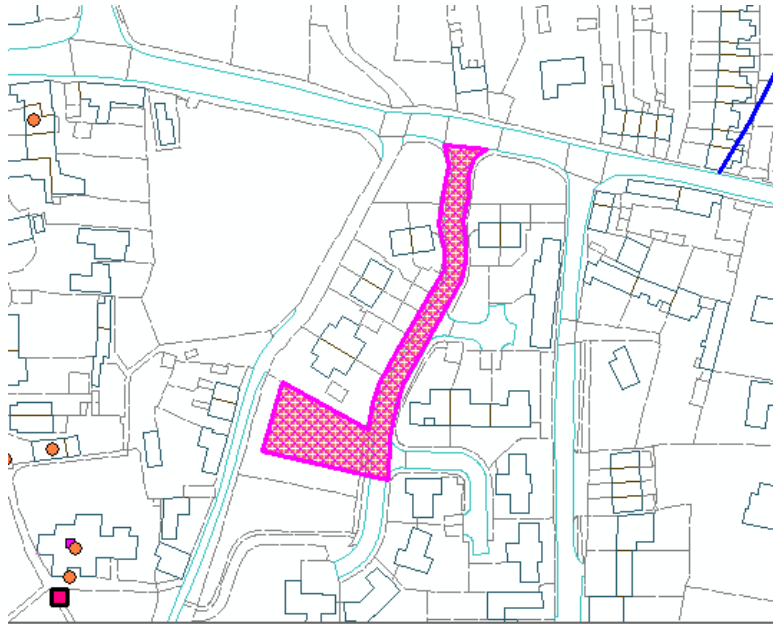


Reference: 15/00696/FUL
Date submitted: 16.09.15
Applicant: Mr A Girvan - Campbell Buchanan
Location: Land Between 12 And 23, Old Manor Gardens, Wymondham
Proposal: Construction of a two storey dwelling with associated works.



Proposal :-

This application seeks planning permission for the erection of two storey 3-bedroom detached dwelling on land between 12 and 23 Manor Gardens in Wymondham. The dwelling is to be located within the Village Envelope and Conservation Area of Wymondham on an area that is currently used as open space within a residential development of 18 dwellings. There are residential properties surrounding the site and the Grade I St Peters Church lies to the south west.

It is considered that the main issues relating to the proposal are:-

- **Compliance with the development plan policies**
- **Impact upon Designated Heritage Assets**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application is to be considered by Committee due to the previous history of the site and number of objections received.

Relevant History:-

01/00006/OUT - outline planning application for residential development of the site was withdrawn.

02/00003/OUT - Planning permission was refused for residential development. A layout plan indicated 23 dwellings, including significant development on the western side of the site close to Nurses Lane.

03/00879/FUL - Planning permission was refused for residential development comprising 20 no. dwellings (5no. conversions and 15no. new build).

04/00678/FUL – Planning permission was granted for the proposed erection of 15 new dwellings and conversion of 5 dwellings from existing buildings.

06/00838/FUL – Planning permission was granted for the erection of 14 new dwellings and conversion of 4 dwellings from existing buildings.

07/00789/FUL – Planning permission was granted for the erection of 14 new dwellings, conversion of existing barn to dwelling and reconstruction of existing barn to 3 dwellings.

07/01157/FUL - Planning permission was granted for a revised design to consented garages (Ref. 07/00789) incorporating bat protection measures.

12/00043/FUL – Planning permission was **refused** for the erection of 4 two bedroom semi-detached dwellings, car parking, landscaping, fencing and associated works. The application was refused on the grounds that two pairs of semi detached two storey dwellings on an open area of land would not preserve or enhance the character and appearance of the Conservation Area and would also detract from the setting and views of the adjacent Grade I listed church and that the proposed development, by virtue of their height and positioning on land at a higher level, would result in an overbearing impact on the houses opposite on Nurse's Lane, to the detriment of the amenity of the occupants of these properties. This application was dismissed at appeal due to impacts upon designated heritage assets.

12/00687/FUL – Planning permission was **refused** for the erection of a pair of 2-bedroom single storey properties. It was considered that the development would not preserve or enhance the character and appearance of the Conservation Area and would also detract from the setting and views of the adjacent listed church. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF.

