

Erection of one self build dwelling (reserved matters to Outline Planning Permission 16/00612/OUT)

Report Item No  
A1

Land At Babelake Street Packington Ashby De La Zouch  
Leicestershire LE65 1WD

Application Reference  
17/00174/REM

Applicant:  
Mr & Mrs J Mattley

Date Registered:  
15 February 2017  
Consultation Expiry:

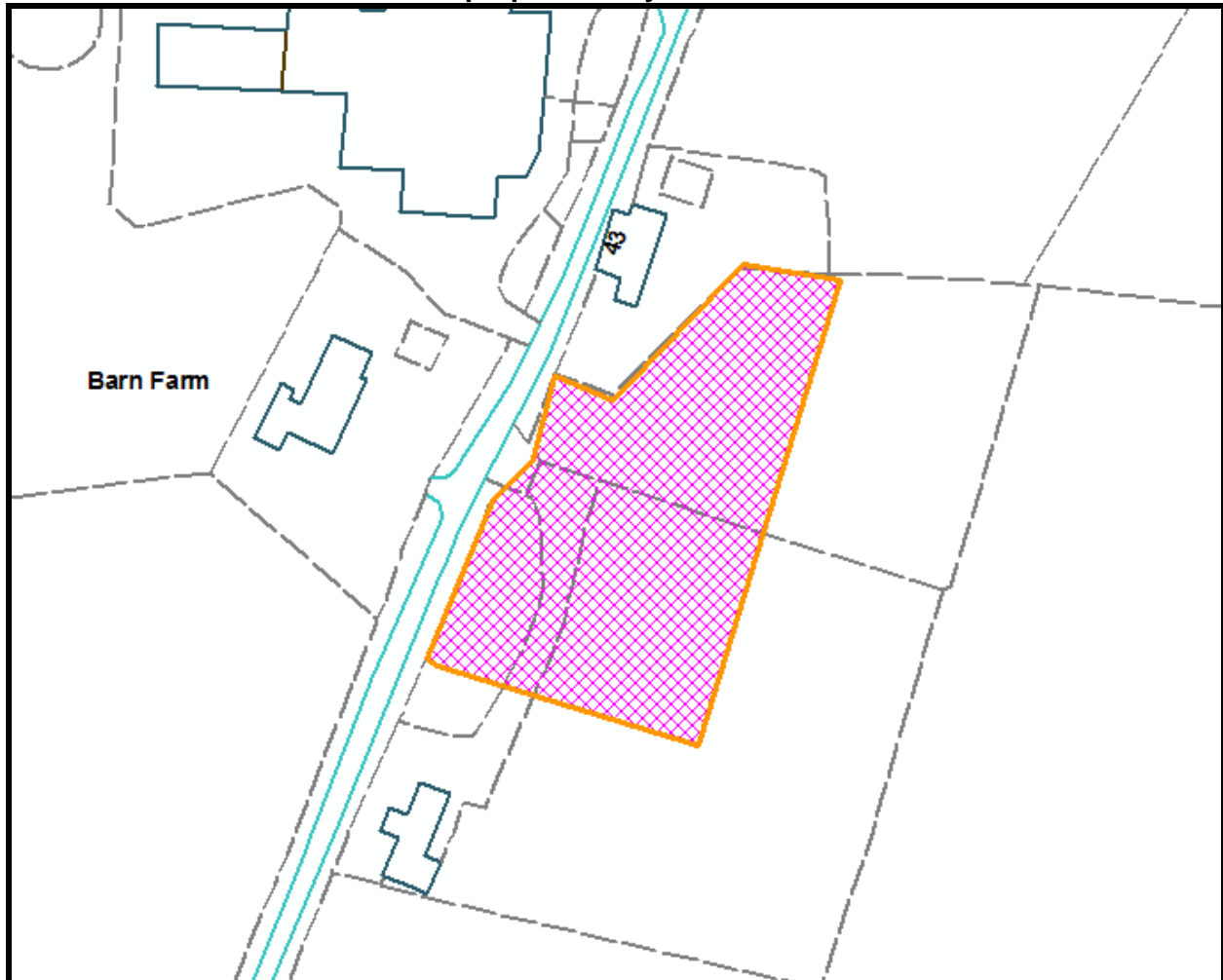
Case Officer:  
Christopher Elston

15 May 2017  
8 Week Date:  
12 April 2017

Recommendation:  
PERMIT

Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought before Planning Committee as two of the applicant's children are employed as Planning Officers within the Development Management team at the Council.

