

**North Northamptonshire Area Planning Committee
(Thrapston)
20th December 2021**

Application Reference	NE/21/00320/FUL
Case Officer	Ian Baish
Location	Mill House 18 Latham Street Brigstock Kettering Northamptonshire NN14 3HD
Development	Levelling of garden pond and associated drainage works (retrospective application).
Applicant	Mr Max Marsden
Agent	J B Planning Associates Ltd - Simon Hoskin
Ward	Thrapston
Overall Expiry Date	29th April 2021
Agreed Extension of Time	31st December 2021 (To allow for Flood Risk Assessment and further Environment Agency Consultation).

Scheme of Delegation

This application is brought to committee because it falls outside of Part 9.2 (Planning, Regulation, Licensing and Registration) of the Council's Officer Scheme of Delegation because there has been an objection from the Parish Council and more than three objections from members of the public.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 This is a retrospective application for the levelling of a former mill pond and the creation of an underground drainage system and associated works located in the garden of Mill House, which is a residential dwelling.
- 2.2 The works were carried out in the summer of 2020 and the applicant has stated that they were not aware that planning permission for the works was required.
- 2.3 Upon completion of the works, the applicant submitted an application for a certificate of lawfulness for the works under Schedule 2, Part 1, Class E of the General Permitted Development (England) Order 2015 which was refused.
- 2.4 Class E covers the alteration of a pool incidental to the enjoyment of a dwellinghouse. The application was refused as it did not meet all of the criteria required by Class E. Clause E1 (c) of schedule 2, Part 1, Class E of the order states that the pool cannot be situated on land forward of the wall forming the principal elevation of the original dwellinghouse, The proposal was also contrary to clause E1 (h) as the land level would be increased by more than 0.3m.

3. Site Description

- 3.1 The site subject to this application forms part of the garden to Mill House which has a large curtilage leading from the highway access which is shared with The Old Watermill to the south which is also in residential use.
- 3.2 Mill House sits in an elevated position to the north east boundary of the site. Steps lead from the dwelling to a lawned area with Harpers Brook adjacent to the western edge of the garden.
- 3.3 A further lower section of garden is located to the west of the house which is surrounded by a dense covering of shrubs and trees. This lower area is the part of the site which was previously occupied by the large Mill Pond which was historically associated with the adjacent water mill.
- 3.4 The curtilage of the Brigstock Latham Primary School abuts the site to the north east. The land level of the school site is higher than the curtilage of Mill House and a sluice and eel trap is located close to the boundary between the school and Mill House.
- 3.5 Mill House is not listed, however, The Old Mill and The Granary to the south and south east are both Grade II listed and the site is within the Article 4 Conservation Area. The garden is within flood zones 2 and 3. The site is also within a Nature Improvement Area.

4. Relevant Planning History

- 4.1 20/01562/LDE - Levelling of pond within the garden of Mill House and associated drainage works - see accompanying letter for further details – REFUSED (01.02.21)
- 4.2 20/01616/VAR - Variation of condition 3 to allow for revised plans that reflect the completed works on site pursuant to 19/01534/FUL Alterations to existing bay window with detached covered carport and Fence. Internal alterations and modernisation to mill house Brigstock - Condition 3 (Due to construction methods the roof has been modified, patio line has been altered and the fence height raised to accommodate raising site ground levels). - PERMITTED (22.03.21)
- 4.3 20/00386/FUL - Proposed two storey side extension to Mill House – WITHDRAWN (04.05.20)
- 4.4 19/01534/FUL - Alterations to existing bay window with detached covered carport and fence. Internal alterations and modernisation to Mill House Brigstock – PERMITTED (17.01.20)
- 4.5 19/00881/FUL - Single Storey front extension to be linked to the detached carport with a semi-transparent screen. The existing roof will have 5 new conservation low profile roof lights added, 3 to provide light to the rear corridor on the first floor and 2 to the utility and boot room. – REFUSED (04.09.19)

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Brigstock Parish Council

Objection which is summarised below:

- Historic feature has been removed
- The Parish Council would like to see the historic asset restored
- Inaccuracies in the submitted heritage justification statement which claims the pond had not been maintained over a number of years
- Damage to habitat / lack of an environmental survey prior to pond being destroyed
- The pond formed part of the overflow flood system which activates when Harpers Brook reaches a certain height and the water is diverted via the course of the top Mill Pond down through the old sluice to the bottom Mill Pond which acted as an attenuation pond for the flood water before returning to Harpers Brook.
- The Mill House site is classified as a building of significance and is not listed, it could be argued this application has significance to the actual historical functionality of the Mill which is grade II listed, and historically a single entity. Just because the site has been subsequently divided does not remove this obligation.

