

Planning Committee 28 February 2017
Report of the Head of Planning and Development



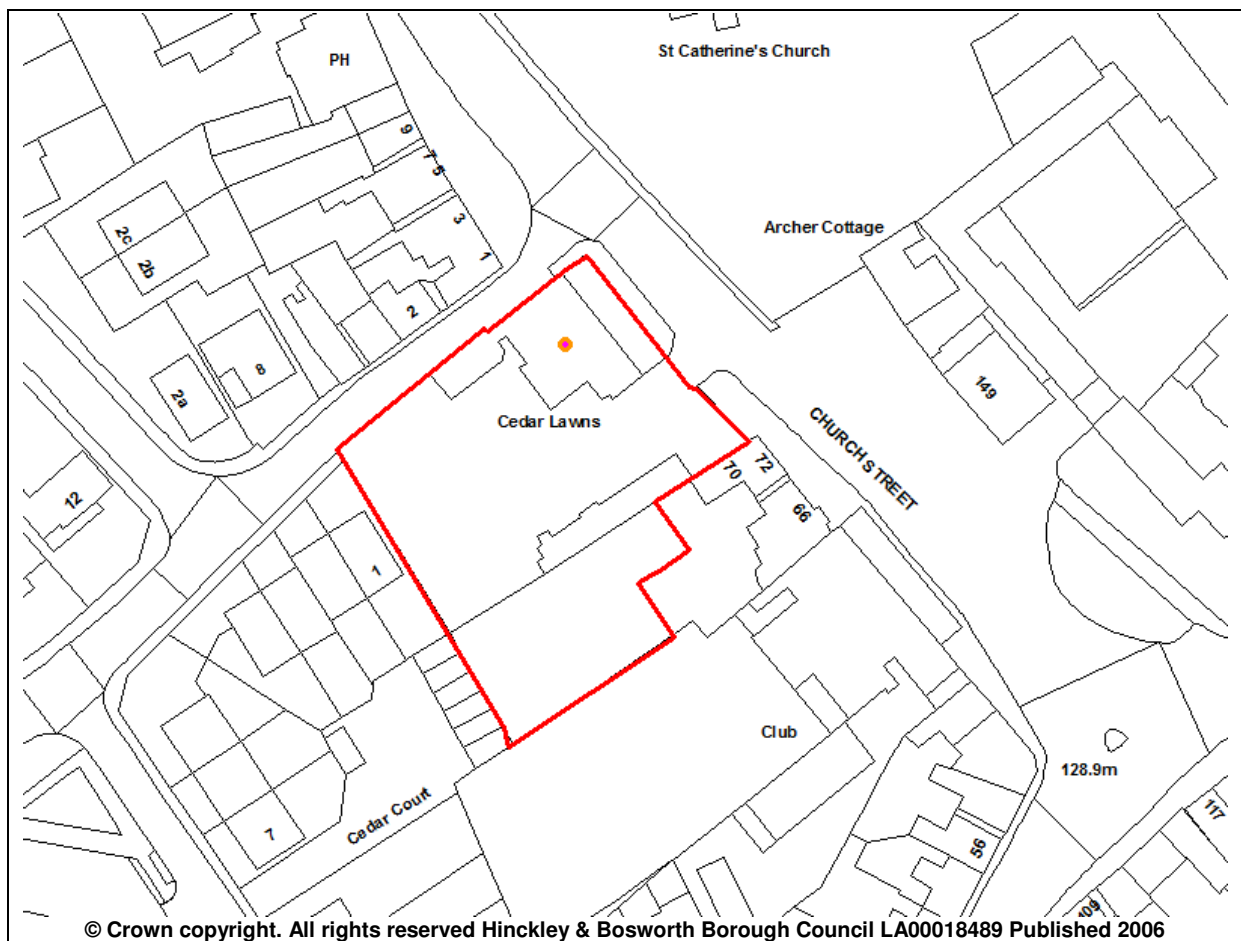
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00441/FUL
Applicant: Mr R Morris
Ward: Burbage St Catherines & Lash Hill

Site: Cedar Lawns Church Street Burbage

Proposal: Conversion of offices (B1a) to 5 flats (C3) including demolition of single storey rear extension, conversion of outbuilding to 1 dwelling and erection of 3 new dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks full planning permission for the conversion of the existing building from offices to 5 one and two flats, the conversion of the existing outbuilding to 1 dwelling and the erection of 3 dwellings. The proposal also includes

the demolition of the single storey rear extension to the main building, part demolition of the outbuilding and rebuilding of the boundary wall to Grove Road.

