway safety. The current arrangements for waste collection vehicles to stop either within the road or by pulling off the road would continue. Receptacles left for emptying at the bin collection point would be unlikely to block access to the adjacent field as bins should not be left there permanently, the gate is at least four metres wide and cars are already parked in this area.

It is therefore considered that there is not any policy justification to warrant a refusal of permission in respect of bin collection and storage. A note to applicant could be imposed advising that residents would need to leave their bins/receptacles for collection at the bin collection point and to remove them within 24 hours of collection.

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 building's setting and to the desirability of preserving or enhancing the character or appearance of that area. Reference should also be made to paragraphs 210, 212, 213, 214 and 215 of the NPPF.

In terms of heritage assets, Packington House on Spring Lane lies around 230 metres to the south east and No. 9-11 Normanton Road lies around 90 metres to the north west, which are both Grade 2 listed buildings. The Packington Conservation Area lies to the west of the site and runs along part of its western boundaries. Nos. 17, 19, 23 and 25/27 Normanton Road are identified in the Packington Conservation Area Appraisal as unlisted buildings of interest.

Part of Packington House's significance is its age, dating from the late 18th and early 19th centuries, that its scale, design and original features have retained its country house appearance and that it still retains its historic relationship with the village as an outlying dwelling within the rural landscape. Part of the significance of No. 9-11 is that it is a good example of an 18th century cottage located within a part of the Conservation Area which forms the entrance to the core of the village. The significance of the nearest part of the Conservation Area comes from it forming the entrance to the historic core of the village, and the dwellings at the northern end of Normanton Road, which are unlisted buildings of interest, being part of the first expansion of development beyond the historic core in the late 19th century. The site also contributes to the setting of the Conservation Area in views from Coleorton Lane southwards across open fields and along Drum and Monkey Lane in both directions.

Significant weight is given to preserving the setting of the Grade 2 listed buildings and Conservation Area.

The Conservation Officer has referred to the comments made in respect of the previous application (19/01202/FUL), where he did not raise any concerns in respect of impacts on the setting of the listed buildings. The dwellings would not be visible within the setting of No. 9-11

Normanton Road. The setting of Packington House is somewhat compromised to the immediate north by the presence of a modern two-storey dwelling but its rural setting survives predominantly to the south and south east, but also to some extent to the west and south west. However the dwellings on the former poultry farm now form part of the foreground/background to Packington House in particular when viewed from the public footpath and from the listed building itself, which screen Packington House in views of the site. There does not appear to be any direct functional/historic relationship between the site and the listed buildings.

The Conservation Officer had concerns in respect of the 2019 scheme regarding Plot 1 forming tandem development which would not reflect local character, and requested that Plot 1 and the driveway were omitted, as well as also requesting some changes to the windows to Plot 1 if retained.

In respect of the 2019 scheme, the changes to Plot 1's windows were made, although Plot 1 and the driveway remained part of the proposal, and this is the same on the current application. Whilst Plot 1 does not reflect the narrow linear plot pattern in the adjacent Conservation Area, this plot pattern is diluted on the site and further to the south as these parcels of land, whilst still linear, are wider than those in the Conservation Area. Plot 1, its garage and the driveway would be closest to the rear gardens in the Conservation Area. They would not be overly prominent in views from within or of the Conservation Area as they would be set well back within the site, with some screening provided by vegetation on the site boundary and within the gardens themselves, as well as by the dwellings on Normanton Road and the mature ash tree and frontage hedgerow. Even if Plot 1 was removed, the driveway would be required to serve Plots 2 and 3.

Plots 2 and 3 would be more visible in views of the Conservation Area. However the Conservation Officer did not raise any concerns in respect of Plots 2 and 3 on the 2019 scheme, which are identical on the current application. These dwellings would be set back at least eight metres from the lane, some screening would be provided by the ash tree and frontage hedgerow, and the dwellings would be seen alongside existing dwellings to the east and west, and so would not be overly prominent.

The Conservation Officer did not raise any objections to the bin collection point on the 2019 scheme. It would not form a significant part of the setting to Packington House given the distance away and intervening screening from trees and existing dwellings. The bin collection point would be seen in the setting of No. 9/11 and the Conservation Area. However as bins should not be left there permanently, that other bins are already left at this point by other properties, no structures or surfacing would be installed, and that there are already other domestic features in this area, e.g. parked cars, it is considered that bins left for emptying at the bin collection point would not adversely affect the setting of the listed buildings and the Conservation Area.

Whilst the trees on the site are not in the Conservation Area, they do form part of its setting. The protected ash tree and most of the frontage hedgerow would be retained, along with the southern hedgerow and trees in the south eastern corner and close to the western boundary. Trees are proposed to be removed in the north and south eastern corner and close to the southern and western boundaries. No works are proposed to any of the nearby trees that are within the Conservation Area. As discussed in more detail below in the 'Trees and Hedgerows' section of this report, whilst the Council's Tree Officer has not commented on the current application, he did not raise any objections to the loss of trees within the site on the 2019 application, which are not considered to make a significant contribution to the setting of the Conservation Area given their size and location and the intervening screening by other trees. Therefore it is considered that the loss of some trees from within the site would not result in harm to the setting of the Conservation Area.

