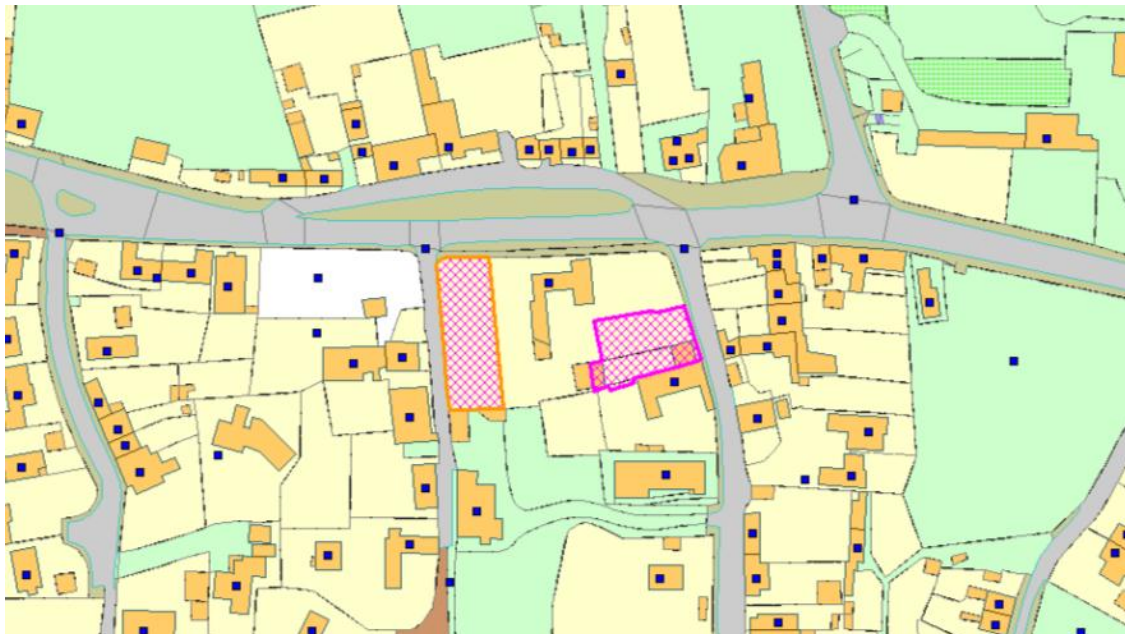


Reference: 14/00858/FUL
Date Submitted: 22nd October 2014
Applicant: Caister Castle Trust
Location: The Bowery, 2 Church Lane, Wymondham LE14 2AG
Proposal: Construction of three detached residential properties



Introduction:-

The application seeks planning permission for the erection of three dwellings in the grounds of The Bowery, two to be accessed from Chapel Lane, and one to be accessed from Church Lane. The site is within the village envelope and Conservation Area for Wymondham, and The Bowery occupies a large plot to the south of Main Street set within a number of mature trees.

It is considered that the main issue relating to the application is:

- **The impact of the proposals in the Conservation Area**
- **The highways safety of the proposals**

The application is required to be considered by the Committee due to the level of representations received.

Relevant History:-

There is no relevant history at the application site.

Planning Policies:-**Adopted Melton Local Plan (Saved Policies)**

Policies OS1 and BE1 allow for development within village envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H6 states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- or
- specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those that state that planning should:

- not simply be about scrutiny, but to be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- recognise the intrinsic character and beauty of the countryside and supporting thriving communities within it
- ensure the conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations.
- encourage effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value.

On Specific issues relevant to this application it advises:

Delivering a wide choice of quality homes:

- Local Planning Authorities should deliver a wide choice of high quality homes which widen opportunities for home ownership and create sustainable, inclusive and mixed communities. These should include a mix of housing based on current and future demographic trends, and identify the size, type, tenure and range of housing that is required in particular locations to reflect local demand.

- Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes policies, and that they should normally approve planning applications for change to residential use where there is an identified need for housing in the area, provided that there are no strong economic reasons why such development would be inappropriate.
- to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Conserving and enhancing the historic environment