Further comments following submission of a Flood Risk Assessment

- No comment on this amendment

5.2 Neighbours / Responses to Publicity

Seven letters have been received. The issues raised are summarised below:

- Heritage impact
- Flood risk
- Impact on views
- Impact on flooding of properties within the village (December 2020)
- Loss of an attenuation pond
- Loss of habitat for wildlife and plants
- Inadequate drainage has been provided in lieu of the pond
- The loss of attenuation provided by the pond has shifted the attenuation upstream which caused devastating impacts in December 2020

5.3 Environment Agency

Comments received following scrutiny of Flood Risk Assessment, a site visit and the receipt of further plans and information.

- Following a detailed investigation of the site it is confirmed that the infilling of the pond will not increase flood risk for the following reasons:
- The installation of 3 pipes will provide passage for the flow of water to discharge into the main river from the overflow channel.
- The introduction of a French drain will increase the storage capacity.
- Areas of ground have been lowered which will provide additional storage in this location.
- The flows from the overflow channel are restricted at the location of the sluice/eel trap. This will throttle flows considerably and as such will have (and always has had) an impact on the volume of water which can pass through the garden.
- As the works have already been completed in accordance with the approved flood risk assessment (FRA) dated 03 June 202, the EA will not seek to secure the implementation of the FRA. It is requested that permitted development rights are restricted in this location.
- Conditions and informatives should be added to any planning permission to remove permitted development rights.

5.4 Natural England

No comments received.

5.5 Surface Water Drainage Team - Lead Local Flood Authority (LLFA)

- No comments to make

5.6 Principal Conservation Officer

Objection for the following reasons:

- The mill pond falls within the setting of the Old Water Mill and Mill House, a grade II listed building and locally listed building respectively. I consider the mill pond to have formed an integral part of the setting and significance of these assets, and as such its removal causes harm.
- I classify the level of harm to fall within the less than substantial category, thereby engaging paragraphs 196 and 197 of the NPPF. In addition, please note the statutory tests at sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development

Policy 2 - Historic Environment

Policy 3 – Landscape Character

Policy 4 – Biodiversity and Geodiversity

Policy 5 - Water Environment, Resources & Flood Risk Management

Policy 8 - North Northamptonshire Place Shaping Principles

6.4 Emerging East Northamptonshire Local Plan Part 2 (LPP2) (2021)

EN1 – Spatial Development Strategy

EN14 – Designated Heritage Assets

EN15 – Non-Designated Heritage Assets

6.5 Brigstock Neighbourhood Development Plan (NP) (2019)

Policy B8 – Landscape Character and Locally Important Views

Policy B10 – Ecology and Biodiversity

Policy B15 – Local Heritage Assets

7. Evaluation

The key issues for consideration are:

- Visual Impact / Impact on Landscape Setting
- Impact on Neighbouring Amenity
- Environmental Matters
- Flood Risk and Drainage
- Ecology
- Heritage

7.1 Visual Impact and Impact on The Landscape Setting

The area of the site previously occupied by the mill pond is located to the north west of the site. This part of the site is located approximately 66 metres from the adopted highway at the junction of Latham Street and Mill Lane. This distance, the lower land levels of the former pond area and the fact that the garden of Mill House is screened from view from the street scene by boundary fencing and further tree and shrub screening means that the part of the site previously occupied by the pond is not visible from any public viewpoint on Mill Lane or Latham Street.

- 7.1.2 Policy 3 of the NNJCS requires development to be located and designed in a way that is sensitive to its landscape setting. This policy places great importance on the safeguarding of key views and vistas and the protection of the landscape setting.
- 7.1.3 Policy 8 of the NNJCS requires development to respond to the local topography and overall form, character and landscape setting of the settlement.
- 7.1.4 It is possible to view the site from the meadow located to the south west of the site on the opposite side of Harpers Brook. However, any views of the site from this land would be distant and far reaching across the village and would be heavily obscured by the tree and shrub coverage on both sides of Harpers brook. Therefore, the impact of the loss of the Mill Pond on the character and landscape setting when viewed from this land is negligible and the view of the site from the meadow has remained largely unaltered.
- 7.1.5 The view across the meadow is noted as a locally important view in Policy B8 of the adopted Brigstock Neighbourhood Development Plan. This Policy requires views to be protected and calls for development to be designed in a way that is sensitive to its landscape setting. In terms of the impact on the view from the meadow, the works that have been carried out are largely below ground and involved the reduction of the ground level around the site and the infilling of the pond. The landscape setting has not been significantly altered and the trees and shrubs around the area have been retained, therefore the view of the site from the adjacent Meadow is largely unaltered.