The County Archaeologist advises that the site lies within the historic settlement core of Packington, and therefore as the proposal involves works that could impact on archaeological remains, requests the imposition of a condition requiring a staged programme of archaeological work, including trial trenching, to be undertaken post-determination.

Therefore it is considered that the proposal would not adversely affect the setting of the listed buildings or the Conservation Area, and would not harm the designated and undesignated heritage assets. As such the proposal complies with the NPPF and Policy HE1 of the Local Plan.

Residential Amenities

The proposal is likely to result in an increase in vehicles using Drum and Monkey Lane which runs adjacent to No. 17 Normanton Road and rear gardens. However some traffic already uses the lane to access the two dwellings on the former poultry farm site. In addition, 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). As such the addition of extra traffic on the lane is unlikely to result in significant levels of noise and disturbance to existing residents or significant impacts on their health and wellbeing.

Whilst peace and tranquility in the area may in part be due to the site being empty, it is not unusual to find housing adjacent to other areas of housing, and new housing is unlikely to generate significantly detrimental levels of noise and disturbance. The Environmental Protection team has not raised any objections or concerns in relation to noise or disturbance.

For the reasons set out in the 'Bin Storage and Collection' section of this report, it is considered that the bin collection point would not adversely impact on residential amenities.

Layout Plan including distances to existing dwellings



Plot 1

The two storey and 1.5/single storey elements to Plot 1 would be at least 45 metres and 43 metres respectively from Nos. 17 to 33 Normanton Road which significantly exceed the back to back

distance set out in the Council's Good Design SPD. The garage would be at least 35 metres away.

The SPD sets out a 10 metre distance between new dwellings and existing gardens. This distance would be exceeded from all parts of the dwelling in relation to the gardens to Nos. 17-31, other than in respect of the 1.5 storey element in relation to No. 23's garden (eight metres away), and the single and two storey elements in relation to No. 33's garden (six metres and two metres away respectively).

However the garden to No. 23 is around 50 metres long and there would be no side first floor windows facing this garden. The rooflight in the rear of the 1.5 storey element would be set at a higher level than the first floor rear windows.

The garden to No. 33 is at least 90 metres long, and Plot 1 would be at least 17 metres from the part of the garden more closely associated with No. 33 (which is at least 30 metres long). No windows are proposed in the side elevation facing the garden.

The garage would be at least 10 metres from most of the gardens and whilst it would be within two metres and six metres respectively to the gardens to Nos. 23 and 25/27, both properties have long gardens and the garage would be single storey with no openings above ground floor level.

Plot 2

Plot 2 would be 60 metres from Nos. 17, 19 and 23, 11 metres from No. 23's garden (which is at least 50 metres long), and at least 13 metres from the gardens to Nos. 17 and 19 which are at least 40 metres long. The first floor windows in the side of Plot 2 could also be obscure glazed with restricted openings (if serving non-habitable rooms) and the rooflights would be positioned higher than the first floor windows.

Plot 2 also faces towards the garden to No. 33 and would be at least 17 metres away, with the first floor window in its rear elevation serving a dressing room, which could be obscure glazed.

Plot 3

Plot 3 also faces towards No. 33's garden and would be 12.4 metres from the end part of this long garden. The first floor rear window and nearest rooflight could be obscure glazed. Whilst Plot 3's garage would be 3.5 metres from No. 33's garden, it would be single storey with no openings above at ground floor level and would be 43 metres from the part of the garden closest to No. 33.

The northern elevation of Kingfisher Lodge (the closest dwelling on the former poultry farm site) has a first floor opening and balcony in its northern elevation. The lower part of Plot 3's rear projection would be 10 metres from these elements and its eastern roofslope would contain one high level rooflight serving a bedroom. The rear two storey element to Plot 3 would be 11.5 metres away and its first floor landing window could be obscure glazed with restricted opening. Plot 3's main rear elevation would be 13.5 metres away, with a rear bedroom window being 15 metres from the balcony, and two rear rooflights serving rooms in the roofspace with no specified purpose, which could also therefore be obscure glazed with restricted opening.

The lower rear element to Plot 3 would be at least 16 metres from the nearest windows in the western elevation to Kingfisher Lodge, and the two storey elements would be at least 20 metres away. There would not be a direct back to back or back to side relationship between Plot 3 and Kingfisher Lodge. Whilst Plot 3 would be 6.5 metres from the side garden area to Kingfisher Lodge, the main part of its garden is to the south of the dwelling.

Conclusion

As such it is considered that a reason for refusal on the basis of direct overlooking/loss of privacy, overshadowing/loss of light and creation of an oppressive environment to occupiers of Nos. 23 and 33 Normanton Road and Kingfisher Lodge could not be justified. The proposal would also not adversely affect the amenities of occupiers of other nearby dwellings from noise and disturbance, odour, overlooking/loss of privacy, overshadowing/loss of light or creation of an oppressive outlook, and as such would comply with Policy D2 of the Local Plan.

Highway Safety

Concerns have been raised by Packington Parish Council and local residents regarding highway safety as set out in the 'Representations' section of this report.