- that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states at section 72 that there is a general duty with respect to Conservation Areas in the exercise of planning functions. Section 72(1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection</p> <p>The Officer made revised observations following the submission of amended plans. It is understood that the applicants own land on both sides of Chapel Lane, and therefore the applicants would be able to address the concerns of the Highways Authority in relation to the width of the carriageway.</p> <p>Although the Highways Authority has concerns regarding the sustainability of development in Wymondham from a transport perspective, if the Local Authority is minded to approve the application it would wish to see conditions imposed regarding the following:</p> <ul style="list-style-type: none"> • The widening of Chapel Lane prior to the occupation of any new dwelling for at least 10 metres back from the junction with Main Street. • The size of the car parking spaces • Visibility splays (vehicular and pedestrian) • Drainage • Hard bound surfacing 	<p>Noted.</p> <p>Following initial comments from the Highways Officer a revised site location plan was requested showing the land to the west of Chapel Lane within the red line. This would allow for Chapel Lane to be widened in accordance with the conditions as required by the Highways Officer to allow for 2 vehicles to pass, and could be conditioned as required.</p> <p>A new vehicular access is proposed off Chapel Lane to serve the two new dwellings proposed to the west of The Bowery. The parking spaces would be provided between the two dwellings with cars parked one behind the other. The plans show that adequate visibility splays can be provided by reducing the height of the wall to the west of The Bowery to a maximum of 600mm above the level of the adjacent carriageway. There is enough amenity space around each dwelling to ensure that the parking spaces can be made to be the size as required by the Highways Officer, with the clear margins on each side, and the amount of parking is considered satisfactory for the size of dwellings provided.</p> <p>The dwelling which is proposed to be accessed from Church Lane to the east of The Bowery shows two parking spaces side by side, and again there is enough space around these parking spaces to ensure that the clear margins required by the</p>

	<p>Highways Officer can be provided. The plans show that the visibility splays required can be provided to ensure safe access into and out of the parking spaces.</p> <p>As such, the proposal is considered to meet the objectives of policies OS1 and BE1 of the Melton Local Plan with regards to highways safety.</p>
<p>Wymondham & Edmondthorpe Parish Council: Object</p> <p>The Parish Council state that there are still factual errors in the plans and they are misleading. The boundary wall to 6 Chapel Lane has been erased from the plan, photographs are annotated incorrectly and are taken with a lens which distorts the viewpoint.</p> <p>The alterations required to the highway as recommended by the Highways Authority cannot be provided as this would involve the demolition of 6 Chapel Lane.</p> <p>In addition, the removal of part of the all and reduction in height would remove the historic yew trees impacting upon the environment and wildlife. This would also impact upon the streetscene and be overbearing to the village setting.</p> <p>Picket fencing between plots 1 and 2 would lead to tight turning, and there is inadequate parking for plot 3.</p> <p>Plot 2 will have an overbearing influence over the boundary wall, coach house and the setting of The Priory due to incorrect levels on the plans. The gable end window will affect the light into the upper floor of The Priory.</p>	<p>There are occasional typing errors in the plans, however from the details within the block plan / site plan and ground floor plans it is clear which elevations are which. The wall to 6 Chapel Lane has not been erased, it is not shown on the Ordnance Survey plan provided. As site visit has confirmed the existence of the wall, and this has been taken into consideration in the determination of the planning application. The lens used to obtain the photographs is irrelevant as a site visit was undertaken to ensure that the proposals were fully understood.</p> <p>Please see commentary below with regards to the impact of the proposals on the heritage assets of the area.</p> <p>The alterations to the highway can be provided to the satisfaction of the Highways Authority. The applicants owns land reaching back almost 17 metres into Chapel Lane, which meets the requirement of the Authority in so far as the requirement for the access to be widened for the first 10 metres of Chapel Lane. The requirements are therefore acceptable and achievable.</p> <p>There is nothing in the plans to suggest that a picket fence would be erected between plots 1 and 2; in addition the highways authority have required clear margins of 0.5 metres either side of the parking spaces, adding to the available space. Two parking spaces have been provided for plot 3 which is the four bedroom house, and whilst it would be ideal to have three parking spaces, it is not considered that the lack of one parking space would lead to severe on street parking problems such that would warrant a refusal of planning permission in terms of the impact upon highways safety.</p> <p>The coach house is an outbuilding to The Priory, and would be located approximately 1.7 metres to the south of plot 2. The building is used for storage, and as such is not considered to be a habitable space. The separation distance is considered to be suitable and would not impact</p>