Planning Policies:-

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: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5

(requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

The National Planning Policy Framework 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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- deliver development in sustainable patterns and
- re-using brownfield land.

On Specific issues it advises:

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

- always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and building
- take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- encourage the effective use of land by reusing land that has been previously developed (brownfield)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- Significant weight should be given to the need to support economic growth

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

Conserving and Enhancing the Historic Environment

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 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.
- Where a proposed development will lead to less than substantial harm to ...[the] significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority –	Old Manor Gardens is a private road, and not

<p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider sustainability, check access and parking provision to ensure compliance with LCC standards</p>	<p>maintained by the Highway Authority as public highway, and therefore the proposed development does not have any real affect on highway safety</p> <p>The application proposes that the dwelling will have 2 allocated car parking spaces in front of the dwelling. The spaces will have immediate access from the estate road.</p> <p>The level of parking provision meets current standards and will not have a detrimental effect upon highway safety.</p>
<p>Conservation Officer:- Objects</p> <p>The proposal will have a negative impact on the setting of a Grade I listed building in the regard that any houses built on the proposed site will affect the setting of the Church and views towards it will be compromised from any buildings on that land. Furthermore, the proposal will be elevated and serve to overshadow the group of dwellings on the opposite side of Nurses Lane that currently benefit from the open space.</p> <p><u>Recently published guidance by Historic England on the setting of Heritage Assets offers the following advice:</u></p> <p>The setting of a heritage asset is defined as ...‘ the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. In this case the open space is an important element in regards to the setting and significance of the grade I listed Church and makes a positive contribution to it. Likewise it is important to the settings of other heritage assets (Conservation Area buildings) on Nurses Lane.</p> <p>The guidance also states that’The setting of any heritage asset is likely to include a variety of views of, across or including that asset, and views of the surroundings from or through the asset. A long distance view may intersect with and incorporate the settings of numerous heritage assets.’...The open land is an important element in distant views towards several heritage assets, with the Church identified as the most significant of the group, which can presently be viewed as a collection as well as individually.</p> <p>With regard to the historic environment policies within the NPPF, paragraphs 129, 131 and 137 are</p>	<p>The site is within the Conservation Area where high standards of design are expected. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“P(LBCA)A 1990”) requires that special attention to the desirability of preserving or enhancing the character or appearance of that area. section 66(i) of the same Act also requires that special regard to the desirability of preserving a listed building or in this case the setting of the grade I listed church. The policy approach in the NPPF is as follows:</p> <p><i>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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification... Substantial harm to or loss of designated heritage assets of the highest significance, notable scheduled monuments, ... should be wholly exceptional. (NPPF Paragraph 132).</i></p> <p><i>Where a proposed development will lead to less than substantial harm to ...[the] significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use...(NPPF para 134)</i></p> <p>The adjoining site is a designated heritage asset of the highest significance as it is a Grade I Listed Church.</p> <p>The assessment under the requirements of the NPPF is to consider whether this harm would be substantial or significant and whether it could be mitigated or whether the benefits of the scheme outweigh the harm. Therefore, when making a judgement on the impact on the heritage asset the</p>