- 2.2. Amended plans have been received addressing officer concerns regarding the overdevelopment of the site. As a result, the total number of dwellings proposed has been reduced from 12 to 9. Further amended plans were received addressing additional concerns regarding the site layout and landscaping and as a result further landscaping and relevant alterations to the site plan has been received.
- 2.3. There would be 3 x 1 bedroom flats and 2 x 2 bedroom flats in the main building, both the conversion and detached new build would have 3 bedrooms and would be 1 and ½ storeys in height. Two single storey, 2 bedroomed semi-detached bungalows are proposed to the rear of the site.
- 2.4. No significant changes or alterations are proposed to the external elevations of the main building. A new AOV (automatic opening vent) rooflight is proposed to the front roof slope, the existing roof light to the rear roof slope would be removed, the existing window on the side elevation to Grove Road would be replaced with a new heritage style timber framed window and a new external grade door to be fitted into the existing opening on the rear elevation.
- 2.5. The site includes the formation of 11 parking spaces and new entrance gates to the site. The existing wall and posts to the front of the site are to be retained with the slight demolition of a small part of the front wall to increase the width of the access.
- 2.6. Landscaping to the front of the site would be retained with the exception of the one tree adjacent the front elevation of the building. Additional landscaping is proposed throughout the application site with additional planting proposed on the west and south boundaries of the site.
- 2.7. A design and access statement, heritage statement and a photographic survey have all been submitted to support the application.
- 2.8. The proposed works internally and externally to the listed building, outbuildings and walls and demolition of part of the building and outbuildings are also subject to a separate application (ref: 16/00442/LBC).

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary and conservation area of Burbage. The application site is located on the junction of Church Street and Grove Road and is sited adjacent a number of residential properties.
- 3.2. The main building, Cedar Lawns is a large three storey Grade II building listed in 1989. The main building was a former house, built in early to mid 19th Century with red brickwork with cement dressings and a parapet to Swithland slate roof with four ridge stacks. To the front of the property, there is a regular 3 window style with moulded still brackets on the first and second floor and square bays on the ground floor. There is a central panelled door with a fanlight under a round headed hood build in late 19th Century.
- 3.3. Four large mature trees are located to the front of the site which limits views into the site and partially shields the main building. The main building is currently used as an office with storage located within the existing outbuilding. Car ports are provided in the existing outbuilding with an un-formalised car parking arrangement provided in the rear of the site.
- 3.4. The application site is currently of an overgrown nature with the rear garden having a shrub like appearance. As a result of the overgrown areas, the boundary wall adjoining the land to the rear of no. 66-72 Church Street is not visible from the site.

This area of land to the rear of no. 66-72 Church Street is landlocked and is also of an overgrown nature.

- 3.5. Located adjacent the application site (no.66-72 Church Street) are two storey Grade II listed residential properties. Opposite the application site is the Grade II* listed St Catherines C of E Parish Church.

4. Relevant Planning History

12/00164/FUL	Erection of two dwellings	Refused	02.05.2012
15/00007/LBC	Listed Building Consent for essential repairs to outbuilding including works to roof and supporting internal walls following damage caused by tree limb falling on to roof	Listed Building Consent	23.03.2015
16/00442/LBC	Listed building consent for the conversion of offices (B1a) to 5 flats (C3) including demolition of single storey rear extension, conversion of outbuilding to 1 dwelling and erection of 3 new dwellings	Pending Consideration	

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

- 5.2. Neighbour contributions have been received from 10 addresses raising the following concerns:

- 1) Impact upon parking and traffic within the area
- 2) Impact upon privacy and noise disturbance
- 3) Impact during construction
- 4) Conflict and misleading nature of the application address and site description
- 5) Loss of wildlife
- 6) Impact upon foul sewage
- 7) Lack of waste provision
- 8) Risk of damage to Cedar Lawns and adjacent listed buildings
- 9) Impact upon the conservation area
- 10) Plans are misleading
- 11) Demolition of part of the outbuilding would impact on the character of the area
- 12) Structural risk during demolition
- 13) Overdevelopment and intensification of the area
- 14) Impact upon overlooking, loss of light and light pollution
- 15) Impact upon trees and landscaping
- 16) Development previously refused and dismissed at appeal
- 17) Loss of an open area
- 18) Demolition of listed wall not included in plans

6. Consultation

6.1. No objection subject to conditions from the following:

Severn Trent Water
LCC Archaeology
LCC Highways
HBBC Conservation Officer

6.2. No objection from the following:

LCC Drainage
LCC Developer Contributions
LCC Ecology
HBBC Environmental Health (Pollution)
HBBC Waste
HBBC Drainage
HBBC Compliance and Monitoring Officer
HBBC Affordable Housing Officer
Environment Agency

6.3. Burbage Parish Council initially objected on the following concerns, back land development, impact upon neighbouring properties and lack of parking. However, following the re-consultation of the amended scheme Burbage Parish Council have no objection subject to the works need to be sensitive and careful as to not cause any harm to the heritage asset.