	<p>upon residential privacy and amenity of The Priory and would accord with policies OS1 and BE1 of the Melton Local Plan.</p>
<p>Wymondham & Edmondthorpe Civic Society: Object</p> <p>Poor design quality – the application proposes brick rather than ironstone. Ironstone is a key element of the distinctive style of Wymondham.</p> <p>If the proposal goes ahead it will have a detrimental effect the attractiveness of the village and on tourism.</p> <p>The appearance of the development is not in keeping with The Bowery which is a historic building, described in the Conservation Appraisal of the village, and to surround it with brick built estate housing is detrimental to it and the village.</p> <p>The development is too dense for the village setting and would detract from the tranquil feel and appearance of the village.</p>	<p>Noted.</p> <p>Properties in Wymondham are predominantly ironstone and red brick, and often the two materials are mixed. Roofing materials are generally red clay pantiles, grey slates or Colly Western slates. The applicants have proposed that the dwellings would be built of a mixture of brick and stone, with plots 1 and 2 having slate roofs and plot 3 having pantiles. These materials are considered to be appropriate within the conservation area, however samples of the materials to be used can be requested as a condition of planning permission prior to the commencement of development should planning permission be granted.</p> <p>With regards to the attractiveness of the village and the conservation area, the NPPF advises at paragraph 131 that in determining planning applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraphs 132-134 detail how the impact of a proposed development should be considered in relation to the significance of a designated heritage asset. It states that the more important the asset, the greater the weight should be given to its significance.</p> <p>According to the Wymondham Conservation Area Appraisal (CAA), the conservation area was designated in 1973 and encompasses all of the older built up area of the village and large open areas to the south west. The CAA states that ‘The Bowery is another fine building built of local stone under a Collyweston roof, topped by hexagonal chimney pots. Set into a niche in the principal elevation is a stone Stilton cheese bearing witness to the dairy based history of the building and village.’ It goes on to state that ‘the rear entrance to The Bowery is adorned by Norfolk Gates within an archway, which allude to the owners previous business producing sauces and stuffing in the village factory’.</p> <p>These gates and part of the wall were removed at some point prior to the submission of the planning application, and if they were still in place would require removal to facilitate the build. The gates were not listed, but formed a heritage asset as part of the designation of the conservation area.</p> <p>Plot 1 of the proposal is arguably the most</p>

	<p>prominent dwelling proposed, being situated on the corner of Chapel Lane / Main Street. The dwelling is of a fairly simple, traditional double fronted design with the principal elevation facing on to Main Street. The roof would be dual pitched with the gables to the west and east elevations, and a chimney on the east elevation. There would be an entrance path to the front door accessed from Main Street, with parking to the rear accessed from Chapel Lane. Owing to the prominence of the west elevation on the corner of Chapel Lane / Main Street, the west elevation gable has been designed to have ground floor windows to the living room, with bricked in window features on the first floor to prevent an expanse of plain brick wall to this elevation. The height of the ridge of the dwelling would be 8.7 metres, and the dwelling would have a FFL of 105AOD. This would require some lowering of the site, as the existing site is at most 105.96AOD. The northern and western boundaries are lower than the site, at around 104.26AOD. The design of the dwelling and the proposed materials are considered to make a positive contribution to the conservation area in this location. It is not considered that the dwelling would detract from The Bowery, and the lowering of the site to give the dwelling a FFL of 105 would help to ensure this.</p> <p>Plot 2 shows a 2 bedroom house with the principal elevation being a gable end facing towards Chapel Lane, situated approximately 1.7 metres to the north of the boundary of The Priory. The parking would be situated adjacent to the parking for plot 1, to the north of this plot.. The design again is fairly simple, with a dual pitched roof with the gables to the east and west. There would also be a small dormer window inserted to the north elevation to provide a secondary window to one of the bedrooms. The total ridge height would be 7m from the FFL of 105.8AOD – the level of Chapel Lane at this point is 105.44AOD, therefore the site would be fairly level with Chapel Lane. Due to the outbuilding located between plot 2 and the grade II listed The Priory, it is not considered that this dwelling would affect the setting of the listed building. The size, scale, mass and materials and design are also considered to make a positive contribution to the conservation area in this location.</p> <p>Plot 3 would be located off Church Lane, set back from the street by approximately 11.5 metres. The dwelling would be 1½ storey, constructed in an L-shape, and again is a fairly traditional design with a gable end facing towards Church Lane, and the principal elevation facing north, with dormer windows in the roof. The ridge height would be a total of 6.98 metres, with the eaves at 3.5 metres.</p>
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<p>Biodiversity is important and the proposal will have an effect on the native trees and wildlife in the garden.</p> <p>Also object on the grounds of road safety.</p>	<p>It is also considered that this dwelling would make a positive contribution to the conservation area.</p> <p>The proposals are considered on balance to make a positive contribution to the conservation area, and not harm the significance of any designated heritage assets.</p> <p>Ecology were consulted on the application and have made no comments in response. The application would require the removal of a number of trees, and a condition could be used to ensure that works to trees only take place outside of the bird nesting season to ensure that any nests are not disturbed.</p> <p>Please see the commentary above with regards to the highways safety.</p>
<p>Housing Policy: No objections</p> <p>The Melton Borough Council Housing Stock Analysis, 2006-2011; 2006) demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This requires a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>Within the rural east of the Borough the study indicated that there is a need for smaller market housing such as 2 and 3 bedroom houses. There is a surplus of larger family accommodation.</p> <p>There are limited opportunities within village envelopes for significant new residential developments, and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The proposal is considered to meet an identified need within the rural east of the Borough as it proposes providing a mix of accommodation sizes including a two bedroom dwelling, a three bedroom dwelling and a four bedroom dwelling.</p>	<p>Noted.</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Bline Housing, 2009) supported the findings of the Housing Market Analysis and stated that controls need to be established to protect Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). The study states that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and sparsely populated rural areas.</p> <p>Therefore it is considered that the proposal to provide a two bedroom, a three bedroom and one four bedroom dwelling provides a mix of accommodation as advocated within the NPPF, and also provides two smaller dwellings as identified within the Housing Market Assessment. As such, the proposal is considered to meet the locally identified housing needs.</p>
<p>Building Control: The layout appears to be satisfactory for fire and refuge appliances.</p>	<p>Noted</p>