### **Proposal**

Reserved matters approval is sought for the erection of a self-build dwelling at land at Babelake Street, Packington. Outline permission was granted under application reference 16/00612/OUT for the principle of the development and this application seeks to approve the details of access, appearance, scale, layout and landscaping are now submitted for approval. The application site is set on the south-eastern side of Babelake Street to the immediate south of no. 43 Babelake Street.

### **Consultations**

Three individual representations have been received which object to the development proposals. Packington Parish Council also object to the application. All other statutory consultees, with the exception of Severn Trent Water whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

The application site is outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

The principle of the development has been accepted by virtue of the approval of the outline planning permission for one dwelling. It is considered that, following amendments, the proposed development could be carried out in a manner which would ensure that it would not impact adversely on the amenities of existing or future amenities, the character and appearance of the area or streetscape as well as highway safety and which could ensure the retention of existing vegetation. There are no other material planning considerations that indicate reserved matters approval should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

### **RECOMMENDATION - PERMIT, subject to conditions.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

This is a reserved matters application relating to the development of the site for the provision of one self-build dwelling on land at Babelake Street, Packington. An application for outline planning permission with all matters reserved was approved on the 5th October 2016, subject to a Section 106 agreement to limit the initial occupancy of the dwelling to the applicant and to ensure the dwelling was not severed from the use of the wider site for the keeping of horses. As a result matters of access, appearance, landscaping, layout and scale are now submitted for consideration. The 0.19 hectare application site is located on the south-eastern side of Babelake Street and is situated outside the defined Limits to Development.

The proposed dwelling would be a two-storey, with residential accommodation in the roof space, detached dwelling with three bedrooms which would be positioned centrally within the plot.

Vehicular access into the site would be via the existing gated access off Babelake Street, used in connection with the existing stables, with relevant turning and manoeuvring areas being provided to the frontage of the dwelling. External off-street parking spaces would also be accommodated within the site.

Hard landscaping is likely to be provided to the areas where vehicles would park/manoeuvre and access the site, as well as to pathways and patios around the dwelling, with soft landscaping being present within the private garden areas, to the frontage of the site and to its boundaries.

The recent and relevant planning history of the site is as follows: -

- 02/01462/FUL - Change of use of fields to paddock and the erection of stables - Approved December 2002.
- 13/00670/FUL - Erection of one single storage building for purposes ancillary to equestrian use - Approved October 2013.

### 2. Publicity

2 Neighbours have been notified (date of last notification 24.04.2017).

Site Notice displayed 6 March 2017.

Press Notice published Leicester Mercury 8 March 2017. Press Notice published Leicester Mercury 8 March 2017.

### 3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

**Environment Agency** has no comment to make on the application.

**Leicestershire County Council - Ecology** has no objections subject to conditions.

**Leicestershire County Council - Highways Authority** has no objections subject to their standing advice being considered.

**Natural England** has no objections.

**NWLDC - Conservation Officer** has no objections.

**NWLDC - Environmental Protection** has no objections.

**Packington Parish Council** object to the application on the following grounds: -

- Over intensive development of the site.
- The design is out of proportion with neighbouring dwellings.

Any revised comments following the re-consultation process will be reported to Members on the update sheet.

**Severn Trent Water** no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

### **Third Party Representations**

Three letters of representation have been received which object to the application with the comments raised summarised as follows: -

- The proposal would result in adverse impacts to the amenities of neighbouring properties.
- The proposal external materials should be consistent with those used in the immediate area.
- Construction traffic utilising Babelake Street has previously impacted on the structural integrity of the The Ginnel, Babelake Street and therefore there should be a pre and post structural assessment of the impacts on The Ginnel should the development proceed.
- The proposed dwelling is not consistent with the intended design approach considered at the outline stage.
- The size and positioning of the dwelling will have a significantly adverse impact on the character and appearance of the wider area with it being out of proportion with existing properties.
- The development is situated outside the defined Limits to Development.
- The proposal would have implications to ecological species.
- There is an increased risk in terms of highway safety due to addition vehicular movements.