7. Policy

7.1. Core Strategy (2009)

- Policy 4 – Development in Burbage
- Policy 15 – Affordable Housing
- Policy 16 – Housing Density, Mix and Design
- Policy 19 – Green Space and Play Provision
- Policy 24 – Sustainable Design and Technology

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1 – Presumption in Favour of Sustainable Development
- Policy DM3 – Infrastructure and Delivery
- Policy DM7 – Preventing Pollution and Flooding
- Policy DM10 – Development and Design
- Policy DM11 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Heritage Assets
- Policy DM13 – Preserving the Borough's Archaeology
- Policy DM17 – Highway Safety
- Policy DM18 – Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- The Setting of Heritage Assets (Historic England)
- Burbage Conservation Area Appraisal and Map

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area, listed building and conservation area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon ecology
- Impact upon archaeology
- Trees and landscaping
- Drainage
- Developer Contributions
- Affordable Housing
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).
- 8.3. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.4. The application site is located within the settlement boundary and conservation area of Burbage. Policy 4 of the Core Strategy identifies Burbage as a key centre where residential development is generally supported within the settlement boundary, subject to consideration of all other material planning considerations. Policy 4 also aims to support the Burbage local centre and ensure that the village's infrastructure can accommodate new development.
- 8.5. The existing building has a B1a use but is not identified as an allocated employment site and therefore Policy DM19 is not relevant to this application.
- 8.6. The development is sustainably located in regards to access to services, facilities and modes of public transport and therefore the principle of residential development is acceptable and in accordance with Policy 4 of the Core Strategy.

Impact upon the character of the area, listed building and conservation area

- 8.7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.8. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. If the impact of any proposal causes harm to a heritage asset the benefits of the proposal must outweigh any harm caused. All proposals for the change of use,

extensions and alterations of listed buildings and development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which lead to the overall enhancement of the conservation area, will be supported and encouraged.

- 8.9. Section 12 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 132). The Setting of Heritage Assets guidance published by Historic England is also given due consideration during the determination of this application as the document sets out guidance on managing change within the setting of heritage assets.
- 8.10. Minor and moderate levels of harm are considered "less than substantial", and in accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF the harm caused by the proposal should be weighed against the public benefits. Recent case law has confirmed the considerable weight and importance that should be given to the desirability of preserving the significance of heritage assets when carrying out the balancing exercise in accordance with the statutory duty, and the finding of harm (including less than substantial) to a listed building and its setting or a conservation area gives rise to a strong presumption against planning permission being granted unless considerable public benefits or powerful material considerations clearly and demonstrably outweigh that harm.
- 8.11. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.12. Cedar Lawns is a Grade II listed building, the former house dates from the early-mid 19th century and is an imposing and substantial building with fine elevations. It is now in use as offices. The building also has a fine frontage with architectural detailing including a modillion cornice, stone window surrounds, and a round headed hood with a central panelled door with fanlight. The other elevations also have features of architectural interest including a grand rear elevation with bay window facing into a former garden, now essentially a courtyard.
- 8.13. The building includes an attached single storey service wing dating from the late 19th century with a historic and considerable boundary wall along Grove Road. A separate early-mid 19th century stable block and coach house range is located to the south of the site, this has been altered to provide covered car parking and garaging for the site. A brick wall attached to the block bounds the site from land to the rear of 66-72 Church Street (within the southern area of the application site).