Representations:

A site notice was posted at the site, the application was advertised in the local press and thirteen neighbours were informed. In response to the initial consultation and amended plans 19 objections were received from 10 households. Following the submission of further (final) amended plans in May 2015 a further 3 objections were received from 2 households, and 1 letter of support.

Consideration	Assessment of Head of Regulatory Services
<p>Highways Safety</p> <p>Highways have specified that Chapel Lane should be widened from the proposed site access to its junction with Main Street to enable 2 vehicles to pass, however this would require the demolition of no 6 Chapel Lane.</p> <p>The widening of Chapel Lane / Main Street will help, but traffic turning in from the east of Main Street will be blind to vehicles coming out of the new dwellings.</p> <p>It is not clear how the widening of Chapel Lane would work.</p> <p>More traffic will make the junction worse.</p> <p>Parking for 6 Chapel Lane opposite the proposed entrance to plots 1 and 2 where there is parking for 3 vehicles – if this is removed there would be no parking for this house.</p> <p>There is insufficient space for a 17m visibility splay for plot 3 without the removal of The Old School and a reduction in the height of the boundary wall to The Bowery and the removal of a mature tree.</p> <p>There is insufficient parking to plot 3, only two parking spaces have been provided and DoE specifies 3 spaces are required for a 4 bedroom house. This would lead to on street parking in Church Lane.</p> <p>The parking shown for plots 1 and 2 does not conform to highways standards as they are not wide enough and don't have clear margins to the side.</p> <p>The plot outline for plot 1 is incorrect and therefore the car parking is impossible.</p> <p>There needs to be a double width driveway for plots 1 and 2 which is not shown.</p> <p>The development will exacerbate the parking</p>	<p>This issue was raised with the Highways Officer who has advised that a condition requiring the widened access to be for the first 10 metres of Chapel Lane would be adequate. It would appear from the plans provided that the applicant owns land reaching back almost 17 metres into Chapel Lane; therefore this would be acceptable and achievable.</p> <p>The conditions recommended by the Highways Officer require the details for the widening of the junction of Chapel Lane to be submitted to and approved by the local planning authority, and to be completed prior to the occupation of any of the dwellings. The final details will be agreed at this stage. This will ensure that the junction of Chapel Street / Main Street is improved in terms of safety.</p> <p>Please see commentary below with regards to the removal of trees.</p> <p>Two parking spaces have been provided for the four bedroom dwelling, and whilst it would be ideal to have three parking spaces it is not considered that the lack of one parking space would lead to severe on street parking problems that would warrant a refusal of planning permission in terms of the impacts upon highways safety.</p> <p>A planning condition as recommended by the Highways Officer can ensure that the relevant space is provided around the parking spaces.</p> <p>This comment relates to the amended plans that were submitted earlier. This issue has been resolved by the most recent amended plans submitted in May 2015.</p> <p>The parking provision is satisfactory to the Highways Officer subject to conditions.</p> <p>The development provides the required level of</p>