<p>relevant. Clearly the Grade I listed Church is a very significant heritage asset. It is within a group of other heritage assets by virtue of their Conservation Area status. The setting is an important element within that significance and my view remains that the setting is impaired by this proposal.</p>	<p>harm to the heritage asset will need to be judged against the benefits of the scheme.</p>
<p>Although the proposed development appears to be of high quality with the appropriate selection of materials to match the surrounding Conservation Area, the development on the open space will not contribute to the local character but will adversely affect the setting of the Church and associated heritage assets. Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Development of this part of the site would have the opposite effect.</p>	<p>It is considered that the existing open space is an important element in regards to the setting and significance of the grade I listed Church and makes a positive contribution to it. Likewise it is important to the settings of other heritage assets (Conservation Area buildings) on Nurses Lane.</p>
<p>The site lies within the Wymondham Conservation Area and it is therefore necessary to preserve or enhance the existing character and appearance of the Conservation Area. The Grade I St Peter's Church is also located to the south west of the site and therefore it is necessary to consider the setting of the church and any views of it .The site has been the subject of previous applications in the past and has been refused by virtue of its elevated level relative to the surrounding area resulting in a development which would be unduly prominent and would not be harmonious with the surrounding development, to the detriment of the character and appearance of the Wymondham Conservation Area.</p>	<p>The site has been the subject of applications in the past and has been refused previously by virtue of its elevated level relative to the surrounding area resulting in a development which would be unduly prominent and would not be harmonious with the surrounding development, to the detriment of the character and appearance of the Wymondham Conservation Area.</p>
<p>The more intimate views of the Church across the development site are arguably the best views of the Church from within the village and include most of the chancel and the nave and in particular the fine window at the east end. The proposal to include a 1.8meter close-boarded fence will adversely impact on this view and the proposed plantation will have a subsequent impact when the planting has matured. The open land is also an important element in distant views towards several heritage assets, of which the Church is the most significant. A recent application for a residential extension facing the south side of the Church has been advised to resubmit scaled-down plans, as they will affect the setting of the Church – however this development would have an even greater impact on the setting.</p>	<p>The development that was subsequently approved and implemented was largely confined to the part of the site which was previously built upon, and it was noted that the setting of the closest Listed Building to the site (St Peters Church) was safeguarded by the open space proposed on the Nurses Lane frontage which provides a buffer between the new development and the churchyard as well as to properties fronting Nurses Lane.</p>
	<p>The proposal seeks to provide a 2/3 bedroom property (2 rooms labelled as study areas) on a greenfield site that is considered to contribute to the openness of the estate and affords open views of the Church. The site was part of the overall design of the estate formerly an industrial site (Space Foods) however this part of the site did not contain buildings and has never been developed, and would have always afforded views of the Church. The open land has been divided into two, one part will remain as open land whilst the other part forms the application site.</p>
	<p>Numbers 10 and 12 sit fronting the highway albeit set back from the back edge. The proposed dwelling whilst providing a similar set back from the highway has not followed the pattern of the highway and would therefore be sited at a slight angle. This is in an attempt to remove the bulk from the streetscene and to address the previous two refusals where development was considered to impinge on the open views of the grade I church.</p>

	<p>The submitted Heritage Statement makes reference to the dwelling to be set down on the site however there is no reference to this on the drawings and no finished site levels have been supplied to address the elevated position.</p> <p>Previous proposals sought to develop the majority of site with four 2 storey dwellings (dismissed at appeal) and 2 no. single storey dwellings on a smaller part of the site. This proposal is similar in site area to that put forward for the 2 no. single storey dwellings which were also refused due to impact upon the setting of the listed building and the Conservation Area. It is not considered that that this proposal warrants a different outcome as harm to the designated heritage assets have still be identified.</p> <p>It is also proposed to erect a 1.8 metre boundary fence encompassing the residential curtilage along the south, west and north elevation. To soften the appearance landscaping is proposed in front of the fence. This will be a new feature in the streetscene which will dissect the open land.</p> <p>It is noted that it is proposed to leave a strip of land to the rear of the site, along Nurses Lane. Due to the change in land levels a 1m high close boarded boundary fences is proposed to retain a 1.6m gap behind the dry stone boundary wall. A new hedge is to be planted, along with a number of trees. The Conservation Officer has commented that when the trees reach maturity this will impact upon the views of the grade I listed church and will have a negative impact long term.</p> <p>It is considered that a detached two storey dwelling on this open area of land, cutting the size of the open land in half, would not preserve or enhance the character and appearance of the Conservation Area and would also detract from the setting and views of the adjacent listed church. The Grade I listed church is a very significant heritage asset and the proposed development will not enhance this significance. Accordingly the proposal will be detrimental to the character and appearance of the area and will adversely affect the setting of the Church and associated heritage assets.</p> <p>Whilst the proposal is considered to have less than substantial harm, it does not meet the requirements of the NPPF paragraph 132 and 137.</p> <p>(The issue of balancing this harm against wider</p>
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	public benefits is addressed below)
<p>Historic England:-</p> <p>Historic England (formally English Heritage) were not consulted on the previous planning applications relating to this site. Historic England note the appeal on 12/00043/FUL which was dismissed. Though this application was for four dwellings, Historic England would refer you to this decision and reasoning, in addressing concerns with this planning application.</p> <p>Historic England also refer you to relevant guidance contained within the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Notes 1-3 - which includes useful guidance on setting. Historic England also draw attention to the documents online which are confusing as they propose a one 3 bedroomed bungalow and/or a two storey house.</p> <p>Recommendation</p> <p>Historic England would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.</p>	<p>Noted. Please see commentary above.</p> <p>The proposal seeks planning permission for a two storey 2/3 bedroom property. One bedroom to be provided at ground floor and another bedroom and a study at first floor.</p>
<p>Archaeology:- No objections, subject to conditions.</p> <p>The Leicestershire and Rutland Historic Environment Record (HER), informed by trial trenching undertaken in response to the 2007 redevelopment of the Space Foods site shows that the application site lies in an area of archaeological interest. The excavation of a trenching running approximately north-south along the western (Nurses Lane) edge of the development site revealed 'a dense area of archaeological features' including ditches, pits, post holes and other unidentifiable remains. The investigation showed a limited depth of overburden, some 0.3-0.6m in depth, with shallower deposits apparent to the south. Additional trenching, to the south of the proposed development site, revealed structural remains, further ditches and unidentified archaeological deposits.</p> <p>The current proposals envisage the construction of a two storey dwelling, together with associated services and landscaping. With the exception of the trial trenching mentioned above, the current</p>	<p>Noted. Conditions can be imposed to any planning permission to ensure that the appropriate level of recording is carried out on the site prior to any development taking place.</p>