Any revised comments following the re-consultation process will be reported to Members on the update sheet.

## **4. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the

determination of this application.

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

Paragraph 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Core planning principles);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraphs 32 and 35 (Promoting sustainable transport);  
Paragraphs 47, 49 and 55 (Delivering a wide choice of high quality homes);  
Paragraphs 57, 58, 60, 61 and 64 (Requiring good design);  
Paragraphs 69 and 70 (Promoting healthy communities);  
Paragraphs 99 and 100 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraphs 109, 111, 112, 113, 118, 119 and 123 (Conserving and enhancing the natural environment);  
Paragraphs 129, 131, 132, 133 and 134 (Conserving and enhancing the historic environment);  
and  
Paragraphs 203 and 206 (Planning conditions and obligations).

**Adopted North West Leicestershire Local Plan (2002)**

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy;  
Policy S3 - Countryside;  
Policy E2 - Landscaped Amenity Open Space;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy F1 - National Forest - General Policy;  
Policy F2 - Tree Planting;  
Policy F3 - Landscaping & Planting;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H4/1 - Housing Land Release;  
Policy H6 - Housing Density; and  
Policy H7 - Housing Design.

**Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy S3 - Countryside;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;

Policy En1 - Nature Conservation;  
Policy En2 - River Mease Special Area of Conservation;  
Policy En3 - The National Forest;  
Policy En6 - Land and Air Quality;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 - Water - Flood Risk; and  
Policy Cc3 - Water - Sustainable Drainage Systems.

#### **Other Policies**

##### **National Planning Practice Guidance**

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change national policy but offers practical guidance as to how such policy is to be applied.

##### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

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

Circular 06/2005 sets out that local planning authorities should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

##### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

##### **River Mease Water Quality Management Plan - August 2011.**

##### **The River Mease Developer Contributions Scheme (DCS).**

##### **The Community Infrastructure Levy Regulations.**

## **5. Assessment**

### **Principle of Development**

The principle of development on the site for residential purposes was established by the grant of the outline planning permission (ref: 16/00612/OUT). Under the outline planning permission all matters were reserved and as such the present application seeks to provide a greater level of detail in relation to the access, appearance, landscaping, layout and scale within the site. Assessment of this application should therefore relate to whether those matters reserved for subsequent approval accord with the relevant policies of the adopted Local Plan, submitted

Local Plan and NPPF. Therefore issues relating to the principle of the development and Impact on the River Mease SAC are not of relevance in the assessment of this application.

### **Neighbours and Future Occupants Amenities**

It is considered that the properties most immediately affected by the proposed development would be Barn Farm, set to the west, and no. 43 Babelake Street, set to the north.

A distance in excess of 45 metres would be provided between the north-western (front) elevation of the proposed dwelling and south-eastern (front) elevation of Barn Farm and such a distance would ensure no significantly adverse overbearing, overshadowing or overlooking impacts would arise.

In terms of the impacts to no. 43 Babelake Street the scheme has been amended from that originally submitted so as to remove a two-storey front projection from the proposed dwelling which had the potential to result in the creation of an oppressive environment to the amenities of no. 43 due to its height, proximity and orientation to the shared boundary and residential garden. As a result of the changes the proposed dwelling would now be set 16.4 metres from the closest part of the elevation and 9.2 metres from the shared boundary with no. 43 and consequently would not have a significantly adverse impact on the occupant's amenities in respect of overbearing or overshadowing impacts. In terms of overlooking implications the window in the north-western (front) elevation closest to the boundary with no. 43 would serve a bathroom which would be obscure glazed and as a consequence would not result in a significantly adverse overlooking impact.

In respect of the future amenities of any occupant of the proposed dwelling it is considered that given the relationship with neighbouring properties no adverse impacts would arise with any occupant being aware of the relationships prior to their purchase.

