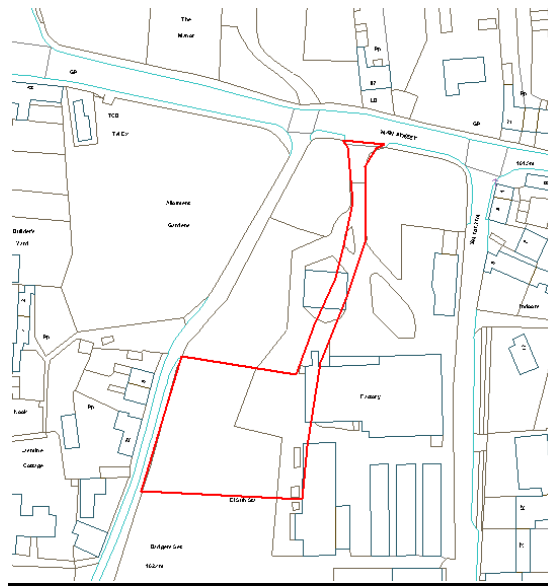


**Reference:** 12/00043/FUL  
**Date submitted:** 16.01.12  
**Applicant:** Mr A Girvan - Campbell Buchanan  
**Location:** Land Between 12 And 23, Old Manor Gardens, Wymondham  
**Proposal:** Erection of 4 two bedroom semi-detached dwellings, car parking, landscaping, fencing and associated works.



**Proposal :-**

This application seeks planning permission for the erection of four 2-bedroom semi detached dwellings on land between 12 and 23 Manor Gardens in Wymondham. The dwellings are 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 within meeting the Borough's Housing Needs**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application has been the subject of two sets of amended plans which are referred to in the report. The amended plans related to the following;  
Amended plans received on the 14<sup>th</sup> April 2012 ;

- reduction in the amount of development by reducing the scheme for 2no. x 2bed and 2no. x 3 bed dwellings to 4no. x 2 bed dwellings.

- Resiting of the dwellings in the site to increase the distance separation from Nurses Lane to 22 metres
- Increase in ground level reduction
- Proposed landscaping scheme to include a low maintenance wild flower border along Nurses Lane with garden fence.

Amended plans received on the 18<sup>th</sup> May 2012;

- Resiting of the dwelling of the dwellings to increase the distance separation to dwellings on Nurses Lane to in excess of 27 metres at the closest point.
- Landscaping scheme to include an area of low level planting which will remain outside the curtilage of the proposed dwellings and be transferred to the estate management company.
- A plan to quantify the views in and from the Church

The application is to be considered by Committee due to the number of representations 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01/00006/OUT - outline planning application for residential development of the site was withdrawn.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.

#### **Planning Policies:-**

**The National Planning Policy Framework was published 27<sup>th</sup> March 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 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:**

**Housing in rural areas** -To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

**Delivering a Wide choice of High Quality Homes**

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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.

**Historic Environment** - Great weight should be given to the heritage asset's conservation. The more important the asset, the greater the weight.

Para 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Para 131. In determining planning applications, local 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;
- 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.

Para 137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

**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 Melton LDF Core Strategy (Publication) Development Plan document:**

Seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b> – Old Manor Gardens is a private road, and not maintained by the Highway Authority, and therefore the proposed development does not have any real affect on highway safety. However, recommend that in the interests of the users of the private road, normal standards for access, such as visibility splays (incl. pedestrian visibility splays), surfacing, drainage etc are imposed on the proposal. Although the plans do not show any vehicular or pedestrian access from the site on to Nurses Lane, would want to see the permitted development rights for such accesses removed as part of the approval due to the inadequacies of Nurses Lane.</p>	<p>Noted. The application proposes that each dwelling will have 2 allocated car parking spaces in front of the dwellings. The spaces will have immediate access from the estate road. The level of parking provision meets current standards and will not have a detrimental effect upon highway safety.</p>
<p>The Housing Market Analysis for Melton Borough (Housing Stock Analysis 2006-2011; 2006) clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough.</p> <p>The assessment found within the Rural East of the borough that there is limited need for additional</p>	<p>The existing mix of housing in the Borough, and the rural east in the case of this application, together with population and household formation forecasts, shows that in order to create a more sustainable and balanced housing market a bias in favour of smaller units will be required to address current shortfall and future need. This application now offers the necessary smaller units and will assist to rebalance housing in the area and is compliant with local</p>