It is acknowledged that Plots 2 and 3 could have seven bedrooms each (as whilst the plans show these two dwellings to have five bedrooms each, both dwellings have two additional rooms shown within the roofspace which could be used as bedrooms), with Plot 1 having four bedrooms. The CHA considered the trip generation associated with the proposal as part of the 2019 application and advised that typically a dwelling is anticipated to generate approximately six vehicular trips per day, so therefore three dwellings are likely to result in approximately 18 trips per day.

The CHA visited Drum and Monkey Lane on 25 November 2024 and advises that it considers there have been no material changes to the lane since the 2019 application was considered and determined.

Regarding the use of Drum and Monkey Lane, the CHA advises that its width falls below the minimum requirement of the Leicestershire Highway Design Guide (LHDG) in regard to private access drives (a minimum width of 4.25m for an access serving two to five dwellings and 4.8m for a private access serving six or more dwellings for the first five metres behind the highway boundary). However given the existing use of the lane, its horizontal alignment which affords good forward visibility, and the 15 metre set back of the start of the lane from Normanton Road/Coleorton Lane the CHA would not find this unacceptable.

The CHA also advised in respect of the 2019 application that in assessing the access from Normanton Road/Coleorton Lane onto Drum and Monkey Lane, consideration was given to forward visibility for vehicles entering the lane from the public highway, the length of Drum and Monkey Lane that cannot accommodate two-way movements between the highway and site access, the likely level of vehicular movements on the lane and the likely impact on Normanton Road/Coleorton Lane. Along with the extant two-way vehicular movements on the lane, and the scale of development, the CHA's conclusion was that the use of Drum and Monkey Lane would not have a severe impact on the highway network, and therefore a reason for refusal on this basis could not be substantiated.

There are also no proposals to widen Drum and Monkey Lane at its junction with Normanton Road/Coleorton Lane. The CHA has also not raised any objections in relation to visibility at this junction. The CHA advises that there has been three recorded of personal injury collisions (PICs) in the last five years within 500m of the site, which were all considered 'slight' in severity. The CHA has reviewed the circumstances of each PIC and does not consider that the proposal would exacerbate the likelihood of further such incidents occurring.

The CHA has not raised any objections to the vehicular access into the site, which would meet access width requirements in the LHDG.

In respect of the visibility splays proposed at this access, they are less than those required in the LHDG for roads with speeds of 21mph to 25mph (33 metres for light vehicles and 36 metres for HGVs) and 16mph to 20mph (23 metres for light vehicles and 25m for HGVs).

In respect of this matter the CHA advised in respect of the 2019 application that *"To the west of the access, a visibility splay of 2.4m x 13.5m is shown, and drawn to a point one metre offset from the northern carriageway edge. Given that Drum and Monkey Lane is approximately three metres in width in this location and that therefore vehicular speeds will be low, this is acceptable. To the east, a visibility splay of 2.4m x 17m is shown to a point one metre offset from the nearside carriageway edge is shown, which is also acceptable in this instance."*

In order to assess the suitability of the above visibility splays, a calculation of the Stopping Sight Distance (SSD) in accordance with the standards set out in the Manual for Streets (MfS) was carried out by the CHA in respect of the 2019 application, who confirmed that the 2019 application was acceptable in this regard.

The pedestrian access to Plot 3 leads from the front of the dwelling onto the lane. It is not unusual in some places to have front doors or accesses used by pedestrians that exit directly onto a street with no footway, and there are examples elsewhere in the village, e.g. on Mill Street, where traffic speeds may be similar to those along the lane or perhaps higher. In addition the CHA has raised no objections and has requested a condition requiring the provision of pedestrian visibility splays on either side of this access.

The parking and turning space for Plot 3 would be sited to the rear of the dwelling. The CHA has not raised any concerns that some vehicles, e.g. delivery vans and lorries, could travel to the front of Plot 3, park on the lane and block access for other vehicles and pedestrians, and then have to reverse back to the site access to turn. The CHA previously noted that a pedestrian link between Plot 3's parking and turning space and Plot 3 itself is on the plans, in order to discourage parking on Drum and Monkey Lane. A condition could also be imposed requiring provision of signage at the site access to advise that there is no vehicular access to the front of Plot 3 and to use the parking/turning space available within the site. The CHA advised in respect of the 2019 application that it could not take into account the potential for blocking of vehicles wishing to access the dwellings on the former poultry farm site as the lane is an unadopted road, and Plot 3 is over 100 metres from the public highway. Impacts on users of the public footpath is considered separately below in the 'Public Footpath section of this report.

The CHA has not raised any objections in respect of the position, design and amount of the parking and turning space. The CHA has no objections to the bin collection point and for the reasons set out in the 'Bin Storage and Collection' section of this report, it is considered that the bin collection point would not adversely impact on highway safety.

Reference is made by the Parish Council and residents to a refusal by the CHA of a previous application to build three dwellings on land opposite the junction of Drum & Monkey Lane due to access and road safety issues and those safety concerns should also apply to this case. The only application for three dwellings in Packington that has been refused since 2001 is an application on Spring Lane (15/01064/OUT). That application was not refused on highway safety grounds, and whilst a subsequent appeal was dismissed, this was also not for highway safety reasons.