<p>development area has not been the subject of detailed archaeological investigation (it was omitted from the previous archaeological excavation due to its inclusion within an area of public open space). Consequently, there is a likelihood that buried archaeological remains will be affected by the proposed development.</p> <p>The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 12, paragraph 141).</p> <p>To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This will consist of a programme of archaeological work, to be conducted as prior to the start of the proposed development. The fieldwork will commence with an archaeological soil strip of the development area, followed by the investigation and recording of any exposed archaeological remains. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.</p> <p>A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request.</p>	
<p>Parish Council: Objections</p> <p>The proposed dwelling would not preserve or enhance the character and appearance of the conservation area and it would detract from the views and setting of the adjacent Grade 1 listed church.</p> <ul style="list-style-type: none"> • The proposed dwelling, would be built on land at a higher elevation than the houses opposite at Nurses Lane, which would create an overbearing influence on these established residential dwellings. 	<p>Noted please see above (Commentary from the Conservation Officer and evaluation opposite.</p> <p>Due to the orientation and separation distances it is considered that the proposal is capable of not having an unduly or adverse impact upon the residential amenities of the properties along Nurses Lane. (see below page 10)</p>

<ul style="list-style-type: none"> Concerns regarding the archaeological aspects of the site as it was identified as a site of archaeological interest, it was noted that this current proposed development area was not part of the original survey due to its inclusion within an area of Public Open Space. The archaeological report concludes there is a likelihood that buried archaeological remains will be affected by the proposed development. There are a number of factual errors within the design and access statement which causes concern. 	<p>Noted. LCC have recommended that the conditions in order to safeguard any archaeology potential.</p> <p>Noted. The comments have not highlighted the parts to be incorrect. It is noted that there are references to setting the dwelling down but this is not shown in the drawings.</p> <p>The two open areas either side of the access road adjacent to Main Street (designated as a Protected Open Area) occupy a total of 7% of the overall site area. The overall development including this proposal will therefore retain in excess the 5% open space requirement set out in Policy H10 and Appendix 5 of the Local Plan and accordingly the development will remain acceptable in terms of the open space provision.</p> <p>Policy OS1 has been thoroughly considered in reaching a decision</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 17 letters of objection from 15 separate households.