<p>problems on Chapel Lane</p> <p>Chapel Lane is narrow with no footpath used by pedestrians, therefore any increase in traffic will be hazardous.</p> <p>The turning circle at the end of Chapel Lane is constantly in use and would be hazardous if used for parking.</p> <p>The front door of plot 1 opens to Main Street which will result in cars parking there, restricting the visibility of the Chapel Lane junction and creating a hazard.</p>	<p>off road car parking and is not considered to exacerbate parking problems in Chapel Lane.</p> <p>The addition of two dwellings on Chapel Lane with the required visibility splays is not considered to compromise the safety of pedestrians.</p> <p>There is no evidence to suggest that two new dwellings in this location with sufficient off street parking provision would lead to further parking within the turning circle at the end of Chapel Lane.</p> <p>Subject to the imposition of conditions, the proposal is considered to meet the objectives of policies OS1 and BE1 in respect of highways safety.</p>
<p>Impact on the Conservation Area and Heritage Assets</p> <p>The removal of the yew trees along Chapel Lane and the reduction in the wall height will mean that the new dwelling would tower above The Bowery. The wall height is currently 1.3-1.4m and would be reduced to 0.6m. The street view would be a towering gable end with bricked in windows on the first floor. This would be detrimental to the street view and would be overbearing on the village setting.</p> <p>Plots 1 and 2 would have an overbearing influence on the village setting, particularly once the yew trees have been removed and the wall reduced in height.</p> <p>Plan B00126 P004A (site levels existing and proposed) Objectors query the accuracy of this plan, and the impact that plot 2 would have on the Grade II listed building The Priory.</p> <p>Plot 2 would have an overbearing impact upon the adjacent coach house, which whilst not listed itself forms part of the setting of the listed Priory.</p>	<p>Plot 1 would have a FFL of 105AOD according to the site survey and plans. This would require the removal of some earth and the levelling of this site. Whilst it has not been possible to ascertain the exact height of The Bowery, it is a large, two storey dwelling, and plot 1 of this proposal would be located approximately 10 metres to the west of it. The dwelling proposed at plot 1 is significantly smaller in terms of footprint and is not considered to be overbearing on The Bowery in terms of mass, size and scale. It is not agreed that the west gable of plot 1 would be detrimental to the streetscene or the conservation area as discussed above.</p> <p>It is not proposed to reduce the height of the wall to Main Street, only the wall to Chapel Lane to ensure the required visibility splays for the access and parking for plots 1 and 2. There would be a new pedestrian access created onto Main Street which would require the removal of a small section of wall, however this is not considered to have a detrimental impact upon the conservation area.</p> <p>Due to the separation distance between plot 2 and The Priory, and the outbuildings to the north of The Priory it is not considered that plot 2 would have an impact upon the setting of The Priory and therefore would not harm the significance of the Grade II listed property. Plot 2 would be located almost 2 metres from the boundary of The Priory where the coach house outbuilding is located. The total height of the dwelling proposed at plot 2 would be 7 metres to the ridge, which is not considered to have an overbearing impact upon this outbuilding.</p>

<p>The dwellings are not in keeping in the oldest part of the village and would be detrimental to the character of Wymondham.</p> <p>The character of the conservation area will be diminished by removing / reducing walls to Church Lane and Chapel Lane.</p> <p>Building at this site would have a detrimental, visually intrusive impact on the conservation area.</p> <p>The widening of the junction at Chapel Lane / Main Street would be detrimental to the streetscene of the village.</p> <p>The historic Norfolk Gate and Stone Arch to Chapel Lane, along with several metres of wall have already been removed in anticipation of planning permission being granted. These formed part of the Village Heritage Trail.</p> <p>Modern materials are not in keeping with the stone buildings, walls and surrounding area and do not reflect the vernacular.</p> <p>Modern box houses are not in keeping with the village and the site looks overcrowded.</p> <p>Historically houses such as The Bowery had large gardens / orchards which is a distinctive feature of the village which would be spoilt if the development goes ahead.</p>	<p>As discussed above the NPPF advises at paragraph 131 that in determining planning applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraphs 132-134 detail how the impact of a proposed development should be considered in relation to the significance of a designated heritage asset. It states that the more important the asset, the greater the weight should be given to its significance. It is considered overall that the design, mass and scale of the dwellings would make a positive contribution to the conservation area. The materials can be secured by way of planning condition.</p> <p>At present the land to the west of Chapel Lane at the junction of Main Street does not make a positive contribution to the conservation area, and the utilisation of some of this land to improve the junction is considered to be a benefit in highways safety terms and in terms of the impact on the conservation area.</p> <p>Whilst the reduction in height, and removal of some of the wall to Chapel Lane to provide the new access is regrettable, the loss needs to be balanced against the provision of housing in the area, and the overall impact that the wall has within the conservation area. On balance, the provision of well-designed housing in this location is considered to outweigh the partial loss of the wall in this location.</p> <p>It is agreed that the historic gate and arch, along with several metres of wall were removed, although it is not clear why this was the case. The proposal would require this to be the case if it were approved.</p> <p>It is proposed to use a combination of brick and ironstone in the construction of the properties, with slate and clay pantile roofs. The materials can be secured by way of condition should permission be granted. This is considered to reflect the predominant materials used in the built form of Wymondham.</p> <p>The proposed dwellings are of a relatively traditional design and in keeping with the conservation area.</p> <p>Whilst this may be the historical use of The Bowery, the applicant considers that the land is no longer required for this purpose and as such has come forward with a proposal for housing. The site is within the village envelope for Wymondham, which is considered to be a suitably sustainable location for infill development and there is a presumption in favour of development.</p>
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<p>The proposal is contrary to the sustainability appraisal agreed in September 2014 of which objective 8 is to conserve and enhance Melton's historic environment, heritage assets and their settings.</p>	<p>On balance, it is considered that the proposal would enhance the conservation area in Wymondham, and would therefore meet the objectives of the NPPF.</p>
<p>Residential Privacy & Amenity</p> <p>The proximity of plot 2 to the gable end window of the coach house will affect light into the upper floor of the building which is used for storage.</p> <p>The site levels will impact upon residential privacy and amenity.</p> <p>Plot 3 will overlook 7 Church Lane, particularly the lounge and bedroom of the new dwelling – it also has an elevated position which will restrict light to 7 Church Lane. The garages will also be in front of 7 Church lane being a nuisance.</p>	<p>The coach house is an outbuilding to The Priory, and would be located approximately 1.7 metres to the south of plot 2. The building is used for storage, and as such is not a habitable space. As such, this separation distance is considered to be suitable and would not impact upon residential privacy and amenity of The Priory and would accord with policies OS1 and BE1 of the Melton Local Plan.</p> <p>It is not clear how the site levels specifically would impact upon residential privacy and amenity. Plot 2 would be constructed with the ground floor only being slightly above the ground level of Chapel Lane. The Priory itself is situated approximately 17 metres from plot 2 and is not considered to be impacted in any way in terms of residential privacy and amenity. The principal elevation of plot 2 would face onto Chapel Lane where it would not directly face any other residential dwellings. 6 Chapel Lane would be offset from the principal elevation of plot 2, and as such would be minimally impacted in terms of residential privacy and amenity.</p> <p>Plot 1 has a separation distance of approximately 10 metres from the gable of The Bowery. Plot 1 would have no windows on the elevation facing The Bowery, and it is not apparent that there are any windows to habitable rooms facing towards plot 1 from The Bowery. The distances therefore are considered to meet the objectives of policies OS1 and BE1 in terms of maintaining residential privacy and amenity.</p> <p>The separation distance between plots 1 and 2 would be approximately 20 metres which is considered acceptable to ensure residential privacy and amenity between the two dwellings. To the north, the dwellings on the opposite side of Main Street are located approximately 27 metres from the principal elevation of plot 1 which again is considered to be acceptable.</p> <p>Plot 3 which would be located and accessed from Church Lane would be set back from the street by approximately 11.5 metres beyond the garden and parking provision. The dwelling would have a floor level approximately 0.8 metres above the</p>