<p>market housing to 2011, the need for additional market housing in the area relates mainly to the need for additional smaller units; there is a significant surplus of larger sized properties in the area. 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 Leicester and Leicestershire Strategic Housing Market Assessment (Bline Housing, 2009, updated 2010) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the 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).</p> <p>The application originally sought permission for two 2-bed houses and three 3-bed houses. This unit mix was not in accordance with policy, as it added to the current oversupply of larger housing in the area. Amended plans were received and these now seek permission for four 2-bed houses. This mix of units is better suited to the housing needs of the local area and is compliant with local housing needs and evidence; therefore there is no reason to refuse this application on the grounds of housing needs.</p> <p>The Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough. The Melton Local Development Framework Core Strategy proposes that all residential dwellings which are granted planning permission need to make a contribution towards affordable housing provision. As the Melton Local Development Framework Core Strategy is based upon up to date national policy and robust local evidence of need we consider this policy direction to be a material consideration in planning applications. The 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p>	<p>housing needs and evidence; therefore there is no reason to refuse this application on the grounds of housing needs.</p> <p>The Policy Officer has also requested a contribution towards affordable housing, however, a development proposal of four dwellings would not trigger the requirement to provide a contribution for Affordable Housing. The NPPF has not retained the former 'national standard' trigger point of 15 but also requires that such matters are produced through the LDF process. Given the position of the LDF and that this subject is the subject of much contention, it is considered inappropriate to rely on the content of the publication version of the Core Strategy and as such a lower trigger point could not be applied.</p>
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<p><b>Parish Council</b> – Object to the application on the following grounds:-</p> <ul style="list-style-type: none"> <li>• The proposed development would result in the loss of an important open space; having an impact on the conservation area.</li> <li>• This space is documented since the early 19th century as having been used for agricultural/horticultural purposes.</li> <li>• The proposed development would impact adversely on the visual amenity of the parish church - a focal point for the community and listed grade 1.</li> <li>• The proposed development would impact adversely on the visual amenity of properties in Nurse's Lane, as there is noticeable height differential between this area and the existing properties in Old Manor Gardens.</li> <li>• Recent planning applications submitted to MBC for properties containing three bedrooms have been refused as not complying with current policy.</li> </ul> <p>Comments on Amended plans received on the 14<sup>th</sup> April 2012 –</p> <ul style="list-style-type: none"> <li>• There are insufficient changes to the original plans. Accordingly original comments are still relevant.</li> <li>• Potential loss of historic and important open space within the village.</li> <li>• Impact to visual amenity has not been addressed. Supporting photographs are both irrelevant (not within the vicinity of the proposed development) and erroneous in some cases as the captions do not refer to the views shown.</li> </ul> <p>Comments on Amended plans received on the 18<sup>th</sup> May 2012 –</p> <p>All Councillors could see no appreciable amendments to previous plans. To iterate - this land has no history of building and has always been used agriculturally.</p>	<p>See detailed commentary below</p> <p>The amended plans submitted remove the three bedroom properties and 4 x two bedroom properties are now proposed which are in accordance with housing needs of the area.</p> <p>See detailed commentary below.</p> <p>Noted, see detailed comments on amendments below.</p>
<p><b>Archaeology:-</b> 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’</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>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 4 semi-detached dwellings, together with their associated services and landscaping. With the exception of the trial trenching mentioned above, the current 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>To ensure that any archaeological remains present are dealt with appropriately, 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. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. A contingency provision for emergency recording and detailed excavation should also be made</p>	
<p><b>Melton Conservation Officer:-</b> This development is of high quality and the open space that is the subject of this application adds to its attractiveness by providing a ‘village green’ type element to the layout and character of the site. It was probably designated as open space when the layout was designed to avoid conflict with properties on Nurses Lane as well as to protect the setting of and views of the Church from the remainder of the site.</p> <p>The site itself is elevated in terms of Nurses Lane and in that regard any houses built on it will in turn be elevated and will therefore serve to overshadow the group of dwellings on the opposite side of Nurses Lane that currently benefit from the open space. Likewise the setting of the Church and views towards it will be compromised from any buildings on that land.</p> <p>Recently published guidance on the setting of Heritage Assets offers the following advice.</p> <p>The setting of a heritage asset is defined as ...‘ the surroundings in which the asset is experiences. Its</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.</p> <p>As stated in the Conservation Officer’s comments opposite 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 has been the subject of numerous 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>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' ....</p> <p>In this case I would suggest that 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.'.....</p> <p>In that regard I would suggest that the open land is an important element in distant views towards several heritage assets, the Church of course being the most significant of the group, which can presently be viewed as a collection as well as individually.</p> <p>Comments on Amended plans submitted on the 14<sup>th</sup> April 2012:-</p> <p>The majority of the previous comments on this application remain relevant.</p> <p>The Heritage Statement submitted in support of this application attempts to address concerns over the affect of these proposals on the setting of the Church however no reference is made to the setting of other heritage assets which form a group along with the Church.