Representation	Assessment of Head of Regulatory Services
<p>Character of the Area and designated Heritage Assets:</p> <p>Object to this application because it would block the view of Wymondham Church, which is a listed building. Also it would take away a valuable green space in the centre of a built-up area</p> <p>We do not need any further houses on this development. The area will give the close more traffic. Take away the view of the church. The houses will block light for the houses on Nurses Lane.</p> <p>It will block the lovely view to the Grade 1 listed Church. Old Manor Gardens benefits from a certain breathing space, the houses are actually quite close to each other and needs the room in order to remain a desirable place to live</p>	<p>Please see assessment above on pages 5 – 7 (for full commentary by Conservation Officer)</p> <p>The Old Manor Gardens Estate lies to the south of Main Street. It was completed in 2009 and comprises 7 detached properties, 8 semi-detached properties and a terrace of 3 properties with a combination of new build and conversion following the demolition of Industrial premises (Space Foods). The surrounding area is predominantly residential in character and the northern part of the estate fronting Main Street is designated a Protected Open Area.</p> <p>The previous approval safeguarded the setting of the closest Listed Building to the site (St Peters Church) by the open space proposed on the Nurses Lane frontage which currently helps to provide a buffer between the new development and the churchyard as well as to properties fronting Nurses Lane.</p>

<p>The proposed development would obliterate the general overview of the heritage grade one listed St. Peter's church together with its very colourful and beautiful stained glass east window</p> <p>The plan as outlined will impact negatively on the setting of the Grade 1 listed Church in this conservation village</p> <p>The green space provides a wonderful and much admired setting for St. Peter's Church (a 12th C listed building which features in the Wymondham and Edmondthorpe Heritage Trail Leaflet)</p> <p>This is the only remaining "green" area near to the Church.</p> <p>The applicant maintains an argument that the church is only viewed via glimpses between buildings in the rest of the village - further supports the need to protect this green space and not build on it.</p> <p>The proposal seeks to sub divide the open space to create a building plot and possibly another in the future.</p> <p>Green areas are by their very nature an important key design feature of any village environment and so should be protected rather than built on.</p> <p>Building on this land reduces the open space provision on the estate.</p> <p>Development would impact upon the overall design and character of the area.</p> <p>Object to the loss of allocated common ground (re the moving of the existing boundary fence) and the loss of a visual amenity (Wymondham church)</p> <p>Object to the loss of this open space, which makes an important contribution to the rural feel and village green character of this conservation village</p> <p>The level of the land on which the houses are planned to be built is several feet above the level of Nurses lane. (The enclosing wall supports the soil). Houses and even structures such as close boarded fencing will dominate the environment of Nurses Lane.</p>	<p>This site is therefore considered to be an important element in regards to the setting and significance of the grade I listed Church and makes a positive contribution to it. Likewise it is important to the settings of other heritage assets (Conservation Area buildings) on Nurses Lane.</p> <p>Accordingly it is considered that the proposal will be detrimental to the setting of the Church and associated heritage assets.</p>
<p>Impact Upon Neighbouring properties:</p> <p>The proposed dwelling would be on land which is at least one metre above the level of Nurses Lane and would have a considerable impact on both the</p>	<p>The application site lies between No 12 and No 23 Old Manor Gardens and east of No's 8, 10 & 12 Nurses Lane.</p> <p><u>Impact to dwellings on Nurses Lane</u></p>