- 8.14. The south of the site was historically an orchard but is now overgrown scrubland separate to the curtilage of Cedar Lawns. The associated grounds of the building, along with the historic brick walls and ancillary buildings make an important contribution to the overall significance of Cedar Lawns and its setting.
- 8.15. Cedar Lawns and its setting also contribute positively to the character and appearance and thus significance of Burbage Conservation Area. The application site, with the exception of the buildings on site, is identified as a key space within Burbage Conservation Area. The grounds are currently in a poor state, in part tarmacked and in part overgrown and unmaintained. The Conservation Area Appraisal identifies that Cedar Lawns together with neighbouring properties and the churchyard are important in providing significant greenery in the Conservation Area.
- 8.16. Two copper beech trees which were the most dominant and mature trees on the site have recently been granted consent to be felled. This has reduced the sites contribution to the 'significant greenery' in this area as identified in the Conservation Area appraisal dated November 2011.
- 8.17. A number of listed buildings including St Catherine's Church (Grade II* listed), Archer Cottage (Grade II listed) and 66 Church Street (now subdivided to include 70 and 72 Church Street, all Grade II listed) are located within the vicinity of Cedar Lawns. This area comprises a distinctive character area within the conservation area and development at Cedar Lawns and within its grounds could be considered to be within the setting of these listed buildings.
- 8.18. The proposal is broken down into individual elements of work and an assessment of each is provided.

Alterations to main building, demolition of existing single storey extension and rebuilding of wall

- 8.19. Works to the side and rear of Cedar Lawns include rebuilding the solid brick boundary wall to Grove Road and demolishing the single storey service wing attached to Cedar Lawns. A building survey has been submitted with the application identifying that the boundary wall must be rebuilt due to structural problems. The lean to roof of the rear extension is supported by the brick boundary wall and therefore the extension would need to be demolished to allow for the rebuilding of the wall. The rebuilding of the wall would be on a like for like basis. The demolition of the extension, which was a later addition to the listed building, will allow the original building to be revealed and it is not considered that this would harm the character of the listed building. Additionally through the rebuilding of the wall the proposal seeks to retain the materials and rebuild the chimney which is a key feature within and outside the site with it being particularly visible from Grove Road.
- 8.20. The works of repair and restoration to the exterior of Cedar Lawns, accompanied with the proposal to reinstate the grandeur to the principal façade through landscaping works would enhance the architectural significance of the listed building and improve its physical condition thus reducing the risk posed to the building by a lack of maintenance. These are considerable heritage benefits. The change of use of the building back to residential use from offices is more sensitive to the original use of the building and is an appropriate step in seeking to secure the optimum viable use of the building in support of its long-term conservation. The positive impact of this is diluted by the subdivision of the building into flats rather than the building being reinstated as one residential unit as originally constructed.

- 8.21. This change of use could be considered a minor heritage benefit. The creation of the small formalised element of landscaping to the rear of Cedar Lawns is compatible with its setting and could be considered a minor heritage benefit given the lack of landscaping currently addressing this elevation.
- 8.22. It is recommended that in the interest of preserving the visual amenity of the conservation area, the demolition of the boundary wall and extension should not commence until a method statement for the works has been entered into and phasing scheme for the works has been devised, and until a programme of historic building recording (to an appropriate level) has been devised and undertaken to ensure satisfactory recording of the extension.

Conversion of outbuilding to one dwelling (Plot 1)

- 8.23. The ancillary outbuilding is proposed to be converted into a 3 bedroomed 1 and ½ storey property. All of the existing openings on the front of the building are to be retained in their original size and location and the proposed materials, including timber panels, reflect the character of the building. The proposal would use the roofspace of the building but would not increase the height of the proposal. The works to facilitate the conversion of the ancillary outbuilding are appropriate and compatible with the significance of this curtilage listed building. It is therefore considered that the sensitive conversion proposed, subject to details secured by condition, such as a method statement and materials, would not harm the character of the curtilage listed building or the setting of Cedar Lawns or the surrounding Listed Buildings and Burbage Conservation Area.

Erection of one dwelling (Plot 2)

- 8.24. The proposed 3 bed 1 and ½ storey dwelling is located next to the existing outbuilding. The design and detailing of the new dwelling and the materials proposed reflect the characteristics of the neighbouring outbuilding. The one and a half storey scale of the dwelling does not dominate the rear of the site. The currently undeveloped land to the rear of 66-72 Church Street would have limited encroachment from built development and will mainly form rear gardens and parking areas, reflecting its historical openness. Car parking and access would be provided to the rear of the dwelling.
- 8.25. The erection of a building in a current open space would result in some harm; however the design of the building with a one and a half storey height ensures it remains subservient to Cedar Lawns and in keeping with the existing outbuilding. Additionally this forms part of a comprehensive redevelopment of the site, which includes a landscaping scheme to enhance the overall character of the grounds of Cedar Lawns from its current poor state. It is therefore considered that the erection of a one and a half storey dwelling would lead to less than substantial harm and the landscape improvements to the whole site would result in a significant benefit to the site.

