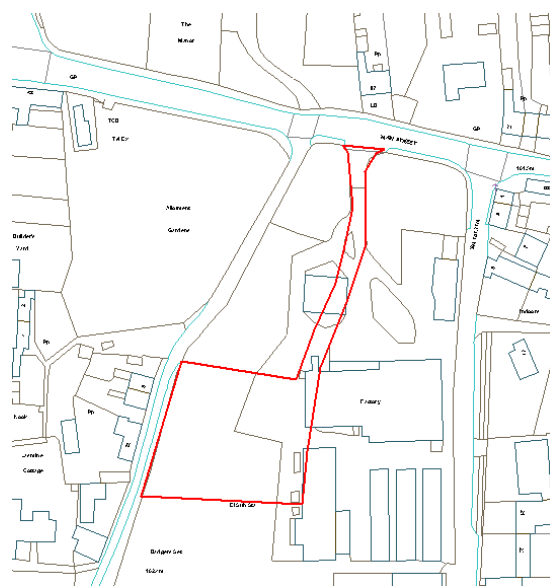


**Reference:** 12/00687/FUL  
**Date submitted:** 28.09.12  
**Applicant:** Mr A Girvan - Campbell Buchanan  
**Location:** Land Between 12 And 23, Old Manor Gardens, Wymondham  
**Proposal:** Erection of 2 two bedroom semi-detached single storey dwellings, car parking, landscaping, fencing and associated works.



**Proposal :-**

This application seeks planning permission for the erection of two 2-bedroom semi detached single storey 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 is to be considered by Committee due to the refusal on 5<sup>th</sup> July 2012 of the previous application (Ref. 12/00043/FUL) for the erection of 4 two bedroom semi-detached dwellings, car parking, landscaping, fencing and associated works.

### **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01/00006/OUT - outline planning application for residential development of the site was withdrawn.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 is currently the subject of an appeal.

### **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 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.

**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.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> – Old Manor Gardens is a private road, and not maintained by the Highway Authority as public highway, 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, to prevent such accesses being created in the future, due to the inadequacies of Nurses Lane. Recommend this is done by means of a condition.</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.</p> <p><b>The level of parking provision meets current standards and will not have a detrimental effect upon highway safety.</b></p>
<p><b>Housing Policy Officer</b> – The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in Para 110 – 113, in seeking to ensure that housing mix meets local housing need.</p>	<p>There is a market bias in favour of smaller housing units as a shortfall has been identified. This application offers the necessary smaller units and as such will assist to rebalance housing in the 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 Housing Market Analysis for Melton Borough</p>	

<p>(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 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 (Blind 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>This application seeks permission for two 2-bed single storey dwellings. These units are 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><b>Parish Council</b> – Do not object to the proposal</p> <p>Request the removal of permitted development rights.</p>	<p>Noted</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’ including ditches, pits, post holes and other</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>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>	
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result letters of representation from 10 households and Wymondham PCC have been received objecting to the proposal on the following grounds:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Character of the Area:</b></p> <ul style="list-style-type: none"> <li>• Loss of attractive layout/open feature of the residential development of Old Manor Gardens and the Conservation Area. The development has won a national award for design and the landscaped open areas and overall design were considered to be exceptional and in keeping with the environment of the rest of the village.</li> <li>• Impact on visual appearance and character of the area</li> </ul>	<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 planning permission implemented 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</p>