The advice in paragraph 116 of the NPPF is that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The CHA therefore advises 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. Therefore a reason for refusal on the basis of a severe impact on highway safety or the road network under Policies IF4 and IF7 of the Local Plan and paragraphs 114, 115 and 116 of the NPPF could not be justified in this case.

Public Footpath

Public footpath O64 runs along Drum and Monkey Lane and then continues through the former poultry farm site and on to Spring Lane where it links in with other parts of the public rights of way network and routes to the Diamond Jubilee Woodland and National Forest woodlands. No part of the development would encroach upon its route, and its route is not proposed to change.

The CHA has not raised any objections in respect of an increase in traffic on the lane impacting on users of the public footpath. As noted above in the 'Highway Safety' section, the CHA has not raised any objections in respect of vehicles visiting Plot 3 block the lane and having to reverse along part of the lane, therefore impacting on users of the public footpath. There would be a pedestrian link between Plot 3's parking and turning space and Plot 3 itself, in order to discourage parking on Drum and Monkey Lane. As noted above, a condition could also be imposed requiring provision of signage at the site access relating to access to Plot 3. The CHA also has powers to deal with the blocking or obstructing of public rights of way.

Reference has been made by the Parish Council and residents to two planning decisions relating to three dwellings on a nearby site on Spring Lane (97/0061 and 15/01064/OUT) being refused due to the potential for conflicts between vehicles and pedestrians, as Spring Lane is also narrow and has no footway. The 1997 application was refused in part due to conflicts between pedestrians and vehicles on Spring Lane, and a subsequent appeal was dismissed on the grounds of harm to the character and appearance of the locality and the difficulty of resisting other similar proposals which would have a detrimental impact. The Inspector stated *'I am not convinced that the additional traffic that would be generated by the proposal would pose such a risk to highway safety as to warrant rejection on that account alone.'* The 2015 application was refused only on the grounds of being outside the Limits to Development and significant harm to the character and rural appearance of the locality. The CHA did not raise any objections to the 2015 application in respect of conflict between vehicles and non-car users, and this matter was not raised by the Inspector when considering the subsequent appeal.

It is considered that the amended proposal would not adversely impact on the enjoyment and recreational value of users of the public footpath, in particular as the changes on the site would be short term as pedestrians pass along the lane adjacent to the site and no works are now proposed to the lane itself.

The CHA has not raised any concerns in respect of the health and safety of users of the public footpath. It is not unusual for public footpaths to pass close to dwellings or along routes also used by vehicular traffic. However as construction traffic may use Drum and Monkey Lane it is considered reasonable to impose a condition requiring submission of a management plan to ensure that the footpath is safe and available for users of the footpath during construction. The CHA has also requested a condition to protect users of the footpath; a similar condition was imposed on the previous permission.

With regards to any damage caused to Drum and Monkey Lane, the CHA is responsible for maintaining the lane to public right of way standards. Therefore in the event that there was any damage to this standard, if there was sufficient evidence as to who was responsible then the CHA

would pursue them, but if not then the CHA would be required to repair to the standard. Any additional damage over and above what is required for this standard would be a civil matter and for the landowner to determine the most appropriate course of action.

Given the above circumstances it is considered that a reason for refusal on the basis of significant harm to users of the public footpath could not be justified in this case.

Trees and Hedgerows

The protected ash tree and most of the frontage hedgerow would be retained, along with the southern hedgerow and trees in the south eastern corner and close to the western boundary. Trees are proposed to be removed close to the southern and western boundaries and in the north eastern corner. No works are proposed to any of the trees on adjacent land.

The Council's Tree Officer has not commented on the current application. However the Tree Officer commented on the 2019 application which is identical to this application in respect of the position of the dwellings and site layout and the trees and hedgerows proposed to be removed and retained. In respect of the 2019 application, the Tree Officer originally considered that the protected ash tree was a veteran tree and therefore should have a root protection area (RPA) of 18 metres, which is the required RPA for such a tree of this size. However the applicant's arboricultural advisor disagreed that the tree was a veteran tree, and considered that a 15 metre RPA based on the guidance in BS5837:2012 would be appropriate. Parts of Plots 2 and 3 would be within the 18 metre RPA although they would be outside the 15 metre RPA shown on the plans. The Tree Officer is not able to confirm that the tree is a veteran. Therefore as it was not fully conclusive in respect of the 2019 application that the ash is a veteran tree it was considered at the time that it would be unreasonable to insist on Plots 2 and 3 being outside the 18m RPA, and this is still considered to be the case.

Protected Ash Tree



The Tree Officer advised in respect of the 2019 application that the paths to Plots 2 and 3 could be within the RPA provided they are constructed in accordance with the submitted construction method statement. Conditions could also be imposed to secure the tree protection plan and the construction method statement, and to require submission of an arboricultural supervision plan, construction management plan and tree management plan to include an annual inspection of the tree's branches.

Impacts on the frontage hedgerow are considered in more detail in the 'Ecology and Protected Species' section below. However most of this hedgerow would be retained, as would the hedgerows on the western and southern boundaries, and the Tree Officer did not raise any objections to this on the 2019 application. The path/paving that extended around Plot 1 close to the southern hedgerow has been removed. Whilst Plot 1 would be within two metres of this hedgerow and the driveway would be within one metre, the Tree Officer did not raise any objections to this on the 2019 application. Protective fencing would be erected to these hedgerows during construction.