Overall the proposed development would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Appearance, Layout, Scale and Impact on Heritage Assets**

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

Land levels slope downwards from west to east and from north to south with mature planting defining the majority of the boundaries with the exception of that with no. 43 Babelake Street which is a close boarded fence with trellis top to a height of 1.8 metres. The submitted layout plan highlights the finished floor level of the dwelling and this would be 1.55 metres higher than no. 43 and 2.45 metres higher than Barn Farm. There is a difference in heights between Barn Farm and no. 43 of 0.90 metres (Barn Farm being single storey) and on this basis there is no consistent ridge height to adhere to with the difference in the ridge heights between the existing dwellings and proposed dwelling not being of such significance that the proposed dwelling would be unduly prominent when viewed within the immediate area. The presence of mature vegetation to the boundaries of the site would also assist in screening the dwelling and consequently its ridge height would not be significantly adverse to the visual amenities of the streetscape or wider environment.

The layout of the proposal is to have the dwelling orientated to address Babelake Street and be

set away from the highway. Both Barn Farm and no. 43 Babelake Street are orientated to address the highway but are set at differing distances to the carriageway (no. 43 abuts it and Barn Farm is detached from it), on this basis the proposed layout would be consistent with the character of this part of the Babelake Street streetscape and would not result in harm to the appearance of the wider area. A condition could also be imposed to limit the curtilage associated with the dwelling so as to ensure that it projects no further into the rural environment than that associated with no. 43 and this would protect the undeveloped nature of the wider rural landscape.

Changes have been made to the design of the property and it is considered that its appearance would be consistent with that of a traditional style 'cottage' property, which would be anticipated in a rural location, and would include certain design features consistent with no. 43 Babelake Street including the use of 'gablets'. The inclusion of a brick plinth, exposed timber rafters, brick cills/lintels and timber lintels would also be design features which the Local Authority deem desirable and would further enhance the aesthetics of the scheme. Overall the appearance of the dwelling would allow it to integrate into the environment in which it is set.

Strong concerns were raised by Officers over the scale and footprint of the proposed dwelling given that its size was significantly greater than those which it would be associated with which resulted in harm to the rural character of the area. As a result of these concerns amended plans have been received to revise the proposal which have resulted in the removal of a two-storey front projection thereby reducing the overall footprint by around 20 - 25% and visual scale of the dwelling. Whilst the footprint and scale would still lead to the dwelling being larger than those it would be associated with, the reductions made ensure that the difference would not be as significant and as such the proposal would no longer have a significantly adverse impact on the rural character of the area as to warrant a refusal of the application. It is, however, considered that the scale and footprint is at the limit which would be acceptable on the site and as such a condition would be imposed to remove permitted development rights for further extensions, as well as any incidental outbuildings, structures and enclosures, so that planning permission would be required for such proposals. Although any subsequent planning application would have to be assessed on its own merits it is considered that the fact that planning permission would be required would give the District Council an opportunity to resist such applications if necessary in the interests of visual and rural amenity. A note to the applicant would also be included on any decision notice to advise that subsequent applications for works are unlikely to be viewed favourably by officers.

In respect of the materials of construction it is proposed that red brick would be utilised for the plinth and painted render to the walls along with plain clay roof tiles. Both Barn Farm and no. 43 utilise differing materials and as such the selected materials would be considered appropriate, however in the absence of the precise materials being specified it is reasonable for a condition to be imposed on any permission granted for these to be agreed.

Blake Farmhouse (no. 33), Babelake Street is a Grade II Listed Building and is the closest heritage asset to the application site. No. 33 dates from the 18th century and part of its significance comes from its traditional design and prominence within the street scene (due to its scale and design). Its significance is also due to the farm forming the historic edge to the settlement with the countryside beyond.

The application site lies 110 metres from no. 33 and the Council's Conservation Officer has raised no objections to the application given that the aforementioned distance and intervening screening from the presence of the outbuildings at no. 33 and mature vegetation would lead to there being no harm to the significance of the setting of this heritage asset. In the circumstances



that no harm would arise to the significance of a heritage asset an assessment against Paragraph 134 of the NPPF is not required.