- 7.1.5 It is noted that the applicant has placed a child's swing set, small climbing apparatus and a trampoline within the area that was formerly occupied by the pond. Items such as this do give a domesticated appearance to the land, however they are relatively small in scale and of a temporary nature and could easily be removed when no longer required. It is also considered that Mill House is a residential dwelling and no longer forms part of the range of buildings formerly associated with an industrial mill and as such the visual impact of small-scale domestic features are accepted.
- 7.1.6 Therefore, given the natural screening that is provided by the trees and shrubs that surround the site, the use of this area as a useable part of the residential garden does not cause an unacceptable level of visual harm. Further, the Environment Agency has confirmed that they have no concerns with the existing play equipment in terms of its impact on flood risk and drainage. However, they have recommended a condition to restrict any permanent structures or buildings from being erected on this part of the site as permanent structures on this land could have the potential to cause flood risk and drainage issues further down-stream if they were to be washed away during periods of heavy rain fall. This condition would also remove the potential visual harm that could be caused by the erection of any large free-standing curtilage buildings on this part of the site.
- 7.1.7 Number 5 Bridge Street is located to the north west of the site and sits in an elevated position due to the rising ground level as the land rises from the bank of Harpers Brook. A small window serving a bathroom at first floor and a set of French doors at ground floor level face the site and it is therefore possible to view the area occupied by the former Mill Pond and the wider garden area of Mill House from the ground floor living space and garden of this property. However, as this is a private property any views across the site are from private land with no access to the general public, save for those expressly invited by the owners / occupiers of number 5 Bridge Street.
- 7.1.8 It is also possible to glimpse views of the site from within the grounds of the Brigstock Latham's Primary School. The school grounds are on a higher level than Mill House and from the school grounds the view is over the north east corner of the site and are restricted to views over the sluice and glimpses of the former pond beyond. Any views of the site from this angle are screened by the dense tree and shrub coverage around the former pond area.
- 7.1.9 For the reasons noted above the works are considered to be in accordance with paragraph 130 of the NPPF, Policies 3 and 8 of the JCS and Policy B8 of the Brigstock Neighbourhood Development Plan.

7.2 Impact on Neighbouring Amenity

- 7.2.1 The filling in of the pond has not impacted on the amenity of any neighbouring properties in terms of overlooking or overshadowing and the nature of the works that have been carried out do not have an overbearing effect.

7.2.2 The works are therefore considered to be acceptable in terms of the impact on neighbouring amenity and complies with the requirements of paragraph 130 f) of the NPPF and Policy 8 e) i. of the NNJCS.

7.3 Heritage

7.3.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.3.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.3.3 Guidance within paragraphs 195 to 203 of the NPPF, Policy 2 of the NNJCS and Policy B15 of the Brigstock Neighbourhood Development Plan also places great importance on the significance of heritage assets and their setting.

7.3.4 The historic significance of the former Mill Pond lies with its connection to the adjacent Grade II Listed building to the south east known as The Old Water Mill. This building is of eighteenth-century origin and of stone construction under a Collyweston Slate roof. The Old Water Mill is located on the bank of Harpers Brook, this building is no longer a working mill and has been historically converted to a single residential dwelling although there are elements of the old Mill that remain.

7.3.5 Mill House and its curtilage are not nationally listed, however, the site is located within the Brigstock Conservation Area and is recognised as a local heritage asset (locally listed) for its historic significance and association to the adjacent Water Mill. The Council's Principal Conservation Officer has stated that he considers the mill pond to have formed an integral part of the setting and significance of these assets and believes that its removal causes harm which has been categorised in the less than substantial category.

7.3.6 An objection has also been received from the Brigstock Historical Society on the grounds of the impact on the setting of the Water Mill and Mill House. The objection states that the mill pond is an important part of the village's industrial heritage and that it was possible to follow the course of the former watercourse from Bridge Street through the school grounds to the north east of the site and into the former pond. It is stated that the former owners of Mill House allowed visitors and residents of the village to access their property for guided tours to observe how the mill worked.