Erection of two semi detached bungalows (Plot 3 and 4)

- 8.26. The semi-detached bungalows are to be located to the rear of the site, perpendicular to the Grove Road boundary wall and parallel to the boundary to no. 1 Grove Road. The design of the bungalows reflects the characteristics of the outbuilding on the site. The bungalows have been located further within the site away from the setting of the listed building giving more private amenity space to the occupiers of Cedar Lawns. Due to the single storey height of the new block, its

footprint and mass is not overpowering. The single storey scale also ensures the proposed dwellings are not readily visible from the Conservation Area, retaining the existing character of the Conservation Area and not dominating the existing wall. The proposed bungalows would have similar design features matching that of the outbuilding. Dentil eaves would be provided to the gable end of the bungalow facing towards Grove Road. Therefore when viewing the site from Grove Road, the detailing would add a design feature, in keeping with that of the rest of the site.

Widening of access, boundary treatments and landscaping

- 8.27. To the front of Cedar Lawns there is a low red brick wall with stone cappings and pillars which encloses a small amenity area. Decorative wrought iron pillars flank the entrance pathway and the railings are proposed to be reinstated, the style is to be agreed and a condition is included to secure this. The small amenity area is laid to gravel but is poorly maintained, it is proposed to landscape this area with shrubs, gravel and a hedgerow behind the wall. The ivy spreading over the front elevation is to be removed, accompanied with the removal of a semi-mature tree to the front of Cedar Lawns that obscures part of the building. The installation of the railings, landscaping of the amenity area and removal of the tree would reinstate some of the grandeur to the principle façade and allow for a greater appreciation of the significance of the Cedar Lawns.
- 8.28. To the side of the vehicular entrance to the site is a high red brick wall. A small section of the wall is proposed to be demolished to allow for improved visibility for the access. The majority of the wall would be retained and the three semi-mature trees within the space are to be retained. To the rear of the wall adjacent to the neighbouring property a bin store is proposed which is bound by a brick wall with gated access. Due to the low level nature of this and the existing high boundary wall this would be well hidden from main public views and would therefore not cause harm to the setting of the listed building and adjacent listed buildings and conservation area. The proposed materials, location and boundary treatments of the bin store would be in keeping with the character of the conservation area and listed buildings both within and adjacent the application site.
- 8.29. A new driveway gate is proposed, set back from the existing gate posts and level with the frontage of Cedar Lawns. The gate would be of a style and material to match the railings to be installed at the frontage. The open aspect of such a style of gate would ensure glimpses through the site remain.
- 8.30. Due to the size of the new build block and its accompanying servicing areas, including car parking, there would be a physical loss to the extent of the undeveloped and verdant grounds to Cedar Lawns. An indicative landscaping scheme has been submitted which demonstrates that there can be small areas laid to lawn located to the rear of the new build, areas of soft landscaping to the front, and a landscaped area bound by a brick wall around the rear and side elevations of Cedar Lawns to give a formalised section of garden.
- 8.31. The loss of undeveloped and green space in the grounds of Cedar Lawns clearly weighs against this proposal; however, this could be offset to have a neutral impact as the quality of landscaping within the grounds would be improved. The proposal would create a formalised landscape area to Cedar Lawns, which it is currently lacking and would therefore provide a greater appreciation of its distinguished garden façade. It is considered that the appropriate scale and design of the new bungalows and associated landscaping would have no detrimental impact on the

setting of Cedar Lawns and would be compatible with the significance of the building.

- 8.32. The separate land to the rear of 66-72 Church Street is to be used as gardens, parking and access to serve the new dwelling and converted outbuilding. This land was a former orchard but currently has no trees and is of poor quality with a scrub like appearance. The landscaping scheme suggests that the gardens would be laid to lawn with a number of specimen trees planted along the boundaries. This land would have a green character and the appearance of the land can be maintained through its use as gardens for the new dwelling and converted outbuilding. There is the potential for a range of specimens to be planted that reflect the historical use of the land as an orchard and the planting of semi-mature trees would reflect the rural character of the conservation area. Such planting is suggested as a means of an enhancement of this section of the conservation area. Further to this, the access to the parking and turning area to this part of the application would be bounded by a dwarf wall, railing and hedging which would provide a soft appearance; this would be secured by condition.
- 8.33. An appeal for the erection of two dwellings on this land was dismissed in 2013 (12/00164/FUL) for reasons including the detrimental impact on the character and appearance of the conservation area. There is a difference between the dismissed appeal and the current application in that no new dwellings are proposed for this land to the rear of 66-72 Church Street.
- 8.34. The land slopes up to the rear of the site with Grove Road to the north set lower than the application site. To ensure the levels of the proposed buildings are in keeping with the existing buildings on site, a suitably worded condition is recommended requiring existing and proposed levels to be submitted prior to commencement.
- 8.35. Acceptable amenity space is provided to the rear of the flats, rear of the semi-detached bungalows and rear of the outbuilding conversion and new build.
- 8.36. Due to the sensitivity of the proposals, a condition is recommended to remove permitted development rights for development within the curtilage of the new dwelling, converted outbuilding and new bungalows, to ensure verdant character of the gardens is preserved.
- 8.37. The landscaping scheme shows a large number of improvements to the site, including additional planting and landscaping to all areas of the application site. It shows that benefits can be achieved through an appropriate landscaping scheme which outweighs any harm arising from the development. To ensure that the benefits are carried out, a full and detailed landscaping scheme including different specimen types is to be submitted and secured by condition.