</p> <p>The document states that the majority of views of the Church are glimpses of the spire and photographs within the document are taken from a range of locations and clearly demonstrate that the distant views (of the spire) are unaffected by the proposals. The document also states that at a local level the development will have minimal impact on the Church. I would disagree with that statement - the more intimate views of the Church across the development site are arguably the best views of the Church from within the village which include most of the chancel and the nave and in particular the fine window at the east end. The commentary alongside Photo 17 suggests that this particular view will be maintained at the end of the footpath link. However the wider view across the currently open tract of</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><b>It is considered that building a pair of semi detached two storey dwellings on this 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 listed church.</b></p> <p>A heritage statement has been submitted that includes a photographic appraisal which assess the visual impact of the proposed development. This states that at a local level the proposed development will have a minimal impact on the church, its setting or the setting of the buildings associated with the church. At pedestrian level there are no views out of the Church's curtilage that are affected by the proposed development. The existing dwellings obscure all views out of the application site. The photographic appraisal concludes that the proposed development would have no impact on the heritage asset and minimal impact on the village as a whole. Impact on views into or across the Conservation Area is minimal and then only from view points at close proximity to the proposed dwellings.</p> <p>In response to this it is considered by the Conservation Officer that 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</p>
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<p>land will of course be lost.</p> <p>With regard to the historic environment policies within the NPPF 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>With regards to the development making a positive contribution to the Conservation Area the development on this site is of a high quality and there is no reason to believe that these four additional dwellings will not be to the same standards. However I consider that 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.</p> <p>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 clearly have the opposite effect.</p> <p>Comments on Amended plans submitted on the 18<sup>th</sup> May 2012:-</p> <p>The revised layout of the plots on the latest set of amended plans locates the buildings further forward, thus they are clearly further away from the 'overshadowed' properties which represents a marginal improvement.</p> <p>Likewise the repositioning also ensures uninterrupted views of the Church through the gap between the blocks of buildings.</p> <p>However the amendments do very little to address previous with reference to NPPF paragraphs 129, 131 and 137.</p> <p>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 it is still considered that the setting is impaired by this proposal.</p> <p>The development on this site is of a high quality and there is no reason to believe that these four additional dwellings will not be to the same</p>	<p>end. The open land is also an important element in more distant views towards several heritage assets, of which the Church is the most significant.</p> <p>The current area of open space which forms the development 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 which are not even considered within the heritage statement.</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. <b>In this respect it is considered that 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.</b></p> <p>The amended plans submitted include a plan which attempts to show the area of public views of the church that will be reduced or lost as a result of this proposal. The applicant has stated that in view of these plans they believe that the loss of view is minimal and could not be justified as a reason for refusal. The applicant has also stated that every effort has been made to reduce the impact on the heritage asset and of those buildings awarded a heritage value by being within the conservation area. They feel that the development complies with current policy and the a minimal loss of view of the heritage asset should not outweigh the overriding presumption of development in sustainable locations.</p> <p>The Conservation Officer has acknowledged that the repositioning ensures that the views through the gaps in the buildings of the Church remain uninterrupted he remains concerned that the development has an adverse impact on the setting of the Church and would adversely affect the setting of the Church and associated heritage assets.</p>
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<ul style="list-style-type: none"> <li>• The footprint is insufficient for the development of 4 houses and the dwellings will be “crammed in” and spoil the existing development</li> <li>• The density of the proposed buildings are not in keeping with the current development</li> <li>• The parking layout on the frontage will detract from the aesthetic setting of Old Manor Gardens and gives the appearance of a car park</li> <li>• Previous schemes were refused in part due to       <ul style="list-style-type: none"> <li>a) protecting the view of St Peters Church</li> <li>b) Keeping the original development of Old Manor Gardens on the footprint of the existing buildings</li> </ul> </li> </ul>	<p>between the new development and the churchyard as well as to properties fronting Nurses Lane. 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><b>Accordingly it is considered that the proposal will be detrimental to the setting of the Church and associated heritage assets.</b></p> <p>The development site has an area of approximately 0.1 hectares. The dwellings are laid out as two pairs of semi-detached dwellings which are set back from the road and are in keeping with the layout of existing housing within the estate. Accordingly the site is considered of sufficient size to accommodate the 4 dwellings proposed.</p> <p>The frontages of the plots will be enclosed with an evergreen (Viburnum) hedge and additional trees and planting are proposed within the car parking areas. It is considered that this landscaping will help to soften the boundary of the site and break up the parking area. The parking layout is similar to the existing parking arrangements for 2 – 8 Old Manor Gardens and accordingly is considered acceptable.</p> <p>Please see commentary above.</p>
<p><b>Impact Upon Neighbouring properties:</b></p> <ul style="list-style-type: none"> <li>• Detrimental impact on residential privacy</li> <li>• The ground level is significantly higher than the surrounding areas. This would give an oppressive aspect to many residents, particularly those on Nurses Lane</li> <li>• Loss of natural sunlight to Nurses Lane properties</li> <li>• Visual intrusiveness to dwellings on Nurses Lane</li> </ul>	<p>The application site lies between No 12 and No 23 Old Manor Gardens and east of No’s 8, 10 &amp; 12 Nurses Lane.</p> <p><u>Impact to dwellings on Nurses Lane</u></p> <p>The amended plans submitted on the 14<sup>th</sup> April moved the proposed dwellings slightly further away from Nurses Lane to give a front to back separation distance of approximately 22.3 m at the closest point. This was broadly in accordance with 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 m higher than Nurses Lane.</p> <p>These amendments also proposed a further reduction in the ground level of the site and a</p>