Overall the appearance, layout and scale of the dwellings would be acceptable and would ensure compliance with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies E4, F1 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

### **Accessibility**

The County Highways Authority have raised no objections subject to their standing advice being considered.

Whilst the means of access was not approved at the outline stage it was identified that the existing access into the site off Babelake Street, used in connection with the existing stables, would likely be the access point and this has been confirmed to be the case on the basis of the layout plan as submitted. In considering the outline application the County Highways Authority advised that due to the site's existing use as a pony paddock the proposed dwelling would not result in a significant increase in trips and an argument could be made that there would be reduction in movements on a daily basis. On the basis of these conclusions a condition was imposed on the outline permission (no. 4) to limit the occupancy of the dwelling to the owners/users of the adjacent land and stables so as to ensure there would not be a substantial increase in vehicles using the access. It would be a requirement that the reserved matters application adhered to the conditions of the outline permission and as such it can be concluded that the use of the existing access off Babelake Street in connection with the dwelling would not result in a severe impact on pedestrian or highway safety. On this basis the development is compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

A total of three bedrooms would be provided within the dwelling which would lead to a requirement for a minimum of two off-street parking spaces on the basis of the 6Cs Design Guide. The revised plans outline that three off-street parking spaces would be provided to the frontage of the dwelling and these parking spaces would have sufficient dimensions to ensure that they would be usable. On this basis the proposal would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

### **Landscaping and Ecology**

It was identified during the consideration of the outline application that the hedgerow which forms the site's front boundary is a Local Wildlife Site and that there was no intention to remove this hedgerow given that the existing access would be utilised.

The submitted layout sets the dwelling away from the hedgerow as well as a tree within this hedgerow which is considered to contribute to the visual amenity of the streetscape. In the circumstances that the tree and hedge would not be impacted on as a result of the development the County Council Ecologist has no objections subject to any new planting on the site being of a native species. Whilst the plans identify that a new hedgerow would be planted the precise planting mix is not specified and it would be encouraged that additional tree planting is undertaken due to the setting of the site within the National Forest.

In the absence of a precise soft landscaping scheme it is considered reasonable that a planning condition is imposed for such a scheme to be agreed with the planting requirements of the

County Council Ecologist also being specified to the applicant. Overall ecology and the presence of mature landscaping on the site would not act as a constraint on the development and therefore it accords with Paragraph 118 of the NPPF, Circular 06/05, Policies E2, E7, F1, F2 and F3 of the adopted Local Plan and Policies En1 and En3 of the submitted Local Plan.

### **Other Matters**

In terms of the matters raised which have not been considered above it is considered that no evidence has been provided to demonstrate that the construction traffic associated with the development, which is likely to be minimal given the scale of the proposal, would have implications to the structural integrity of The Ginnel with it being noted that there are no restrictions on Babelake Street which could control the level of vehicular activity which can occur or the type of vehicles which utilise the highway. In these circumstances the imposition of a condition associated with this permission to provide a pre-construction and post-construction structural appraisal of The Ginnel would be unreasonable, unenforceable and not directly relevant to the merits of the application thereby failing the tests for conditions outlined in Paragraph 206 of the NPPF.

### **Summary Reasons for Granting Reserved Matters Permission**

The principle of the development has been accepted by virtue of the approval of the outline planning permission for one dwelling. It is considered that, following amendments, the proposed development could be carried out in a manner which would ensure that it would not impact adversely on the amenities of existing or future amenities, the character and appearance of the area or streetscape as well as highway safety and which could ensure the retention of existing vegetation. There are no other material planning considerations that indicate reserved matters approval should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

### **RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1. Compliance with Conditions of Outline;**
- 2. Approved Plans;**
- 3. External Materials;**
- 4. Hard and Soft Landscaping;**
- 5. Replacement Trees;**
- 6. Off-Street Parking;**
- 7. Restriction of Residential Garden;**
- 8. Removal of Permitted Development Rights;**
- 9. Obscure Glass and Restricted Opening to Bathroom Window.**

**(subject to no contrary observations by 15 May 2017)**