Impact upon the setting of adjacent listed buildings

- 8.38. The frontage of the site could be considered to be within the setting of the grade II* listed St Catherine's Church and grade II listed Archer Cottage, both located opposite Cedar Lawns and comprising part of a distinctive character area within the conservation area. By virtue of the works to the front elevation of Cedar Lawns and the site frontage being appropriate there would be no detrimental impact on the setting of these listed buildings. The further works within the site would not be easily read within the setting of St Catherine's Church and Archer Cottage and would not harm the setting of these listed buildings.

- 8.39. No's. 66-72 Church Street (grade II listed as 66 Church Street but recently converted into 3 separate properties during renovations) are adjacent to Cedar Lawns. The proposal to use the land to the rear of these properties as gardens for the proposed dwellings fall within their setting. There are small gardens and yards serving each property, with the land further to the rear separate and not in use as gardens given its scrub like appearance. This separation may not always have been the case, and the land is likely to be closely associated with 66-72 Church Street. Even with its current appearance the land has always had a verdant character (historically being an orchard) which contributes positively to the setting of the buildings, and this positive contribution and verdant character would be maintained through the proposed use as gardens and landscaping, thus there would be no detrimental impact on the setting of the listed buildings and the development would retain the character of the conservation area.

Conclusion

- 8.40. Overall, the works comprise some minor alterations to and reinstatement of the original plan form of the Grade II listed Cedar Lawns which would have a neutral impact on its significance. The creation of a formalised element of landscaping to the rear of Cedar Lawns is compatible with its setting. The rebuilding of the external wall to Grove Road and retention of feature chimney would have a neutral impact on the significance of Cedar Lawns and preserve the significance of the conservation area.
- 8.41. The works to facilitate the conversion of the ancillary outbuilding are appropriate and compatible with the significance of this curtilage listed building. The scale and appearance of the new bungalows and dwelling are appropriate and compatible to the character of the area, including the setting of Cedar Lawns. All works and development proposed ensure there would be no detrimental impact on the setting of the other listed buildings within the vicinity of Cedar Lawns.
- 8.42. The proposal provides the opportunity of increasing the quality of landscaping within the grounds of Cedar Lawns to preserve the verdant character of the conservation area and the setting of the listed building. The proposal also provides the opportunity to provide an enhancement on the current condition of the land to the rear of 66-72 Church Street through the proposed use of part of the land as garden. As high quality landscaping can be achieved, secured via a condition, then the significance of Cedar Lawns and the conservation area can be sustained and enhanced which is considered a heritage benefit.
- 8.43. Some of the works and development proposed as part of the application are compatible with the Grade II listed Cedar Lawns and its setting and preserve the significance of the conservation area. The removal of a small amount of the internal historic fabric of Cedar Lawns, the demolition of the attached single storey rear extension and curtilage wall attached to the ancillary outbuilding, and the loss of undeveloped green space and two semi-mature trees by developing the grounds of Cedar Lawns would cause less than substantial harm to the listed building, its setting, and the conservation area. Heritage benefits that flow from the proposal include works of repair and restoration to the exterior of Cedar Lawns and appropriate landscaping which would enhance its significance and setting alongside improving its physical condition thus reducing the risk posed to the building by its current lack of maintenance. The change of use of the building back to residential is a more appropriate means by which to secure the optimum viable use of the building in support of its long-term conservation. To ensure that the refurbishment of the listed building is carried out, a condition is recommended to ensure that the

works are carried out prior to the occupation of the fourth dwelling. The proposal provides the opportunity of increasing the quality of landscaping within the grounds of Cedar Lawns to sustain the character of the conservation area and enhance the setting of the listed building.