<p>natural light entering the east facing front of our house (Number 10) as well as impinging on our privacy</p> <p>Houses and even structures such as close boarded fencing will utterly dominate the environment of Nurses Lane.</p> <p>They will significantly reduce light and cause Nurses Lane to become a canyon with little light and outlook. Small cottages on Nurses Lane will be dwarfed due to the height difference</p> <p>Strongly object to this proposal. No matter how far back from Nurses Lane the house will be built, it will have a huge negative impact on the cottages on Nurses Lane, quo light, privacy, view and I suspect decrease value of said properties</p> <p>The houses along Nurses Lane will be overlooked and light will be blocked severely.</p> <p>I object to the plans of any property being built on this land. It would completely restrict light with many neighbours looking straight in to the property and it would oppress those properties on Nurses Lane dreadfully as the land is so much higher.</p> <p>The current open area is at a level that is a considerably higher than the existing buildings level. Any building on this area will have a dominant and oppressive aspect to the surrounding existing properties</p>	<p>The proposed dwelling has been positioned at a slight angle to the road which reduces the massing in front of numbers 8 and 10. The rear projection of the dwelling is therefore away from number 8. The plans give a front to back separation distance of approximately 25m to number 8 Nurses Lane. This is in excess of the usual separation standards which seek a 23m separation distance. However, there is a significant change in levels between the application site and Nurses Lane with the ground level of the site lying approximately 1.5 metres higher than Nurses Lane. No site levels have been submitted to show what the finished floor levels would be however the dwelling would have an overall height of 7.5 metres with rooms in the roof slope. Given the positioning and separation distances it is considered that the proposed dwelling is sufficiently distant. It is therefore considered that the proposal will not lead to an unacceptably overbearing and oppressive impact on the Nurses Lane properties to the detriment of their residential amenity.</p> <p><u>Impact to dwellings on Old Manor Gardens</u></p> <p>No 12 Old Manor Gardens lies immediately to the north of the site and has a blank gable which faces on to the site, which will be rear garden of the proposal. The proposed dwelling has been positioned further forward of number 12 and will sit adjacent the detached garage. It is therefore considered that given the positioning and that no windows are proposed in the north elevation that there will be no detrimental impact on the residential amenities of this property.</p> <p>No 23 Old Manor Gardens lies to the south of the site and is orientated so that the front elevation of the dwelling faces the application site. However, there is a separation distance of approximately 46 metres to the nearest gable of this dwelling Accordingly it is not considered that the proposal will adversely affect the residential amenities of this property.</p> <p>No 17 Old Manor Gardens lies to the south east of the site and is separated by the access road. There is a separation distance of approximately 25 metres at the closest point which meets usual separation standards and is no different to the relationship of other properties within the existing development. Accordingly it is not considered that the proposal will adversely affect the residential amenities of this property to an unacceptable degree.</p> <p>It is considered that the proposal whilst impact upon visual outlook will not create any overlooking or loss of privacy and would not</p>
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	therefore have any unduly adverse impact upon residential amenity.
<p>Impact upon Highway Safety:-</p> <p>concerned about extra traffic and their safety</p> <p>Extra pressure on the T- junction.</p>	<p>The application proposes a detached two storey property and it is considered that the existing access and estate roads along with the overall highway network are capable of accommodating the additional vehicles and there is no objection to the proposal from the Highway Authority.</p> <p>The parking spaces proposed on the frontage are accessed off the minor estate road which serves a small number of dwellings. There is no objection to the parking arrangements from the Highway Authority and it is not considered that the arrangement will be detrimental to highway safety.</p> <p>Accordingly the proposed development is not considered to have a detrimental impact on Highway safety.</p>
<p>Drainage and Flood Issues:-</p> <p>In heavy rain both the main road and the cul-de-sac in Old Manor Gardens regularly floods from run-off, as the existing drainage cannot cope. Further development will exacerbate this problem due to increase run off.</p>	<p>The application is not within a known flood area and below the size required for the developer to provide a Flood Risk Assessment. Development of a greenfield site would have to mimic run off rates and cannot exacerbate existing flood issues. Likewise the developer cannot be held accountable for putting right known flooding issues.</p> <p>Details of drainage can be secured by condition.</p>
<p>Planning History and Policy:</p> <p>The previous application 12/00043/FUL was referred by Campbell Buchanan to the Planning Inspectorate (Appeal ref: APP/Y2430/A/12/2183756) and was dismissed. What has changed that would lead to a reversal of that appeal? The setting of the church seemed to be one of the main objections and as far as I know the church has not moved.</p> <p>The builder has not secured any further land - the original application to build the 18 homes would have taken account of the housing density, proximity to the Church and road use. We see no logic for varying the original approval</p> <p>The final design for the development of the former Space Foods site came about after careful considerations of the likely impact of the development on existing properties on Nurses Lane and took steps to minimise this impact in their final proposals for the locations of the new buildings. There has been no change in policy to support development on this open space.</p> <p>The plan as outlined conflicts with the local plan</p>	<p>The open area whilst not protected does contribute to the character of the estate and allows framing of the grade I listed church. The Inspector when considering the previous appeal noted that <i>“the appeal site and its immediate environs reflect this character and appearance of the wider surrounding part of the Conservation Area. As with other open areas, the appeal site serves to enhance the visual amenity of the Area as well as providing some separation between properties, reflecting the characteristic low density of development within the wider area.”</i>. The Inspector when considered the previous scheme for four dwellings concluded that <i>“The addition of four houses to the appeal site, despite the retention of some open land to the rear, would in my view upset the existing balance between open space and built development and would harmfully add development to an open area that is important, as described above, in defining the character and appearance of this part of the Conservation Area.”</i>.</p> <p>The scheme has been amended to a single dwelling of 9.5m width. It therefore occupies less of the open space (and therefore the view of the Church it allows) from the previous versions of 21m (12/00687/FUL) and approx. 30m (12/00043/FUL)</p>

