

Erection of detached dwelling on site of the former Wesleyan Methodist Chapel

**Report Item No
A2**

Site Of The Former Wesleyan Chapel Dog Lane Wilson Derby

**Application Reference
18/02074/FUL**

**Grid Reference (E) 440481
Grid Reference (N) 324669**

**Date Registered:
13 November 2018
Consultation Expiry:
3 July 2019
8 Week Date:
8 January 2019
Extension of Time:
None Agreed**

**Applicant:
Mr John Rochester**

**Case Officer:
Hannah Exley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Approval is sought for the erection of a new three-bedroomed dwelling on the site of the former Wesleyan Chapel off Dog Lane in Wilson. The dwelling would comprise two and single storey elements. The proposed building would straddle a brook which passes through the site and a bridge would be provided over the brook to allow access throughout the site and to provide a base for the dwelling where it would cross the brook. There is an existing timber bridge which crosses the brook and this would be removed as part of the development.

Access to the dwelling would be off Dog Lane via an existing vehicular access into the site. Parking for two vehicles would be available to the front of the dwelling and private amenity space would be provided to the rear.

The site lies within the Wilson conservation area within an area of archaeological interest.

Consultations

A total of 11 letters of neighbour representation have been received, 10 stating support for the proposal and 1 raising concern. Breedon on the Hill Parish Council and all statutory consultees have raised no objections.

Planning Policy

The site lies outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

In conclusion, the site lies outside the Limits to Development where the re-use of previously developed land is considered acceptable in principle, subject to all other matters being addressed. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, highway safety, ecology, trees, floodrisk or airport safeguarding. The proposals would preserve the character and appearance of the Wilson conservation area. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Approval is sought for the erection of a new three-bedroomed dwelling on the site of the former Wesleyan Chapel off Dog Lane in Wilson. The dwelling would comprise two and single storey elements and would straddle a brook. There are remains of the former chapel on the site up to a height of 1.2m and the Council's records of the former building show that a building with a footprint of 8m by 5.6m and with a ridge height of 7.1m and 4.6m to the eaves occupied the site until 1989.

The proposed building would straddle a brook which passes through the site and a bridge would be provided over the brook to allow access throughout the site. There is an existing timber bridge which crosses the brook and this would be removed as part of the development.

Access to the dwelling would be off Dog Lane via an existing vehicular access into the site. Parking for two vehicles would be available to the front of the dwelling and private amenity space would be provided to the rear.

The application has been subject to various amendments during the course of the application following the advice of the Council's Conservation Officer in order to secure an appropriate design for the building within the historic environment that would be sympathetic to local character.

The site lies within the Wilson conservation area and is surrounded by buildings which are identified as unlisted buildings of interest which make a positive contribution to the Wilson conservation area. The site is also within an area of archaeological interest.

The application submission was accompanied by a Planning Statement, Heritage Statement and Ecology Report.

Recent Planning History:

None found.

2. Publicity

4 Neighbours have been notified.

Site notice displayed 21 November 2018

Press Notice published Derby Evening Telegraph 28 November 2018.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Breedon on the Hill Parish Council has no objections.

NWLDC Environmental Protection has no environmental observations.

NWLDC Conservation Officer recommends approval of the amended proposal subject to conditions.

Leicestershire County Council - Ecology has no objection subject to a condition requiring a construction method statement to ensure the watercourse routed through the site is not adversely affected.

Leicestershire County Council - LLFA refers the LPA to standing advice, advising that the development does not constitute major development and therefore, they do not wish to comments on the application.

East Midlands Airport (as Safeguarding Authority) has no objections subject to a note to applicant.

No responses received from Severn Trent Water, NWLDC Tree Officer or the County Archaeologist.

Third Party Representations:

A total of 11 letters of representation have been received.

10 letters of neighbour representation have been received in response to the original proposals, 9 stating support for the proposal and 1 raising objection. The comments can be summarised as follows:

- no objection to the right development;
- supportive of the re-use of this piece of land/previously developed land;
- the proposal relates well to existing built form and is situated on the footprint of the former chapel;
- the proposal is modest and sympathetic to its surroundings;
- a small-scale development would be attractive to a first time buyer or someone wishing to downsize which would free up a larger house in the village;
- concern about overlooking of The Corn Mill from first floor windows as the plans show minimal detail and request that any such windows should be frosted;
- loss of privacy to Brook Farm;
- Rochester homes are a local firm and have completed numerous developments to a high standard;
- Dog Lane can accommodate an additional dwelling without any highway issues;
- objection on the ground that the proposal is not in line with the settlement hierarchy;
- the site is presented as vacant brownfield land but has been used as a garden for the last 30 years;
- no evidence of a chapel remains;
- there is a shortage of small affordable homes to meet local needs and the proposal should be considered as affordable housing against policy H2 of the [previously] adopted Local Plan;
- the replacement dwelling should be considered against design and amenity policies not just the replacement of a place of worship.