- 8.44. It is therefore considered that the proposal provides public benefits to the sites contribution to the conservation area, setting of other listed buildings and securing the optimum viable use of the listed building and improvements to the wider site which outweigh the less than substantial harm. Therefore it is considered that the proposal is in accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF. The works are compatible with the significance of the Grade II listed Cedar Lawns and its setting, and subject to the submission of an appropriate landscaping scheme would preserve the significance of the Burbage Conservation Area and therefore the proposal complies with Policy DM12 of the SADMP. In making the above assessment special regard has been had and special attention has been paid to the duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and great weight has been given to the conservation of heritage assets in compliance with paragraph 132 of the NPPF.

Impact upon the character of the area

- 8.45. Policy DM10 of the Site Allocations and Development Management Policies DPD seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.46. This application proposes the conversion of the offices to 5 flats with 4 new dwellings proposed to the rear of the site. During the course of the application, amended plans were received addressing officer concerns regarding the number of dwellings, the layout of the site and landscaping. As a result, the number of dwellings was reduced from 12 to 9 and additional changes to the site layout and further landscaping changes were received.
- 8.47. The 5 flats proposed for the main building would have a large amount of communal amenity space provided to the rear of the building with the two semi-detached bungalows located further to the rear of the site. Parking would be provided between this amenity space and the proposed bungalows adjacent the boundary wall to Grove Road. This results in an appropriate separation distance from the bungalows to the rear garden of the listed buildings.
- 8.48. The site access would have a curved entrance road with further parking located on the land to the rear of the gardens of no. 66-72 Church Street. The proposed conversion would use the existing outbuilding with a minor demolition of part of the outbuilding. The proposed detached dwelling would have a front elevation that would be set level with the outbuilding conversion and perpendicular to the semi-detached bungalows. A proposed canopy would link the new dwelling to the semi-detached bungalows, providing a continuation of the footprint of the site. The four new dwellings proposed within the rear of the site would all sit well in relation to each other, providing a courtyard aspect that would be subordinate and subservient to the listed building. Appropriate amenity space would be provided to the rear of the 4 new dwellings.

- 8.49. Overall the proposed dwellings would sit well within the site and complement each other, providing an overall contribution to the character of the area. It is considered that the layout, scale, appearance and landscaping are acceptable with regards to the impact on the character of the area in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.50. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.51. No. 70-72 Church Street is located to the south of the application site adjacent to the existing outbuilding. No changes in height are proposed to the outbuilding and there would be no changes or new windows proposed to the rear elevation which borders the rear garden of no. 70-72. All windows would be located on the ground floor of the outbuilding and as such would have no impact upon overlooking to no. 70-72. Therefore there would be no impact upon overlooking or loss of light from the proposed outbuilding conversion.
- 8.52. The proposed new build to the south west of the site would be sited approximately 12.5 metres from the rear boundary of the nos. 66-72 Church Street. Two windows are located on the side elevation of the new build facing towards nos. 66-72, however they would both be obscure glazed and the window on the first would be non-opening, this would be secured by condition. Due to the distance from the rear gardens and the orientation of the building, the proposed new dwelling would have no impact upon the residential amenity of no. 66-72 in respect of loss of light or overlooking.
- 8.53. Located to the south of the application site is a bowling green and located to the south west of the site is a car park and garages associated with the properties fronting Grove Road and New Road. The proposed two storey new build would be located level with the rear elevation of no. 1 Grove Road, a two storey terraced property. Roof lights are proposed to the rear elevation of the proposed dwelling, however these would be level with and overlook the car park and garages and the bowling green, and as such there would be no impact upon residential amenity. Three roof lights are proposed to the front roof slope of the proposed dwelling; however they would be sited so as not to overlook the rear garden of no. 1 Grove Road.
- 8.54. The proposed semi-detached bungalows would be located to the west of the application site, adjacent the existing boundary fence and side elevation to no. 1 Grove Road. The proposed height of the bungalows would be higher than the existing fence and would only partly be visible from Grove Road. As a result of the single storey nature and the bungalows sited adjacent the front parking area and blank side elevation to no. 1 Grove Road, there would be no impact upon the residential amenity of the neighbouring properties on Grove Road in respect of loss of light, overbearing or overlooking.
- 8.55. No new openings are proposed to the main building, only a replacement window to the side elevation to Grove Road. As a result of the siting of the main building and the distance and siting of the adjacent residential properties, it is not anticipated that any habitable windows within the main building would result in any overlooking impacts upon neighbouring residential properties, the new residential properties within the site or vice versa.
- 8.56. The amenity space provided for the flats would be located to the rear of the main building within a private area. The amenity space for the conversion, and new builds

would all be situated to the rear of their respective buildings providing adequate amenity space and sunlight to all gardens.