7.3.7 Whilst it is acknowledged that the former pond was significant to the Mill and the industrial heritage of the village, the pond was most recently located within a private garden following the decommissioning of the mill and the conversion of both the Old Watermill and Mill House to dwellings. The pond was not clearly visible from any public viewpoints such as from the street scene or adjacent land to which the public has free and open

access (any views of the site from the meadow to the south west remain largely unaltered). It is acknowledged that the previous owners of Mill House may have allowed visitors into their garden to closely view the site, however this is private land and there is no public access to it and any informal agreements to allow visitors into the garden would have ceased when the building changed ownership.

- 7.3.8 The sluice and eel trap have been retained as has the channel which leads into the sluice which in turn leads to the underground drainage system which has been installed by the applicant. Therefore, whilst the pond has been infilled and laid to grass it is still possible from within the site to see how the water would have flowed to the pond and in turn be directed to the mill. It must also be considered that neither the Old Watermill or Mill House are in industrial use or open for public access. The change of use of these buildings to independent residential dwellings and the permitted changes that have been carried out to these buildings over the years which include the fencing off of the formerly open garden area to the side of Mill House has enabled the buildings to be retained and preserved for future generations.
- 7.3.9 The impact on flood risk and drainage will be discussed in detail in the relevant section of this report. However, the drainage works that have been carried out have been assessed by the Environment Agency who have deemed that overall the creation of French drains and the installation of drainage pipes beneath the grounds surface have improved the flow of water through the site and into the Harpers brook. Therefore, the wider benefit to the village and surrounding conservation area in terms of flood risk and water management has to be weighed against the heritage impact of the loss of the pond.
- 7.3.10 It is noted that the Council's Principal Conservation Officer has objected to the proposal due to the impact that the loss of the pond has had on the significance of the heritage assets. However, Mill House and The Old Mill have been in residential use for many years and the land within their curtilages has to a large degree become domesticated over the years. The area surrounding the former pond was located approximately 34 metres from the Old Watermill and at a much lower level than the street, Mill House or the adjacent garden land. The pond area was also heavily screened by a dense covering of trees and shrubs which meant that it was not overly visible within the wider setting and the wider heritage impact of the loss of the pond is therefore considered negligible and can be outweighed by the benefits of the drainage improvements that have been carried out as a result of the infilling of the pond.
- 7.3.11 On balance, it is considered that whilst the pond was regarded as being of significance to the adjacent heritage assets, its loss has not affected the setting in such a way that cannot be justified by the drainage improvements that the works have facilitated which will safeguard the surrounding area by improving flood flow. Therefore, whilst the pond has been lost the impact of the loss of that particular feature is not so severe that would warrant a refusal, particularly given the benefits in terms of drainage which complies with the requirements of Policy 5 c) and d) of the JCS.

7.4 Flood Risk and Drainage

- 7.4.1 Paragraph 167 of the NPPF states that local planning authorities should ensure that proposals do not increase flood risk elsewhere when determining planning applications. Policy 5 of the NNJCS requires development to contribute towards the risk of flooding and to the protection and improvement of the quality of the water environment. Policy 5 also requires proposals to incorporate sustainable drainage systems wherever practicable.
- 7.4.2 The development subject to this proposal is classed as engineering works below the ground and the main consideration is whether these works that have been carried out have had a detrimental impact on flood risk and drainage in the wider area.
- 7.4.3 The applicant has stated that they were unaware that planning permission was required to lower the level of the area around the pond, install a drainage system, infill the pond and lay the surface to grass. The applicant appointed a drainage contractor to carry out the works.
- 7.4.4 Following the refusal of an application made by the applicant to ascertain whether the development was permitted development by virtue of Schedule 2, Class E of the General Permitted Development (England) Order 2015, the applicant submitted the current application for planning permission.
- 7.4.5 Due to the site being located within flood zone 3, which denotes a high probability of flooding, the Environment Agency (EA) were consulted on the application as a statutory consultee. The Environment Agency objected to the initial consultation due to the lack of a flood risk assessment being submitted with the application documents. The Environment Agency advised that in order to overcome the objection, a Flood Risk Assessment (FRA) must be submitted which demonstrates that the development is safe without increasing risk elsewhere and where possible, it should demonstrate that flood risk has been reduced overall.
- 7.4.6 A flood risk assessment was later submitted which confirmed that the pond had no connection to Harpers Brook or the existing watercourse and that the original water management systems associated with the mill had not been operational for a number of years. The report states that prior to the installation of the drainage subject to this application the drainage was by means of rainwater infiltrating into the ground and surface water discharging into the brook and the report states that the filling of the pond has had no impact upon the flood risk.
- 7.4.7 The FRA and submitted plans show that the pond was filled with a crushed stone base with three perforated pipes running through the area occupied by the original pond connecting the original and retained sluice at the north east of the site with Harpers brook to the west of the site. The pipes then penetrate the bank of the brook and outfall is managed by a gravity fed control gate.
- 7.4.8 The submitted FRA confirmed that the pond did not provide any capacity to store flood water in a flood event and the absence of the pond does not