<ul style="list-style-type: none"> <li>• The proposed houses would overlook the main bedrooms of 21 Old Manor Gardens</li> </ul>	<p>section drawing has been submitted to demonstrate how the proposed dwellings relate to No's 8 and 12 Nurses Lane. This shows that the proposed dwellings will have a ridge height which is the same as No 8 and accordingly should not have an overbearing impact on this property. However, the dwellings will still be substantially higher than No 12 Nurses Lane (approx 2.5m). It was therefore considered that the proposal would lead to an overbearing and oppressive impact on No 12 Nurses Lane to the detriment of the residential amenity of this property.</p> <p>The amended plans submitted on the 18<sup>th</sup> May have further moved the proposed dwellings away from Nurses Lane to give a front to back separation distance of approximately 27 metres at the closest point. A site section has been submitted with the application showing the levels and distance separation and sight line from pedestrian eye level. The proposed dwellings will have a ridge height of 7.5 metres and a reduction in floor level. It is considered, with regards to these amended plans, that the distance separation by far exceed acceptable distance separation standards and that the increased distance reduces significantly the overbearing impact that the properties would have.</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 lies approximately 11.2 metres from the gable end of plot 1. A first floor window is proposed to serve the stairs, however, it is considered that given the separation distance and the screening afforded by the detached garage, 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 22 metres to the nearest gable of this dwelling and again only a first floor window to serve the stairs is proposed on the southern elevation of plot 4. Accordingly it is not considered that the proposal will adversely affect the residential amenities of this property.</p> <p>No 21 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 23 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</p>
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<ul style="list-style-type: none"> <li>Proposed hedge on west boundary will further reduce light to properties on Nurses Lane</li> </ul>	<p>will adversely affect the residential amenities of this property.</p> <p>The amended plans submitted now show a low maintenance grassland and wild flower mix along Nurses Lane with the rear boundary fencing and tree planting and hedgerow set in approximately 7m from the road. This helps to reduce the impact on the properties on Nurses Lane. The landscaped strip has also be removed from the curtilages of the proposed properties and in order to overcome any concerns over the future domestication of this land. The strip will be transferred to the estate and controlled by the estates management company and this can be controlled by means of a condition.</p>
<p><b>Policy considerations:-</b></p> <ul style="list-style-type: none"> <li>Development on area that is meant to be retained as open space – the area of open space adjacent to the road is not suitable for children to play on.</li> </ul>	<p>An open space assessment has been submitted with the application which demonstrates that 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. This level of open space remains greater than the 5% 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><b>Impact upon Highway Safety:-</b></p> <ul style="list-style-type: none"> <li>Increased traffic as a result of the development</li> <li>Damage to private access road from construction traffic</li> <li>The proposed parking area is located opposite a T Junction – reversing out of parking slots and additional parked vehicles will lead to traffic safety issues</li> <li>Nurses Lane is narrow and bounded by a wall. It already has a blind corner and the proposed development will further reduce line of sight increasing danger to pedestrians and other road users</li> </ul>	<p>The application proposes 4 x two bedroom properties. 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>This is not a planning consideration.</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>The amended plans submitted now show a low maintenance grassland and wild flower mix along Nurses Lane with the rear boundary fencing and tree planting and hedgerow set in approximately 7m from the road. Accordingly it is not considered that the development will affect the line of sight.</p> <p><b>Accordingly the proposed development is not considered to have a detrimental impact on Highway safety.</b></p>