1 letter of neighbour representation has been received to the amended plans, seeking assurance that flood risk has been properly assessed.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
Paragraph 109 (Promoting sustainable transport)
Paragraph 79 (Rural Housing)
Paragraphs 117, 118 (Making effective use of land)
Paragraphs 127, 130 (Achieving well-designed places)
Paragraph 175 (Conserving and enhancing the natural environment)
Paragraph 178 (Ground conditions and pollution)
Paragraph 189 (Conserving and enhancing the historic environment)
Paragraphs 192, 193 (Conserving and enhancing the historic environment)
Paragraph 196 (Conserving and enhancing the historic environment)
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change).

Adopted North West Leicestershire Local Plan (2017)

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

S2 - Settlement Hierarchy

D1 - Design of New Development

D2 - Amenity

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

EN1 - Nature Conservation

HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

CC2 - Water - Flood Risk

CC3 - Water - Sustainable Drainage Systems

Ec5 - East Midlands Airport: Safeguarding

Other Policies/Guidance

The Planning (Listed Buildings and Conservation Area) Act 1990

National Planning Practice Guidance

Leicestershire Highways Design Guide

Good Design for North West Leicestershire SPD - April 2017

Wilson Conservation Area Appraisal

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

The site was last used as a chapel and a chapel building occupied the site until 1989. Remains of the former structure exist up to height of 1.2m in height and the site is considered to constitute previously developed land. The application site lies outside the defined Limits to Development and is in the countryside and therefore, Policy S3 of the adopted Local Plan applies. This policy stipulates that only certain types of development (including the redevelopment of previously developed land) are permitted and they must conform to certain criteria whilst aiming to preserve and enhance the environment. With regard to criteria (i) and (iv), the suitability of the proposal in relation to the character and appearance of the landscape and the integration of the proposal within existing development, these are covered below in the 'design and impact on the character of the area' section of this report. As for criteria (ii) and (iii), the proposal would not result in the joining of settlements or ribbon development. With regard to criterion (v), the use of the site as a residential dwelling would be no less sustainable than its former use as a chapel.

Policy S2 of the adopted Local Plan identifies that within Wilson, development will be restricted to conversions of existing buildings and the redevelopment of previously developed land.

Therefore, it is considered that the re-development of previously developed land for residential purposes would be acceptable in principle, for the purposes of Policies S2 and S3 of the adopted Local Plan and paragraph 79 of the NPPF.

Design and Impact on Heritage Assets/ Character of the area

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF.

The proposed development must be considered against section 72 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 which requires that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area".

Paragraph 192 of the NPPF 2018 states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 193) 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 proposal is located within Wilson conservation area and it is a statutory requirement that any new development should at least preserve the character of the conservation area.

The scheme has been subject various amendments following the advice of the Council's Conservation Officer who initially raised objection on the ground that the originally proposed building, which sought to recreate the chapel building, would not be sympathetic to the character of development within Wilson. This reflects advice in the supporting information accompanying the application which identified that a slavish re-creation of the chapel is neither necessary nor desirable.

The amended scheme that has been developed for the site takes the footprint and simple form of the former chapel building but with a different approach to fenestration, and a single storey wing has been added with more contemporary detailing. The overall building has a simple and modest appearance and the building has a roof pitch that can accommodate traditional materials. The design incorporates a bridge to accommodate the build over the brook and to allow access throughout the site. The Council's Conservation Officer raises no objection to the amended scheme, subject to conditions.

Overall, subject to conditions to secure details of the proposed materials, windows and doors, landscaping and boundary treatments, in accordance with the advice of the Council's Conservation Officer, it is considered that the proposed dwelling would be in keeping with the scale and character of existing development in the locality and would preserve the character of the conservation area.

Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policy D1 of the adopted Local Plan.

Archaeology

The site lies within an area of archaeological interest and accordingly the County Archaeologist has been consulted on the application. No consultation response had been received at the time of writing this report and should any further correspondence be received, Members will be advised via the update sheet.

Impact on Residential Amenities

The properties that would be most immediately affected by the proposed development would be Brook Farm to the south west, Cornmill to the north east and The Fold Yard to the north west.

The proposed dwelling would be built in the location of the former chapel and would be adjacent to the common boundary with Brook Farm. This neighbouring property has a large front garden such this neighbouring dwelling would be sited over 15m from the application site, which is considered to be sufficient to prevent any undue overbearing or overshadowing impacts as a result of the development. There are no windows on the south facing elevation facing Brook Farm and therefore, the proposal would give rise to no direct overlooking of this neighbouring property.

The proposed dwelling is sited 7m from the common boundary with The Fold Yard and there

would be a distance of over 15m between the proposed dwelling and this neighbouring property which is considered sufficient to prevent any significant overbearing or overshadowing impacts on this neighbouring property. There are windows in the rear facing elevation, including two first floor windows serving a bedroom and en-suite that would be a distance of 8m from the common boundary. However, when having regard to the size of the garden area to the Fold Yard and the distance of this part of the garden from the neighbouring dwelling, along with the mature landscaping present along the common boundary at this point, it is not considered that any significant overlooking impacts would arise. This neighbour has also made a representation in support of the application.