The potential for impacts on the hedgerow that runs along the northern side of Drum and Monkey Lane from large vehicles turning onto the lane has been considered earlier in the 'Design and Visual Impact' section, where it was concluded that the potential for adverse impacts on this hedgerow to be infrequent and any adverse impacts would be minimal.

Most of the trees and vegetation close to the watercourse have already been removed, along with the hedgerow that ran through the centre of the site. None of these were protected by a Tree Preservation Order nor by the Hedgerow Regulations and therefore whilst it is regrettable that they have been removed, the Council does not have any powers to prevent this from taking place or enforce against it.

The Tree Officer did not raise any objections to the loss of other trees within the site in respect of the 2019 application. Several mature trees would also be retained, and additional tree and hedgerow planting is proposed. A soft landscaping scheme would be secured by condition.

Given the considerations set out above in respect of the protected ash tree, and whilst it is preferable that existing soft landscaping is retained and enhanced, particularly when a development is located in the National Forest, it is considered that the loss of the soft landscaping in this instance should not act as a constraint on the development, particularly given that its lack of protection could lead to it being removed at any time. Several trees, including the protected ash tree, and the majority of the remaining hedgerows would be retained. As such it is considered that a reason for refusal under Policy En1 of the Local Plan could not be justified in this case.

Ecology, Biodiversity Net Gain and Protected Species

Habitats and Important Features

The County Ecologist initially objected on the basis that not enough information had been submitted to ensure the extent of the impacts had been fully assessed, and so further information has been submitted.

The County Ecologist has not raised any objections to the loss of the species-poor semi-improved grassland and scrub that covers the site.

The County Ecologist advises that the hedgerow on the site's northern boundary is a candidate for Local Wildlife Status, as is the protected ash tree.

Impact on the ash tree has been considered above in the 'Trees and Hedgerows' section, and the County Ecologist has not raised any objections in respect of ecological impacts on this tree.

The County Ecologist raised an objection to the impact on the northern hedgerow on the boundary with the lane, on the basis that it should not form part of the gardens. The majority of the northern hedgerow would be retained. The visibility splays to the vehicular access would not require removal of any of the frontage hedgerow nor any of the hedgerow further west along Drum and Monkey Lane. The CHA has requested two metre by two metre pedestrian visibility splays to the pedestrian access to Plot 3 to which the County Ecologist has no objections. Following advice to the County Ecologist that the dwellings would be at least five metres from this hedgerow and that the 2019 application had been subject to a condition defining the curtilage of the dwellings and excluding the area between the hedgerow and the dwellings (which could be re-imposed), the objection has been removed.

The County Ecologist also objected to the proximity of Plot 3 and its garden to the adjacent watercourse and requested a buffer between them. The distance between the watercourse and Plot 3 is the same as on the plans approved under the previous permission for this site. The garden to Plot 3 is now not as close to the watercourse in some places, as the red line boundary is slightly different along the south eastern boundary on the current scheme. The County Ecologist didn't raise any concerns regarding the relationship between Plot 3 and its garden and the watercourse on the previous permission. Parts of the garden to Plot 3 closest to the watercourse from were also excluded from being within Plot 3's curtilage on the previous permission, which could also be re-imposed. On this basis the County Ecologist has also removed its objection in respect of this matter.

Concerns were previously raised by residents that development should be at least three metres from the southern hedgerows as per the government document 'Biodiversity and Hedgerows: Government's Strategy for England's Wildlife and Ecosystems'. The County Ecologist could not find this reference, but advised that a buffer of five metres between hedgerows and development is normally sought for important hedgerows or those that form boundaries adjacent to open countryside or natural/informal open space. However this standard is not usually applied to hedgerows that form boundaries to gardens (such as the southern hedgerow) as they are not protected by the Hedgerow Regulations and therefore could be removed at any time. Therefore the County Ecologist has not raised any objections in respect of impacts on this hedgerow.

The suggested condition relating to a Landscape and Ecological Management Plan suggested by the County Ecologist was not imposed on the previous permission and it is not considered that there have been any material changes that would now justify imposing this condition.

On this basis it is considered that a reason for refusal on the basis of impacts on important ecological features could not be justified in this case under Policy En1 of the Local Plan.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a mandatory requirement for this development, as required by the Environment Act 2021 and relevant national policies. Accordingly, the applicant must demonstrate compliance with the mandatory BNG requirements, including showing a minimum 10% net gain compared to the pre-development baseline.

The County Ecologist initially objected on the basis of requiring further information relating to BNG. Following submission of amended BNG information, including an updated BNG metric, BNG assessment and preliminary ecological assessment, the County Ecologist has advised that

these assessments are acceptable and no longer objects. The submitted information indicates that the required 10% BNG mitigation would be achieved through the purchase of off-site units, which could be secured via the mandatory Biodiversity Gain Plan condition and other conditions, and the County Ecologist has raised no objections to this approach.