<p><b>Other matters:</b></p> <ul style="list-style-type: none"> <li>• Question whether the site has been protected by a covenant and therefore should not be developed for more housing</li> <li>• The proposed trees along the Nurses Lane boundary will cause the collapse of the dry stone wall onto Nurses Lane due to root action.</li> </ul>	<p>Private covenants are not a planning consideration and planning permission can be granted regardless of any covenants which may be present on the land, but do not override them</p> <p>The amended plans submitted now show a low maintenance grassland and wild flower mix along Nurses Lane with the rear boundary fencing and tree planting and hedgerow set in approximately 7m from the road. Accordingly this arrangement should not affect the dry stone wall on Nurses Lane.</p>
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A further consultation exercise was carried out following the receipt of the amended plans dated the 14<sup>th</sup> April 2012. As a result letters of representation from 13 separate households have been received to date. In addition to the comments already raised above the following objections have been raised regarding the amendments:

<b>Representations on Amended plans</b>	<b>Assessment of Head of Regulatory Services</b>
<ul style="list-style-type: none"> <li>• The changes proposed are minor and inadequate and do not address many of the serious issues raised in previous objections.</li> <li>• The development would remain of a dominant and oppressive character given the topography of the land relative to the remainder of Old Manor Gardens and especially Nurses Lane which sits at a significantly lower level. The amended plans only reduce the height of the houses by a very small amount.</li> <li>• Impact on the setting and views of the Grade 1 listed church remain</li> <li>• The photographic and written evidence submitted with the amendments attempt to claim no impact on the setting of the Church and the surroundings. However, the statements made contain errors, are subjective and based upon selective evidence. Static photos do not convey the narrative of the setting that is enjoyed by</li> </ul>	<p>These amendments are as follows:-</p> <ul style="list-style-type: none"> <li>• Reducing the scheme from 2x2 bed and 2x3 bed dwellings to 4x2 bed dwellings.</li> <li>• The dwellings have been moved further away from Nurses Lane to give a front to back separation distance in excess of 22 metres.</li> <li>• A further reduction in ground level and a section to demonstrate how the proposed dwellings will relate to 8 &amp; 12 Nurses Lane</li> <li>• Amendment to landscaping proposals showing a low maintenance wild flower mix along Nurses Lane with the garden fence and tree planting approx 7m from the road</li> <li>• A heritage statement including a photographic appraisal assessing the visual impact of the proposed development.</li> </ul> <p>As stated above it is considered that the dwellings shown in the amended plans will still be substantially higher than No 12 Nurses Lane (approx 2.5m). It is therefore considered that the proposal will lead to an overbearing and oppressive impact on No 12 Nurses Lane to the detriment of the residential amenity of this property.</p> <p>Despite the information submitted in the Heritage statement it is considered that the Grade I listed church is a very significant heritage asset. 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>movement around the village and streets around the church.</p> <ul style="list-style-type: none"> <li>• Amending the properties to 2 bedroom does not address the fundamental issue that the site is unsuitable for a housing development.</li> <li>• The amended planting plan attempts to reduce the ‘canyonisation’ of Nurses Lane by leaving a border area of grass and ‘wildflowers’ in the gardens of the houses adjacent to Nurses Lane. There are no safeguards that will prevent fencing or other tall hedging being planted in this area and the indigenous hedge proposed still appears to consist of the same species which will all grow to approx 5 metres in height. Therefore it in no way mitigates the problems caused by the increased elevation of the site relative to Nurses Lane.</li> </ul>	<p>Amending the properties to 2 bedroom was to overcome the concerns raised by the Housing Policy Officer and accordingly this application now offers the necessary smaller units and will assist to rebalance housing in the area and is compliant with local housing needs and evidence.</p> <p>The amended plans submitted now show a low maintenance grassland and wild flower mix along Nurses Lane with the rear boundary fencing and tree planting and hedgerow set in approximately 7m from the road. This helps to reduce the impact on the properties on Nurses Lane and can be controlled by means of a condition.</p>
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A further consultation exercise was carried out following the receipt of the amended plans dated the 18<sup>th</sup> May 2012. As a result letters of representation from 14 separate households have been received to date. In addition to the comments already raised above the following objections have been raised regarding the amendments:

<b>Representations on Amended plans</b>	<b>Assessment of Head of Regulatory Services</b>
<p>All of the letters received in connection with the second set of amended plans have stated that they wish to reiterate all previous objections and that the amendments do not alleviate their concerns.</p> <ul style="list-style-type: none"> <li>• The proposed ridge height of the proposed dwellings would be reduced by a mere 2.5 degrees, which is considered trivial in respect of the loss of sunlight/daylight to the properties in Nurses Lane and irrelevant as regards to the loss of privacy.</li> </ul>	<p>The amendments proposed are as follows:-</p> <ul style="list-style-type: none"> <li>• Resiting of the dwelling of the dwellings to increase the distance separation to dwellings on Nurses Lane to in excess of 27 metres at the closest point.</li> <li>• Landscaping scheme to include an area of low level planting which will remain outside the curtilage of the proposed dwellings and be transferred to the estate management company.</li> <li>• A plan to quantify the views in and from the Church</li> </ul> <p>An assessment on the amendments are contained above within the report.</p> <p>The amended plans submitted on the 18<sup>th</sup> May have further moved the proposed dwellings away from Nurses Lane to give a front to back separation distance of approximately 27 metres at the closest point. A site section has been submitted with the application showing the levels and distance separation and sight line from pedestrian eye level.</p>