	<p>street level of Church Lane. The impact of this change in land levels is offset by the set back of the dwelling from the street. The separation distance between plot 3 and the dwellings on the east side of Church Lane would be approximately 18 metres which is a little less than ideal for distances between habitable rooms. This issue is considered to have been overcome however by the lack of 1st floor windows on the east elevation of plot 3. The only windows on this elevation are at ground floor level to the kitchen / living area. This is therefore considered to have a minimal impact upon the residential privacy and amenity of this dwelling.</p> <p>As such, the proposal is considered to meet the objectives of policies OS1 and BE1 in regards to residential privacy and amenity.</p>
<p>Trees</p> <p>The removal and height reduction of part of the boundary wall to Chapel Lane for the visibility splay would result in the removal of 100 year old yew trees and would have a negative impact on the environment and wildlife habitat.</p> <p>The plans would involve the removal of a large mature tree adjacent to Church Lane which is the reason why the Bowery is called The Bowery.</p>	<p>A tree survey was submitted with the planning application; trees to the west of the site are within the conservation area, trees to the east of The Bowery are covered by a Leicestershire County Council Tree Preservation Order (05/00178/TPOLCC).</p> <p>The tree survey submitted suggests that the vast majority of trees within the TPO area, particularly to the north, have high and moderate classifications as defined within BS5837. The trees provide a good level of screening to the site and are of generally good / high quality and have a life expectancy of some years remaining. Only one tree would be required to be removed to form the driveway to plot 3, other trees could be conditioned to remain and could be protected by condition during the build with the use of root protection areas. The large sycamore at the entrance to The Bowery off Church Lane is a particularly prominent tree and would require on-going protection during any build.</p> <p>The tree that would require removal to enable the build of plot 3 and access to the driveway is much smaller than the sycamore and does not make a great contribution to the streetscene. It is not considered that its loss would be detrimental to the conservation area.</p> <p>The area to the west of The Bowery is not covered by a TPO, and as such the trees are only afforded protection by virtue of their location with the conservation area. The hedge and wooded area around the corner of Main Street and Chapel Lane would mostly be removed; however it is not considered that any of these particular trees warrant protection by a TPO for their contribution to the streetscene. Into Chapel Lane the yew hedge above the wall would be removed to improve the visibility splays and the safety of the</p>