Protected Species

There are mature trees/hedgerows on and adjacent to the site, the site is grassland and adjoined by open fields and large gardens, a pond lies close to the site and a watercourse runs alongside its eastern boundary. 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 submitted ecology survey found that the ash tree on the northern boundary does not have any features for bat roosting potential. Therefore it is considered to be of negligible bat roost potential. The trees and hedgerows on the site would also be suitable for bat foraging and commuting opportunities, and whilst some trees would be lost, some trees and the northern and southern hedgerows would be retained and there is other similar habitat nearby. The trees and hedgerows would also be suitable for breeding birds and a note to applicant could be added to this effect. Conditions could be imposed to minimise light spill from any external lighting onto the hedgerows to maintain their value as bat foraging corridors, and to secure bat and bird boxes as recommended by the ecology report.

No evidence was found of badger activity, the nearby pond appears to have been filled in, and there are no records of water vole using the adjacent watercourse. The watercourse is also considered to be suboptimal for water voles and otters. Habitats on the site could however be suitable for use by badgers, great crested newts and reptiles, as well as hedgehogs (which are not a protected species) and so the recommendations in the ecology report would need to be followed. Hedgehog holes would be provided within some of the fences, which could be secured by condition. The County Ecologist has not raised any objections in respect of impacts on protected species.

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

An unnamed watercourse runs alongside the site's eastern boundary flowing north east to south west. This watercourse flows from the fields to the north, passes underneath Drum and Monkey Lane, and then continues alongside the ends of gardens to dwellings on Normanton Road, before passing underneath Normanton Road and Heather Lane before joining the Gilwiskaw Brook around 165 metres south of the bridge on Bridge Street.

The site lies within Flood Zone 1 which covers the area at the lowest risk from fluvial flooding. The south eastern red line boundary of the site has been amended to address concerns relating to surface water flood risk, so that the site lies only with an area at low risk of surface water flooding. Parts of Drum and Monkey Lane lie within areas at low to high risk of surface water flooding. The area at low risk extends between eight and 21.5 metres into the site from the watercourse.

Plots 1 and 2 are not within the low risk area. Most of Plot 3 would be within the area at low risk. Some of Plot 3's garden would be within the low risk zone, but the majority would be outside. The

low risk zone extends in front of Plot 3 beyond the pedestrian access. The area adjacent to the watercourse that lies within low, medium and high risk zones is not within the site.

Concerns have been raised by the Parish Council and residents in respect of flood risk as set out in the 'Representations' section of this report.

Whilst the FRA states that the garden has not flooded and the brook has not broken its banks on either side in the last 25 years, the Parish Council and residents previously disputed this, stating that the watercourse becomes inundated and flows at capacity, and gardens to dwellings on Normanton Road, dwellings on Spring Lane and the nearby fields have flooded.

Furthermore whilst the FRA states that there are no known issues or reports relating to ground water flooding at the site and that the site is not in an area at high risk of ground water flooding, the Parish Council and residents previously indicated that there is a high water table and high groundwater level in the locality, in part due to the clay soils and during high rainfall. The information in the FRA has been taken from a map of groundwater risk covering a large part of the District and is not based on site-specific information. It appears that high groundwater has resulted in wet ground on nearby land, and it is understood that there are various measures in place on these sites to try and alleviate this situation. However it is not clear how much this has contributed to flooding in the area nor whether the site itself is affected by groundwater issues. It is therefore considered that conditions should be imposed to secure mitigation measures for potential impacts from groundwater and resistant/resilient building techniques relating to groundwater flood risk.

As noted above Plot 3 and its garden partly lie within the zone at low risk of surface water flooding. Under the NPPF, the flood risk sequential test is required to be undertaken for applications in areas known to be at risk now or in future from any form of flooding, which includes from surface water. However as set out in the Planning Practice Guidance (PPG) (which in a recent Court of Appeal judgment was found to have "equivalent" legal status to the NPPF), sites at low risk of surface water flooding are exempt from the sequential test. The flood risk exception test also does not apply to sites at risk of surface water flooding.

The other considerations relating to flood risk set out in the NPPF have not changed since the consideration of the 2019 application at Planning Committee in November 2020. The LLFA has no comment to make on the current application and did not raise any objections to the 2019 application in respect of surface water flooding. Previously the LLFA advised that the watercourse posed a high surface water flood risk to Plot 3, and so finished floor levels should be set sufficiently above flood levels in line with its standing advice, i.e. 300mm above the general ground level of the site. The LLFA subsequently advised that the surface water flood risk is low, which is acceptable for development and that mitigation is typically required only where there is a medium or high risk of surface water flooding. It is also considered that a close boarded fence along Plot 3's eastern boundary would need to be made permeable to water flows so it does not divert water back into the watercourse, which could be secured by condition.

The applicant's drainage consultant also advised in respect of the 2019 application that the development would reduce the amount of overland flow from the site as positively drained hard paved areas would intercept existing overland flow routes and attenuate them using the below ground storage. The consultant also advised that the runoff rate would not exceed the existing greenfield runoff rate from the site, therefore not increasing the flood risk further downstream or to other properties.