increase the risk of flood to others. The key risk of flood has been identified as Harpers Brook to which the pond did not form part of or provide any attenuation for.

- 7.4.9 In addition to the drainage that has been provided, the applicant submitted evidence that the previously overgrown area around the pond had been cleared and the land levels reduced around the former pond from between 0-5 centimetres at the higher part of the site closest to the sluice to between 20 and 45 centimetres at the lower sections of the site closer to the brook in order to improve drainage from upstream as water discharges down from the overflow channel from the north of the village through the school grounds at times of heavy rainfall and in flood events.
- 7.4.10 Following receipt of the FRA, a site visit and detailed investigation of the site was carried out by the Environment Agency who withdrew their initial objection and confirmed that the infilling of the pond had not increased flood risk. The Environment Agency consider that the installation of the three pipes has provided passage for the flow of water to discharge into the main river from the overflow channel and the French drain has increased storage capacity over what was provided by the former pond.
- 7.4.11 In relation to the works around the area occupied by the former pond, the Environment Agency noted that the areas of ground which have been lowered have provided additional storage in this location and that the flows from the overflow channel are restricted at the location of the sluice/eel trap. It was noted that this will throttle the flow of water considerably and as such will have (and always has had) an impact on the volume of water which can pass through the garden.
- 7.4.12 The Environment Agency acknowledged the retrospective nature of this application and noted that the works have already been completed in accordance with the approved FRA dated 03 June 2021. Therefore, they would not seek to secure the implementation of the FRA but have recommended a condition to ensure that permitted development rights are restricted in this location.
- 7.4.13 A condition to restrict permitted development rights relating to the erection of free standing curtilage buildings and structures within the garden area is considered reasonable given the justification provided by the Environment Agency who have stated that it is important to maintain conveyance through the site which is a flood flow route. The erection of any sheds, fencing or similar construction could restrict flood flow and cause potential blockages downstream should they be washed away.
- 7.4.14 The officer noted that a trampoline, small climbing frame and swing set were already located on the site and raised a question to the Environment Agency as to whether these items were to be included as items of concern in terms of the potential for causing a potential blockage should they be washed away.
- 7.4.15 The Environment Agency confirmed that these items were not of concern and their request related to any further buildings or structures within class E of the GDPO or any fencing. Therefore a condition is recommended to

remove permitted development rights in relation of Schedule 2, Part 1, Class E of the GDPO which covers buildings, enclosures, swimming and other pools required for a purpose incidental to the enjoyment of a dwellinghouse and Part 2, Class A of the same document which includes gates, fences, walls etc.

- 7.4.16 Turning to maintenance, the drainage system is located within a private garden and as with the pond that was previously located on this site, the maintenance of the drainage system is the responsibility of the property owner.
- 7.4.17 The FRA has recommended maintenance responsibilities which include the removal of leaves and debris from all areas of the site and visible surface features of the drainage system, the inspection of all pipework threshold drains and gutters and the monitoring and disposal of silt build up. It is recommended that this is carried out on a six-monthly basis and when extreme rainfall or storms are forecast or after such events.
- 7.4.18 A CCTV survey of underground drainage pipes is recommended at 5-10 year intervals to detect silt build up and damage to areas of failure to allow for the detection of any areas subject to failure or requiring repair.
- 7.4.19 It is considered that the maintenance details in the Flood Risk Assessment can be secured by planning condition to ensure that the drainage system is retained and maintained in accordance with the submitted plans and FRA.
- 7.4.20 The applicant has also confirmed that since submitting the application, the school have claimed ownership of the land before the sluice and are clearing vegetation and old debris from this area. The applicant has also entered into an informal agreement with the school to ensure that the drainage channel through the school grounds leading to the sluice and the drainage system is cleared on a regular basis in order to prevent blockages and to aid the flow of water through the site at times of heavy rainfall.
- 7.4.21 Comments have been received from neighbouring properties which state that inadequate drainage has been provided in lieu of the pond and that the loss of attenuation provided by the pond has shifted the attenuation upstream which caused devastating impacts in December 2020. The application documents have been scrutinised by the Environment Agency who have also carried out a site visit and have confirmed that the pond did not provide attenuation for the river and that the works have improved flood flow through the site.
- 7.4.22 For the reasons noted above, the works are considered to accord with the principles of the guidance within the NPPF and Policy 5 of the NNJCS in terms of water environment, resources and flood risk management and it is not considered that the works that have been carried out have a detrimental impact on flood risk elsewhere.