<ul style="list-style-type: none"> <li>• Impact on views and setting of the Grade I St Peters Church</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> </ul>	<p>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.</p> <p>The two dwellings proposed are sited with an north – south orientation in order to continue the built form of the existing estate. The properties would be sympathetic in design and materials to the existing development and are proposed to be constructed of natural stone with pantile roofs. Stone heads and cills along with stone quoin detailing will add feature and character to the buildings, creating the appearance of converted farm buildings.</p> <p>The proposed properties are in keeping with the design, materials, details and finishes of the neighbouring properties and in this respect are considered acceptable.</p> <p><b>However, as stated above, it is considered that building a pair of semi detached single storey dwellings on this open area of land would not preserve or enhance the character and appearance of the Conservation Area.</b></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>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 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>
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<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 plans give a front to back separation distance of approximately 25 m at the closest point on 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.</p> <p>The proposed dwellings will have a ridge height which is 1.68 metres lower than No 8 and accordingly should not have an overbearing impact on this property nor No10. Although approx 1 metre higher than the ridge of No. 12 Nurses Lane, it is considered that the new dwellings are sufficiently distant. It is therefore considered that the proposal will not lead to an 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 lies a minimum of 13 metres from the gable end of plot 1. It is therefore 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 23 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 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 will adversely affect the residential amenities of this property.</p> <p>The current plans show a low maintenance</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>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> <li>This proposal is in contravention of Local Plan Policy OS1</li> </ul>	<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>
<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>Increase in car parking introduces a greater safety risk</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> </ul>	<p>The application proposes 2 x two bedroom single storey 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>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><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>Whilst the proposal would provide two small 2 bedroomed semi detached houses they would not provide ‘affordable housing’. There is sufficient housing available in Wymondham</li> <li>The Council previously stated that no more than 20 houses would be allowed on this</li> </ul>	<p>There is no requirement to provide affordable housing, but the two modest units will add to the mixture of dwelling size and types currently available within the Old Manor Gardens development.</p> <p>This is a residential development of 18 dwellings. The 2 extra hereby proposed will total 20.</p>

<p>site and there are already 20.</p> <ul style="list-style-type: none"> <li>• There is no indication on the submitted plans of the height of 17 Old Manor Gardens which is necessary to understand the impact on the houses on Nurses lane and Old Manor Gardens</li> <li>• Parking design is unattractive; six dwellings will use less than 50 metres of roadway to access and manoeuvre</li> </ul>	<p>The impact on adjoining properties has been reduced as the proposed dwellings are single storey.</p> <p>This design is consistent with other parking facilities within the development. There has been no objection from the Highway Authority.</p>
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**Other material considerations (not raised through consultation or 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 Melon 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></p>	<p>There are residential properties to the north, east and west sides of the development site, with a single storey garage abutting the boundary between the two sites. There is a minimum separation distance of 5 metres between the blank walls of the two buildings. The two storey dwelling (No 12) is a minimum of 13 metres away but there are no overlooking windows.</p> <p>To the west of the site, and therefore to the rear of the proposed dwellings are No's 8,10 and 12 Nurses Lane. Whilst set lower than the development site there will be a separation distance of between 25 and 28 metres away from the rear elevation of the proposed bungalows. As such there is no overlooking issue.</p> <p>The relationship with No's 17 and 19 Old Manor Gardens to the east of the development site is in</p>

	<p>excess of 23 metres at the closest point and are separated by the access road.</p> <p><b>Therefore, it is still considered that the layout is acceptable in relation to these properties and would not have an adverse impact on the residential amenities of these properties.</b></p>
<p><b>Heritage Issues</b>  <u>NPPF considerations in regard to setting of heritage assets and the conservation area together with English Heritage guidance</u></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 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’....</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>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.</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>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 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>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>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 current 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 that a minimal loss of view of</p>

the heritage asset should not outweigh the overriding presumption of development in sustainable locations.

**It is considered that building a pair of semi detached single 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.**

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 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.

In response to this it is considered 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 end. The open land is also an important element in distant views towards several heritage assets, of which the Church is the most significant.

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

The NPPF states that great weight should be given to the heritage asset's conservation. The more important the asset, the greater the weight. **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**

	<p><b>the area and will adversely affect the setting of the Church and associated heritage assets.</b></p> <p><b>Therefore it is still considered that despite the fact that two single storey dwellings are proposed they would 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><b>Section 106 Contributions</b></p>	<p>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.</p> <p>Similarly the development is also below the threshold for affordable housing contributions.</p>

**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.

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 single storey semi detached 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 single 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 listed church. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF.

Officer to contact:

**Richard Spooner**

**29 October 2012**