A sustainable surface water drainage scheme (SuDS) is also proposed, which would direct

surface water to filter strips/French drains/below ground attenuation crates and then discharge into the adjacent water course. Due to clay forming the underlying subsoil, infiltration cannot be used. Conditions could be imposed to secure the SuDS, mitigation measures for impacts from groundwater flooding, resistant/resilient building techniques relating to groundwater flooding, and the ongoing maintenance/management of the SuDS and mitigation measures, which were imposed on the previous permission.

Most of the trees and vegetation along the site's boundary with the watercourse have already been removed and whilst one tree in the north eastern corner would be removed, it is not considered that this would significantly destabilise the banks of the watercourse. The banks would not be altered other than installation of the headwall for the surface water drainage system.

In respect of the 2019 application, the LLFA also asked for provision of an easement alongside the watercourse to safeguard access to the watercourse for essential maintenance and inspection purposes, which is provided for on the layout plan. The LLFA also advised that the watercourse will become the responsibility of the riparian owner (i.e. anyone who owns a property where there is a watercourse within or adjacent to the boundaries of their property, and is also responsible for watercourses or culverted watercourses passing through their land) as per the Land Drainage Act 1991. Any works that are likely to affect flows within the watercourse would also need a separate land drainage consent from the LLFA.

Given the circumstances set out above, and the lack of objection from the LLFA, it is considered that a reason for refusal on the basis of an inadequate FRA, an inadequate surface water drainage system and the proposal increasing flood risk on the site or elsewhere could not be justified in this case under Policies CC2 and CC3 of the Local Plan and the NPPF and the PPG.

Foul Drainage

The site does not appear to be connected to the mains sewer system. The FRA shows the dwellings would connect to a private pumping station on the site which would then discharge to a rising main running through the garden to No. 31 Normanton Road which would connect into No. 31's foul drainage system and then on into the adopted mains sewer system.

No evidence has been submitted to demonstrate that a connection to the mains sewer could not be achieved or that there is no capacity at Severn Trent Water's (STW) treatment works. STW has been consulted on the application and any comments received will be reported on the Update Sheet. However as it is not known whether or not STW would take over the responsibility of the pumping station, rising main and connection to No. 31's drainage system and the mains sewer system, it is considered reasonable for a condition to be imposed requiring submission of a scheme for maintenance/management of these elements, as was imposed on the previous permission. As such the arrangements for foul drainage discharge from the site appear acceptable subject to any comments received from STW which will be reported on the Update Sheet.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). The adjacent watercourse is a tributary of the Gilwiskaw Brook, which in itself 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.

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

appropriate assessment of the proposal and its impacts on the River Mease SAC is required.

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

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

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

The River Mease DCS 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.

In March 2022 Natural England published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development.

A contribution under DCS2 was secured by Section 106 agreement in respect of the previous permission and that contribution can be transferred over to the current application. As the DCS2 contribution has not been paid to the Council and the previous permission has expired, a new Section 106 agreement is required to secure the contribution.

The River Mease DCS is a mitigation scheme to mitigate against additional phosphate entering the SAC via Severn Trent Water's waste water treatment works. Therefore an assessment under the nutrient neutrality methodology is not required in this case.

The use of the mains sewer is the preferred method set out in the PPG for the disposal of foul sewage, and the DCS contribution provides for mitigation for the impact on the SAC from the use of the mains sewer.

The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed.

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

The flows from the three dwellings were taken into account against the existing headroom at STW's Packington Treatment Works under the 2019 application and this capacity is still available for the current application. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

As the dwellings would be sited on a grassland which is permeable, a condition could be imposed requiring surface water to discharge to the proposed sustainable drainage system. Surface water can discharge into a tributary of the River Mease provided the discharge from the system is

restricted (in this case to the existing greenfield runoff rate from the site) and measures are put in place to prevent pollution of the watercourse.

On the above basis, compliance with the proposed condition would ensure that surface water runoff from the site would not adversely impact on the integrity of the River Mease SAC.

There could be impacts on the channel and banks of the watercourse during construction works and therefore a condition could be imposed requiring submission of a construction management plan. The watercourse would be outside the garden to Plot 3, and separated from the garden by a boundary treatment. The watercourse could also be excluded from the curtilage to Plot 3 to prevent increased activity within the watercourse.

On the above basis, compliance with the proposed conditions would ensure that construction works and activity on the site would not adversely impact on the integrity of the River Mease SAC.

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 Council's Environmental Protection team has not requested the imposition of conditions relating to contaminated land nor raised any concerns regarding air pollution. Whilst the site is in a Minerals Safeguarding Area, the Minerals and Waste Planning Authority (Leicestershire County Council) has advised that the site is in close proximity to existing dwellings where mineral extraction is unlikely to take place and so raises no objections. The Authority has also advised that the site is not located close to any safeguarded waste sites and so it has no objection in respect of this matter.

Concerns have been raised by regarding matters of governance, probity and conflict of interest relating to Councillor Rushton, and the impartiality of both the District and County Councils given that the applicant is a District Councillor and County Councillor, and leader of the County Council.

The status of applicants is not relevant to the determination of planning applications, as they are assessed against the development plan and any other material considerations.