7.5 Ecology

- 7.5.1 The site is located within a Nature Improvement Area and comments have been received pertaining to the potential loss of habitat to wildlife that the levelling of the pond has caused. In particular comments were received which alluded to sightings of various species being seen within and around the pond during visits to the site when it was in previous ownership. The Case Officer requested evidence of the species that were sighted during such visits, but no details were provided.
- 7.5.2 Comments have also been received that state that newts, kingfisher and owls have been known to use the area around the former pond site which has been levelled and laid to grass and is adjacent to the Harpers Brook.
- 7.5.3 The Ecology Advisor noted that the site was within an area noted for providing suitable habitat for great crested newts although no survey activity had been conducted in the precise location the Ecology Advisor noted that the destruction of such habitat was a wildlife crime.
- 7.5.4 The retrospective nature of the application and the extensive works that have been carried out which involved the levelling and reduction of a large section of the garden around the pond and the infilling of the pond with stone and the excavation of sections to lay the drainage pipes mean it is no longer possible to ascertain through ecology surveys what habitat potential the site held prior to the development taking place.
- 7.5.5 Therefore, it is not impossible to ascertain the habitat potential that the site held prior to the development taking place. A refusal of the application on this basis would not be justified and any action in terms of mitigation or prosecution for the loss of habitat or the impact on any protected species would have to be pursued by Natural England.

8. Other Matters

- 8.1 Equality: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9. Conclusion / Planning Balance

- 9.1 The applicant has demonstrated that the works that have been carried out have increased the flood flow capacity through the site. The discrete location of this part of the site being at a low land level and being heavily screened by tree and shrub coverage ensures that the part of the site subject to this application is not or was not ever overly prominent or clearly visible from any public vantage point, therefore, the visual impact is considered acceptable. Whilst the loss of a historic feature in the form of a large mill pond associated with the industrial heritage of the former Water Mill is not ideal, the improvements in terms of the reduction of the risk of flooding and the increase in flood flow through the site is considered to outweigh the significance of the former mill pond in heritage terms in this particular case.

10. Recommendation

10.1 That Planning Permission is GRANTED subject to conditions.

11. Conditions

- 1 The development hereby permitted is managed and retained strictly in accordance with the details in the following plan and documents in perpetuity:
- Application form, received on 24th February 2021,
 - Heritage Impact Assessment, received on 4th March 2021,
 - Flood Risk Assessment, received on 4th June 2021,
 - Location Plan, drawing number (00) 03, received on 24th February 2021,
 - Pond infill details, drawing number (00) 10, received on 24th February 2021,
 - Drainage Plan, received on 4th October 2021,
 - Site Photographs, drawing number 1620/001, received on 24th February 2021,
 - Pond images, received on 16th August 2021,

Reason: In order to clarify the terms of this consent and to ensure that the development is retained as permitted.

- 2 The drainage system hereby approved shall be maintained and inspected in accordance with the requirements of the submitted and approved Flood Risk Assessment which requires all leaves, litter and debris to be cleared from all areas of the site and from visible surface features of the drainage system. The inspection of all pipework, threshold drains and roof gutters and the collection and disposal of any silt present at 6 monthly intervals, when extreme rainfall is forecast, and after significant storm events.

A CCTV survey of underground drainage pipes must be carried out at 10 year intervals and any silt and debris found as a result must be removed and any repairs to damaged or failed components be carried out as required. If regular monitoring indicates permeable sub-base is not draining satisfactorily it must be replaced.

Reason: In the interests of flood risk and water management.

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the erection of any freestanding curtilage buildings or structures including sheds, greenhouses, pergolas, raised decks, pool, containers, fences, gates or walls (as detailed in Schedule 2, Part 1, Class E or Part 2, Class A).

Reason: To allow the Local Planning Authority to assess any proposal, and in the interests of flood risk and water management.

12. Informatives

- 1 The applicant is reminded that The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.