The dwelling known as Cornmill is a converted dwelling located over 20m to the north east. The private garden area to this neighbouring dwelling would occupy the space between this neighbouring dwelling and the application site. The common boundary is occupied by post and rail fencing and hedgerow planting and there would be some inter-visibility between the site and this neighbouring garden. The neighbouring garden is also overlooked from Dog Lane through the access and above low boundary treatments along the highway boundary.

Where it is closest to this neighbouring dwelling, the proposal would be single storey and would be sited 5m off the boundary with this neighbouring property. Whilst there is one window in the gable of the single storey elevation serving a kitchen diner, there are no first floor windows facing this neighbouring property. Given the distance of 5m between the ground floor window and the common boundary, there may be some opportunities for overlooking of the neighbouring garden in the winter months when the vegetation is less dense but as the vegetation matures this would lessen. Furthermore, any overlooking would be no worse than that which already occurs from the public highway. Overall, given the distance to the neighbouring dwelling, there would be no overlooking of the neighbouring dwelling itself and it is not considered that any overlooking of the garden area would be sufficiently detrimental to warrant a refusal of permission.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Impacts on Highway Safety

The application is for one dwelling and therefore, falls to be considered under Highways Standing Advice. The proposal would utilise an existing vehicular access off Dog Lane (unclassified road), which served the former chapel on the site. The existing access is level and is set back 5m from the highway with a five bar gate with post and rail fencing either side. This access arrangement would be retained for the proposed dwelling which accords with highways standing advice.

The visibility available at the access are restricted to 8m and 6m which is substandard for a 30mph road. However, Dog Lane is a single track road and is lightly trafficked given the limited number of properties it serves, and vehicles speeds are also low given the narrow width of the road. The site is also previously developed land and traffic generated by the proposed dwelling would be less than that by the former use of the site.

Overall, when having regard to the former use of the site, its previously developed status and the nature of the road and likely vehicles speeds, it is not considered that a refusal on the ground of substandard visibility splays could be sustained. The views of the County Highways Authority have been sought and they concur with this assessment.

The site layout shows that there is sufficient space within the curtilage of the site to allow for two parking spaces to be provided in connection with the occupation of the proposed three-bedroom dwelling in accordance with highway standards.

Overall, therefore, the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation to the Leicestershire Highways Design Guide and Policies IF4 and IF7 of the adopted Local Plan.

Ecology and Trees

The County Ecologist has been consulted on the application and originally raised concern about the potential construction impacts on the watercourse which is directly adjacent to the site of the proposed building. The foundations of the former chapel building form a raised platform and one side of which includes a brick retaining wall to the watercourse. The former chapel platform would form the base of the replacement building and therefore, in the long-term, impacts on the watercourse would be no more than experienced at the moment but if works are required to stabilise the retaining wall or remove vegetation along the watercourse then, this could have an adverse environmental impact.

In order to address the concerns of the County Ecologist, the applicant's agent has suggested a construction method statement to enable the impacts of the construction to be controlled and this is considered an acceptable approach to the County Ecologist. No other ecological information is required by the County Ecologist.

There are a number of mature trees on and around the site, the closest being a mature beech tree located on the southern edge of the watercourse and with its root protection spanning up to the remains of the former building on the site. The trees are protected by virtue of their location within a conservation area. The proposal, which would incorporate the foundations of the former chapel would have not greater impact on the trees than the existing situation. Therefore, subject to a condition requiring protection fencing being on site prior to works commencing, it is not considered that the proposal would have any significant adverse impact on existing trees on the site.

Overall, subject to conditions requiring a construction method statement and protection fencing, the proposal would accord with Policy En1 of the adopted Local Plan the aims of Paragraph 175 of the NPPF and Circular 06/05.

Floodrisk

The development would straddle a brook and falls within Flood Zone 1. The site lies within an area which is within a high risk of surface water flooding. Local Lead Flood Authority (LLFA) was consulted on the original proposal and had no comment on the application due to the minor nature of the proposal. The amended proposal would result in the development straddling the brook and therefore, updated comments from the LLFA have been sought. Revised comments had not been received at the time of writing this report and therefore, Members will be advised of any further comments received via the update sheet.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport and as the airport safeguarding authority, the airport has been consulted and raises no safeguarding objections subject to a note to applicant concerning the use of cranes. Therefore, the proposal would raise no safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

Conclusion

In conclusion, the site lies outside the Limits to Development where the re-use of previously developed land is considered acceptable in principle, subject to all other matters being addressed. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, highway safety, ecology, trees or airport safeguarding. The proposals would preserve the character

and appearance of the Wilson conservation area. Subject to no objections being received from the LLFA with regard to floodrisk and the County Archaeologist with regard to archaeology, there are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following conditions:

Conditions:

1. Time limit
2. Approved plans
3. External materials
4. Window/door details
5. Landscaping and boundary treatments
6. Construction management condition - ecology
7. Pd rights - extensions and alterations
8. Tree protection
9. Two parking spaces
10. Gate set back - 5m
11. Surfacing
12. Surface Water Drainage