<p>The Scotts Pine tree marked on the plan against the boundary wall between plot 2 and The Priory adds to the character of the area and should not be cut down or removed due to work done to levels.</p> <p>There is insufficient room for planting between plot 1 and the boundary wall as indicated on the plan.</p>	<p>junction. Whilst this loss would be regrettable it would improve the safety of the junction. Other trees in Chapel Lane are not considered to be worthy of protection by a TPO due to their type and location.</p> <p>The Scotts Pine tree that is between the boundary wall of the coach house / The Priory and plot 2 is set back from the road and is not considered to make a particular contribution to the streetscene. As such, a TPO would not be recommended for this tree.</p> <p>The planting shown on the plans is indicative, and a condition could be required to provide a full landscaping scheme should the application be granted planning permission.</p>
<p>Other Matters</p> <p>There is no space within Church Lane to relocate the lamp post that would need to be moved to access plot 3.</p> <p>Plan B00126 P101C all elevations are marked as front elevation which is misleading.</p> <p>Plan B00126 P001B the boundary wall has been removed/erased from 6 Chapel Lane</p> <p>The annotated photographs are labelled as view up / down 9 Chapel Lane which does not exist, they should be labelled as no 6.</p> <p>The fish eye lens used for the photographs is misleading.</p> <p>Annotated floor plans for plot 2 have not been made available.</p> <p>Inaccuracy of the plans for plot 2</p> <p>Concerns regarding the stability of the footings of boundary walls and the coach house to the south of plot 2 given the proximity to the boundary.</p> <p>Redevelopment of the site at the entrance to Chapel Lane (known as The Gollings) should be completed before any consideration is given to</p>	<p>This is not a material consideration in the determination of a planning application.</p> <p>It is noted that this is a typing error within the plans, however from the details within the block plan / site plan and ground floor plans it is clear which elevations are which.</p> <p>The wall has not been erased, it is not shown on the Ordnance Survey plan provided. A site visit has confirmed the existence of the wall, and this has been taken into consideration in the determination of the planning application.</p> <p>The photographs only form part of the documentation, and a site visit has also informed the recommendation of the application for determination. The incorrect labelling of this document does not alter the information gathered on site.</p> <p>The lens used to obtain the photographs is irrelevant as a site visit was undertaken to ensure that the proposals were fully understood.</p> <p>Plans for plot 2 have been made available for public viewing since 15th May 2015, and whilst some annotation is missing from the floor plans it is clear to see the size of the proposed dwelling and the rooms and room sizes proposed.</p> <p>The stability of the foundations of neighbouring dwellings would be ensured by building control and building regulations should the proposal be granted planning permission.</p> <p>The local planning authority can grant planning permission for a site, but it cannot insist that development is started.</p>

<p>further planning applications.</p> <p>There is no streetlighting in Chapel Lane.</p> <p>Site levels are not clear from the drawings</p>	<p>Noted.</p> <p>Existing and proposed site levels are specified within the set of plans as submitted on 15th May 2015 and discussed above.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Design</p> <p>The dwelling would have three bedrooms, one with an ensuite, and a family bathroom. On the ground floor there would be a living area with adjacent study, and an open plan kitchen/dining area. There would also be a ground floor WC.</p>	<p>The external design of the dwellings has been discussed above, however the commentary did not discuss the overall size of the dwellings or the layout.</p> <p>Plot 1 to be located on the corner of Main Street / Chapel Lane would be a three bedroom detached dwelling, one bedroom having an ensuite, in addition to a family bathroom on the first floor. On the ground floor the main access to the dwelling would be from Main Street, where there would be a downstairs WC, a relatively large living room and an open plan kitchen / dining room which would open out onto the garden to the south of the dwelling.</p> <p>Plot 2 would be located to the south of plot 1, further into Chapel Lane. This dwelling would have two bedrooms on the first floor and a family bathroom. The main entrance to the dwelling would be from Chapel Lane, and the ground floor would have a WC, and an open plan kitchen / living / dining area which would open out to the back garden to the east of the dwelling.</p> <p>Plot 3 would be located off Church Lane to the east of The Bowery. It would be set back from the lane behind its garden and parking spaces. The dwelling would have four bedrooms, one with ensuite and a family bathroom on the first floor which would be within the roof. On the ground floor there would be an open plan living / dining area to the rear of the dwelling, and an opening plan kitchen / living area at the front which would overlook the garden. There would also be a small utility room and WC.</p> <p>All of the dwellings are considered to have sufficient amenity space for storage and amenity, and as such meet the objectives of policies OS1 and BE1 of the Melton Local Plan.</p> <p>These policies of the Melton Local Plan are considered to be compatible with the overall aims and policies of the National Planning Policy Framework in supporting sustainable development, and as such they retain significant weight.</p>

<p>Policy Compliance</p>	<p>The site is within the village envelope for Wymondham and proposes residential infill development. As such, it is considered that the proposal meets the objectives of policies OS1, BE1 and H6 of the Melton Local Plan.</p> <p>The NPPF has at its heart the presumption in favour of sustainable development, and advises that where proposals accord with the development plan they should be approved without delay.</p> <p>As the site is within the designated Conservation Area for Wymondham the NPPF offers further advice regarding conserving and enhancing the historic environment. It advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.</p> <p>As has been shown above, the proposal is not considered to have an impact upon the significance of the designated Conservation Area for Wymondham, and will not harm the setting of the Grade II listed building to the south.</p> <p>As such, the proposal is considered to meet the overall objectives of the Melton Local Plan and the NPPF.</p>