<p>section 2.65 (OS1) in the following particulars;</p> <p>a) The form, character and appearance of the settlement WILL be adversely affected. The building will have a fundamental impact on the character of this open part of the village, to the detriment of the village as a whole due to its intrusive nature, it is not in keeping with the surroundings.</p> <p>d) The development WILL have a significantly adverse effect on this area of the conservation village and the Grade 1 listed Church. This area of land has always been open field and affords views across to the church.</p> <p>e) The development WILL cause undue loss of residential privacy.</p>	<p>that were previously refused. It occupies almost a third of the open space and will introduce domestic paraphernalia. Whilst permitted development rights can be removed to prevent outbuildings there would still be the requirement for outside drying areas and garden furniture that would need to be screened by tall close boarded fences. Therefore development on this site would alter the character of the area as described above.</p> <p>St Peter’s Church stands to the west of the appeal site. The Inspector considered that the appeal site does form part of the setting of the listed church. The Inspector concluded that “...<i>the proposed development would cause unacceptable harm to Wymondham Conservation Area and so would not preserve its character or appearance; and would also cause unacceptable harm to the setting of the listed St Peter’s Church, which it would not preserve.</i>” The Inspector also concluded that the harms identified would be less than substantial therefore engaging paragraphs 132 and 134 of the NPPF therefore permission should only be granted if the public benefits outweigh the harms identified. This reflects the statutory duty of the Planning and Listed Building and Conservation Areas Act 1990. (“P(LBCA)A 1990”)</p> <p>Section 72(1) of the Planning requires that <u>special attention to the desirability of preserving or enhancing</u> (emphasis added) the character or appearance of that area whilst section 66(i) of the same Act requires that <u>special regard to the desirability of preserving</u> (emphasis added) a listed building or in this case the setting of the grade I listed church.</p> <p>The Conservation Officer considers that the amended proposal, whilst reduced in scale still impacts upon designated Heritage Assets. It therefore does not meet the statutory duty of the Act and when assessed against the NPPF is not considered to offer public benefits to outweigh the Act and therefore should be refused.</p> <p>This view is supported by a published judicial review (Forge Field Society v Sevenoaks DC). The published conclusions highlight that, notwithstanding paragraph 135 of the NPPF, where any harm, even less than substantial harm, is caused to the setting of a heritage asset the proposal does not accord with the duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As this is a statutory duty it carries greater weight as a material planning consideration and must give rise to a presumption against granting</p>
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	<p>planning permission. Although material planning considerations can outweigh the statutory duty the benefits arising would need to be significant in order to do so. It is not considered that one dwelling would amount to significant benefits to warrant an approval where harms to designated heritage assets have been identified.</p> <p>The NPPF states that great weight should be given to the heritage asset's conservation. The more important the asset, the greater the weight (para 132). In this respect it is considered that the Grade I listed church is a very significant heritage asset and the proposed development will harm this significance through affecting its setting. Accordingly the proposal will be detrimental to the character and appearance of the area and will adversely affect the setting of the Church and associated heritage assets.</p> <p>Therefore it is considered that despite the fact that only half of the area is to be developed, the two storey detached dwelling including landscaping and boundary treatments would be detrimental to the character and appearance of the area and will adversely affect the setting of the Church and associated heritage assets.</p>
<p>Other matters:</p> <p>Lack of public consultation</p> <p>Neighbours have not received written notification and not site notice has been put up</p> <p>Residents pay a service charge for the upkeep and use of this green space and it is a much valued safe space for the children living in Old Manor Gardens to play on.</p> <p>Granting this application will create precedent</p> <p>The builder has retained control of the common areas of the development even though it was completed years ago.</p> <p>Currently there are 8 children all under 10 living on this development and when we moved here almost 7 years ago, from new, the safety for them to play and enjoy living here was our main priority. A small play ground was promised for this land but never appeared.</p>	<p>Many of the comments received in relation to the lack of consultation resulted from the department having advanced its recording of the planning applications which made the application viewable on the public systems prior to the full notification procedure having been carried out. This has been corrected to prevent this misunderstanding from arising in the future.</p> <p>Noted.</p> <p>Each application has to be determined on its own merits.</p> <p>The planning permission implemented (07/00789/FUL) incorporated an area of open space to the west of the estate which was intended to be retained as amenity open space in accordance with Policy H10 and Appendix 5 of the adopted Melton Local Plan. It is currently a grassed area which is surrounded by fencing and it is this area which is the subject of this application. Condition 10 of the approval required a management plan to be submitted for the open areas and for it to be maintained in accordance with the approved details.</p>