<ul style="list-style-type: none"> <li>• With regards to the proposed landscaping strip the proposed species can all grow to at least 5 metres in height and will reduce the level of natural light reaching No's 8, 10 and 12 Nurses Lane.</li> <li>• 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 fields and affords views across to the church. A comparison with the Edmondthorpe Road side of Old Manor Gardens will show how the proposed development will negatively impact the setting of the church.</li> <li>• In comparing Old Manor Gardens with respect to Edmondthorpe Road it should be concluded that the elevated houses on Old Manor Gardens do overlook 21 and 23 Edmondthorpe Road. Nurses Lane properties have many more rooms, including bedrooms, that will be overlooked by the elevated new houses. It will lead to a significant loss of privacy. This is not reasonable as there is an existing busy main road between the first two which are clearly quite different in character and age.</li> <li>• The plans are insufficiently thorough and leave some important details open to interpretation, for example the final level of the majority of the site. The applicant does not specify that ground level reduction will be carried out to the west of the proposed properties, bordering on Nurses Lane.</li> <li>• The proposal remains overbearing and oppressive.</li> <li>• With reference to Campbell Buchanan's letter dated 17th May in which they state " To overcome any concerns that future</li> </ul>	<p>The proposed dwellings will have a ridge height of 7.5 metres and a reduction in floor level. It is considered, with regards to these amended plans, that the distance separation exceeds acceptable standards and that the increased distance reduces significantly the overbearing impact that the properties would have.</p> <p>The amended plans submitted now show a low maintenance grassland and wild flower mix along Nurses Lane with the rear boundary fencing and tree planting and hedgerow set in approximately 7m from the road. This helps to reduce the impact on the properties on Nurses Lane and can be controlled by means of a condition.</p> <p>Noted, see commentary above in the report.</p> <p>The agent has compared the distance separation standards approved in relation to Old Manor Gardens/Edmondthorpe Road with those of the proposed properties and Nurses Lane. They draw comparison to the relationship which has a separation distance of 23.3 metres which was accepted when the original permission was granted. The impact of the distance separation is detailed above in the report, however, having considered the distance separation and levels the impact of overbearing/overlooking is significantly reduced and it is not considered that the proposal would have an adverse impact on the properties on Nurses Lane.</p> <p>Details of levels would be conditioned for approval prior to development if the application is considered acceptable. With regards to levels the information submitted with the proposal is not considered sufficient and more precise details would be required before development could commence.</p> <p>Noted, this is considered within the report above.</p> <p>Any landscaping scheme can be controlled by the means of a condition and if the Council is made aware of any breaches of condition they can take</p>
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<p>domestication may effect the boundary etc. etc. Campbell Buchanan have publically twice tried to sell the management company, therefore they have no intention of upholding any promises to fulfil any planning obligations, as they, flouted the conditions of the original planning condition.</p> <ul style="list-style-type: none"> <li>• Even if it was possible to lower the ground level, which is doubtful due to the ironstone bedrock only inches below the soil, the new houses would still be too high and too close. Much consideration was given to this problem when building no 23 Old Manor Gdns and although agreements were made about lowering the ground level, when it came to it, the ironstone made this impossible and new agreements had to be reached Clearly, the same problems would occur this time so any claim of lowering ground levels is unreliable.</li> <li>• The urban housing standards do not have to apply to rural locations; and they should not apply for fear of urbanising all villages and leaving no distinction between rural and urban communities. Wymondham is a conservation village and the area concerned in this application is important because of both its history ie the site of the original manor house, and its position inside the setting of the grade 1 listed church. It would not be appropriate to apply urban housing densities to this area of land.</li> <li>• The applicant claims that views of the Church only impact upon a small number of Old Manor Gardens residents. The planning criteria do not refer to views and so this observation should be disregarded. The criteria do refer to setting. In this regard consideration should be given to the overall canvas as one approaches the church from either end of Nurses Lane, Old Manor Gardens and the Churchyard pathways. It is here that one sees that the church sits in an open environment with Badgers Sett on Nurses Lane sitting at a low level. The aspect both east, west and south is open and perfectly creates the “loose knit character” that is defined as important in the Local Plan. The 4 dwellings proposed would remove this setting forever and undermine the design success of the original Old Manor Gardens development fitting and enhancing as it does the existing loose knit environment.