Conclusion

The application seeks planning permission for the erection of three dwellings within the grounds of The Bowery within the conservation area and village envelope for Wymondham. Wymondham is a relatively sustainable location for infill development, where the presumption in favour of sustainable development as advocated by the NPPF would apply. It is considered that the proposal would enhance the conservation area, and would not harm the designated heritage assets. The proposal would provide much needed housing in the rural east of the Borough to reduce the shortfall of particularly smaller dwellings. The dwellings will cause no loss of residential amenity or privacy, and subject to the imposition of conditions it is considered on balance that the proposal should be recommended for approval.

RECOMMENDATION: Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the amended site location plan received at these offices on 17th December 2014 showing the land to the west of Chapel Lane also within the red line, and the approved plans received at these offices on 15th May 2015 numbered:

B00126 P101C (Plot 1 details)
B00126 P201C (Plot 2 details)

B00126 P302B (Plot 3 details)
B00126 P301 (Plot 3 details)
B00126 P001B (Site details)
B00126 P004A (Site details and levels)

3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Notwithstanding the details submitted, no dwelling hereby permitted and served from Chapel Lane, shall be first occupied until such time as Chapel Lane has been widened fully in accordance with a scheme that shall first have been submitted to and approved by the local planning authority. Chapel Lane shall be widened at its junction with Main Street for at least its first 10 metres, to enable two vehicles to pass and all works shall be carried out in accordance with Highway Authority standards. Once the widening works have been completed, they shall thereafter be permanently so maintained.
7. Notwithstanding the details submitted, each of the proposed car parking spaces shown within the curtilage of each dwelling shall have minimum dimensions of 2.4 metres width by 5.5 metres length and the car parking areas shall have 0.5 metre wide clear margins on each side. Such car parking shall be provided, hard surfaced and made available for use within the curtilage of each dwelling before that dwelling is first occupied and shall thereafter be permanently so maintained.
8. Notwithstanding the details submitted, minimum visibility splays of 2.4 metres by 17 metres shall be provided in each direction out of each of the accesses on to both Chapel Lane and Church Lane before the dwellings to which each access serves is first brought into use. These splays shall be cleared of any obstruction that exceeds a height of 600mm above the level of the adjacent carriageway and once provided shall thereafter be permanently so maintained.
9. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
10. Before first occupation of any dwelling, its access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
11. Before first occupation of any dwelling, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the vehicular access serving that dwelling, with nothing within those splays higher than 0.6 metres above the level of the adjacent carriageway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
12. Mesh style guttering shall be used on plot 3.

13. Following approval of the landscaping plan, protective fencing around the Root Protection Areas (RPA) of trees to be retained should be erected prior to any works taking place, including the site clearance and the demolition of any existing structures. Failure to adequately protect the trees from mechanical damage, soil compaction, excavation damage to roots, lowering or raising of soils and soil contamination may result in a tree which has been irrevocably damaged and is no longer viable for retention.

There may be occasions where access into the RPA of a tree is required. Access for the purpose of demolition or construction, should be under guidance of the Local Planning Authority and the developer appointed arboricultural expert. Adequate ground protection should be used, at all times, where access into the RPA of a retained tree is required.

14. Where buildings are to be erected within the 'zone of influence' of nearby trees, foundations should be designed in accordance with NHBC 4.2 (Building near trees). The foundation depth and type of construction would need to be commented on by a structural engineer and arboricultural expert. The zone of influence, soil type and potential for soil desiccation will need to be established prior to assessment being made. Failure to provide an adequate foundation may result in pressure for the removal of trees as part of a tree related subsidence issue.
15. Where possible all service runs should be kept away from the Root Protection Area (RPA) of a retained tree. However, should there be a need to locate a service run within the RPA of a tree the use of a shared use service run, with appropriate ducting, should be considered.
16. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwellings hereby permitted no development as specified in Classes A, B, C or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To ensure satisfactory landscaping is provided within a reasonable period.
6. In the general interests of highway safety.
7. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
8. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
9. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
10. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
11. In the interests of pedestrian safety.

12. To reduce the likelihood of removal or excessive pruning of the trees at the site.
13. To protect trees from damage prior to and during development.
14. To ensure the ongoing protection of the trees during construction.
15. To limit the need for successive, and potentially damaging, excavations within the RPA of a retained tree.
16. To enable the Local Planning Authority to retain control over future extensions in view type of development proposed.

Officer to contact: **Mrs Sarah Legge**

11th June 2015