The Council has been advised that the owners of the two dwellings on the former poultry farm site (Packington Farm and Kingfisher Lodge) financed and maintain the works that have been carried out to Drum and Monkey Lane and own the surfacing and kerbing along the lane. The Council has also been advised that access along the lane to the site for construction and delivery vehicles is refused.

Furthermore the owners of Packington Farm have stated that they had to provide proof of their rights to vehicular access along Drum and Monkey Lane as part of the purchase and development of the former poultry farm site, and had to go through the process of establishing prescriptive easement for vehicular movements along the lane. A prescriptive easement is understood to be the acquisition of a legal right enjoyed over another's freehold property which is obtained through long use, and which is similar to adverse possession, but relates to a right to use another person's property in a particular way rather than claiming ownership of the land.

The owners also stated that the proposal would increase the burden of the easement over the lane and such intensification of use should not be permitted, and that if the proposal is permitted

that any vehicles associated with the proposal use the lane would be doing so illegally, resulting in legal action being taken if the lane was used illegally.

The agent advised that as far as he is aware the applicant has a right of access along the lane. Furthermore meeting the requirements to obtain vehicular rights of access over land and obtain prescriptive easement does not form part of planning legislation. Concerns regarding the lack of vehicular access rights along the lane and the need to provide proof of rights to vehicular access along the lane and to apply for prescriptive easement were not matters raised in respect of the applications for dwellings on the former poultry farm site.

No evidence has been put forward to demonstrate who owns the lane nor to suggest that vehicular access rights to the site over the lane do not exist nor that a prescriptive easement would not be granted. Approving a planning application does not affect or override any legal rights or other legislation, nor does it mean that it is inevitable that an illegal action would take place. If an illegal action took place on the lane or on the site after a grant of planning permission then there would be options open to any affected parties to take separate legal action. Therefore it is considered that it would be unreasonable for the Council to refuse a planning application on the basis that to do so could result in a breach of third party land interests or other separate legislation.

Although the PPG indicates that the application site should be edged in red to include all land necessary to carry out the proposal, e.g. land required for access to the site from the public highway, there is no statutory requirement for the application site to have a common boundary with the public highway. The exclusion of Drum and Monkey Lane from the red line boundary does not affect the Council's ability to consider the adequacy of the access onto the lane, the lane itself and the lane's junction with the public highway. No works are proposed to the lane as part of the application.

The only condition that could affect the lane would be provision of the vehicular visibility splays. However these splays would not involve any development, and as if anything under 0.6 metres in height was provided within the splays this would block access to the site itself and to Packington Farm and Kingfisher Lodge and could block or obstruct the public footpath, it seems unlikely that the visibility splays could not be provided within the lifetime of a planning permission.

It is understood that enforcement of Section 34(1) of the Road Traffic Act 1988, which provides that anyone driving a mechanically propelled vehicle on a road that is a footpath, bridleway or restricted byway is guilty of an offence, unless it can be shown that there is a private right in place for people to use the accessway to gain vehicular access to their property, is a matter for the police and the courts.

Any damage to third party land caused by use of Drum and Monkey Lane as a result of the proposal would be a civil matter, as it is not an inevitable consequence of granting planning permission that damage would automatically be caused to third party land. Damage to the northern hedgerow along the lane is however considered above in the 'Design and Visual Impact' section.

It is a fundamental tenet of the planning system that every planning application is considered on its own merits and decisions made in relation to proposals in the vicinity of the site do not set a precedent for the approval or refusal of other forms of development.

In respect of the concerns raised regarding out of date information in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application and comments from consultees have allowed for the

application to be fully and adequately assessed.

Conclusion

The site is located within the Limits to Development, as set out in the North West Leicestershire Local Plan (2021) and therefore complies with the settlement hierarchy set out in Policy S2.

Reasons for refusal in respect of loss of greenfield land, impact on the character and visual amenities of the area, residential amenities, highway safety, public footpath, the protected tree, trees and hedgerows, ecology, flood risk and drainage, and matters relating to bin collection arrangements could not be justified in this case. The proposal would not adversely impact on the historic environment, protected species and the River Mease SAC/SSSI.

In terms of benefits, the proposal would make a contribution, albeit limited, to the delivery of housing in the District. This location for new housing is more acceptable when compared to Small Villages and more remoter locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case the proposal would not constitute an 'isolated' dwelling, and it would be close to other dwellings and services/facilities without being dependent on the private car. The site is therefore considered to be socially sustainable having regard to the provisions set out within the NPPF.

The proposal would support local services and facilities which would lead to economic and social benefits. Economic benefits would also arise as a result of an increase in local spending and by support to construction employment. However, these benefits attract limited weight in favour of granting planning permission owing to the small scale of the proposal.

The mandatory 10% BNG requirement has been met, which is given moderate weight as it is a benefit of a generalised nature imposed for a broad range of development to alleviate a national problem. The proposal would also secure some biodiversity enhancements which is afforded limited weight in favour of the proposal.

Overall, having assessed the proposal in full against the policies set out within the NPPF, in particular those related to directing development to sustainable locations and securing well-designed places, and after carrying out a planning balance, it is recommended that planning permission be granted, subject to a S106 legal agreement to secure the River Mease DCS contribution, and subject to the imposition of suitably worded planning conditions.