</li> </ul>	<p>suitable action. Such action applies to the land rather than the original developer and as such responsibility is transferred along with the land.</p> <p>Noted, details of levels would need to be conditioned to ensure that the development is constructed at the specified ground and finish floor levels. If the levels could not be achieved then development could not proceed without seeking a revised planning permission.</p> <p>Distance separation standards are not policy, they are used as a guide to enable a judgment as to whether proposed dwellings would have an impact on the amenities of adjoining properties. There are not different standards for rural and urban areas. A judgment needs to be made on the relationship of the properties and with regards to the rural area, whether the proposed dwellings are in keeping with the form and character of the area. An assessment on all of these issues has been made within the report.</p> <p>Noted, see commentary with regards to the setting and views above in the report.</p>
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<ul style="list-style-type: none"> <li>The developers have, yet again, ignored the fact No. 14 Nurses Lane is also directly opposite the proposed development, they refer to the proximity of No 12 but dismiss No. 14. No. 14 Nurses Lane's garden is sideways on to the road, the proximity of the proposed houses along with their elevated position would result in having no privacy whatsoever in the garden. No. 14 does not have a private garden behind the house. The proposed properties would have direct sight into the main daytime living area of No. 14. The plans used are old and not representative of the current situation which show two properties i.e. a house and stables, which is now 1 property, No. 14.</li> </ul>	<p>No. 14 Nurses Lane would be 28 metres, at its closet point, from the proposed dwellings. The main elevation of this property is some 36 metres away from the rear elevations of the proposed dwellings. The garden is also varying distances away from the proposed rear elevations. It is considered that with the proposed landscaping barriers, the highway and the improved separation distances that the proposal would not have a detrimental impact on the residential amenities of No. 14 Nurses Lane.</p>
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**Other material considerations (not raised through consultation of representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Development Plan policy</b> 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>The site lies within the village envelope where residential development of small groups of dwellings is supported. However, as set out above it is considered that the proposed development will adversely affect the character and appearance of the area and accordingly the proposal is considered to be contrary to OS1 and BE1 of the adopted Melton Local Plan.</p> <p>The proposal is also considered to be contrary to the NPPF which states that great weight should be given to the heritage asset's conservation.</p> <p>The policies of the adopted Melton Local Plan are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</p>
<p><b>Impact upon Neighbouring Properties</b>  No's 17 and 19 Old Manor Gardens</p>	<p>The amended plans submitted on the 18<sup>th</sup> May 2012 increase the distance separation to properties on Nurses Lane by in excess of 27 metres. This has therefore altered the relationship with properties in Old Manor Gardens. Details in relation to No's 12, 21 and 23 are contained above. However, the relationship with No's 17 and 19 Old Manor Gardens have now been altered. To increase the distance separation to Nurses Lane there has been a reduction in distance separation of No 17 and No 19 Old Manor Gardens. However, these distances still remain in excess of 23 metres at the closest point and are separated by the access road. Therefore, it is still considered that the revised layout is acceptable in relation to these properties and would not have an adverse impact on the residential amenities of these properties.</p>

<b>Section 106 Contributions</b>	Leicestershire County Council have a minimum threshold of ten new dwellings before S106 payments are applicable. This is not considered on a cumulative basis and accordingly no developer contributions are sought on this site. Similarly the development is also below the threshold for affordable housing contributions.
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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. The layout of the dwellings are also considered to follow the existing built form and replicate the spacing of dwellings and car parking arrangements. Amended plans have been submitted to improve the relationship of the proposed dwellings with those on Nurses Lane and increase the distance separation to over 27 metres. It is considered that this relationship to properties on Nurses Lane is now acceptable and would not have an overbearing and oppressive impact on No 12 Nurses Lane to the detriment of the residential amenity of this property. The relationship of the proposed dwellings with surrounding properties is considered acceptable. However, the proposal will result in development of a pair of semi detached two storey dwellings on an existing open area of land which would be detrimental to the character and appearance of the area and will adversely affect the setting of the Church and associated heritage assets. 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 of a pair 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. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF.

Officer to contact: **Mrs Jennifer Wallis**

**18th June 2012**