	There was no requirement for the developer to transfer the land to the Council/Management company. There was no requirement for an equipped play area.
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan policy</p> <p>Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p> <p>Policy H6 allows for dwellings within the village that are confined to single and groups of dwellings.</p>	<p>The site lies within the village envelope where residential development of small groups of dwellings is supported under saved policies OS1, BE1 and H6. However, as set out above it is considered that the proposed development will adversely affect the designated heritage assets and impact upon the character and appearance of the area and accordingly the proposal is considered to be contrary to OS1 and BE1 of the adopted Melon Local Plan.</p> <p>NPPF, Paragraph 14 states that authorities should approve 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 the Framework taken as a whole; or if specific policies in the Framework indicate development should be restricted.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported. The Council cannot demonstrate a five year land supply and in that regards the housing policies of the local plan are considered to be ‘silent’. However this on its own is not considered to be sufficient to outweigh harm identified, such as impact upon designated heritage assets and character of the area. Furthermore footnote 9 of the NPPF is also engaged as the proposal is considered to conflict with chapter 12 – heritage, of the NPPF (conflict with policies within the NPPF which restrict development)</p> <p>Because the harm identified is considered to be ‘less than substantial’ it is required to be considered against the benefits of the proposal (para 134). The provision of one dwelling, whilst there are no concerns with the design or impact upon residential amenity is not considered to offer significant</p>

	<p>benefit that weighs in favour of allow development in this location.</p> <p>The design policies of the adopted Melton Local Plan (OS1 and BE1) are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another under paragraph 215.</p> <p>It is considered that development in this location would be insignificant in terms of increasing housing supply as advocated within the NPPF and fail to outweigh the harm identified (setting of the Grade I listed Church and character of the Conservation Area) in this location, and the proposal therefore should be refused.</p>
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Conclusion

The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposed properties are in keeping with the design, materials, details and finishes of the neighbouring properties and in this respect are considered acceptable. It is considered that the relationship to properties on Nurses Lane is acceptable and would not have an unduly overbearing and oppressive impact on the occupants and satisfactory access and parking can be achieved. The relationship of the proposed dwellings with surrounding properties is considered acceptable in residential amenity terms.

However, the proposal will result in development of a detached two storey dwelling and associated domestic paraphernalia on an existing pleasant open area of land which would be detrimental to the character and appearance of the area and will adversely affect the setting of the Grade I Church to the west and associated heritage. Accordingly the application is considered to be contrary to Policies OS1, BE1 and the NPPF and is recommended for refusal.

RECOMMENDATION: Refuse Permission for the Following Reasons:-

1. In the opinion of the Local Planning Authority the development within the open area of land would not preserve or enhance the character and appearance of the Conservation Area and would also detract from the setting and views of the adjacent grade I listed church. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF, in particular paragraph 132, 134 and 137.

Officer to contact: **Denise Knipe**

9th November 2015