- 8.57. Therefore the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.58. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.59. The proposed access to the site is from Church Street, using an existing access adjacent to the main building. Currently there is no formalised parking area and as part of this application it is proposed to formalise parking spaces within the site. At this point of Church Street, the road has a 20 mph speed limit.
- 8.60. There would be 3 x 1 bedroom flats and 2 x 2 bedroom flats in the main building, both the conversion and detached new build would have 3 bedrooms and the 2 x 2 semi-detached bungalows are to have 2 bedrooms each. There would be a total of 11 parking spaces.
- 8.61. Revised plans have been received amending the size of the parking spaces to be in accordance with the minimum size of parking spaces, creating an additional parking space and increasing the width of the access.
- 8.62. The site is located within the centre of Burbage close to a number of transport services. The proposal provides one parking space for each of the 1 and 2 bedroomed properties within the scheme and two parking spaces for the 2 x 3 bedroomed properties. Therefore 11 unallocated parking spaces would be provided within the site. Initially Leicestershire County Council (LCC) Highways suggested 13 parking spaces, however additional parking would result in the loss of soft landscaping in the site and would lead to a harm to the setting of the listed building. Therefore following amended plans LCC Highways have accepted the provision of 11 parking spaces and do not object to the parking provision on site.
- 8.63. The access to the site has been slightly increased by removing part of the brick wall to the front of the site. Therefore the access to the site would have a width of 4.8 metres for a minimum distance of 5 metres behind the highway boundary in accordance with Leicestershire County Council's 6c's design guidance. Therefore vehicles entering and leaving the site would be able to pass each other clear of the highway and not cause a detriment to the highway. Gates are proposed to the entrance of the site, however these are set back approximately 6 metres and would therefore allow vehicles to pull in clear of the highway.
- 8.64. The tree located to the front of the main building would be removed as part of this application with new railings proposed to the front of the site. As a result there would be adequate vehicle and pedestrian visibility distances when leaving the site in accordance Leicestershire County Council's 6c's design guidance.
- 8.65. LCC Highways have assessed and considered the application and have stated that the residual cumulative impacts of the development can be mitigated by condition and are not considered severe in accordance with Paragraph 22 of the NPPF. They stated it could not be demonstrated that the proposal would result in a severe increase in traffic visiting the site.
- 8.66. The proposals would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Impact upon ecology

- 8.67. DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.68. As the proposal involves the roof space of the converted outbuilding, a bat survey has been requested by LCC Ecology in accordance with OPDM 2006/05. As the bat survey found no evidence of bats, no further surveys or mitigation is required. Therefore the proposal would be in accordance with Policy DM6 of the SADMP.

Impact upon archaeology

- 8.69. Leicestershire County Council Archaeology have been consulted but has no objection subject to conditions.
- 8.70. In order to preserve the importance and heritage aspect of the existing buildings located on the site, a historic building survey and a Written Scheme of Investigation must be submitted prior to commencement. It is recommended that this be secured by condition.

Trees and landscaping

- 8.71. A number of trees are to be removed from the site as part of the development, including the existing tree located to the front of the main building and the ivy which is spreading across the front elevation. The removal of this semi-mature tree and the ivy, would reveal the existing front elevation and reinstate some of the grandeur to the principle façade and allow for a greater appreciation of the significance of the Cedar Lawns. The benefit to the listed building is therefore considered to outweigh the loss of the tree especially given the replacement tree planting across the site as a whole which would be secured by condition.
- 8.72. Two further trees are to be removed within the rear of the site, however these are of no merit and do not significantly add to the character of the conservation area.
- 8.73. The layout of the development ensures that there are significant areas available for landscaping including new boundary hedge and replacement tree planting. These landscape improvement would be visible from public vantage points around the site and would enhance the appearance of the site and character of the conservation area and are in accordance with Policy DM10

Drainage

- 8.74. Policy DM7 of the SADMP states that adverse impacts from pollution and flooding will be prevented by ensuring that the development does not create or exacerbate flooding. Paragraph 103 of the NPPF requires that development does not increase flood risk elsewhere.
- 8.75. No issues or objections have been raised, however as a result of the formalising of the car park, a condition is recommended to ensure there is no impact from surface water drainage.

Developer Contributions

- 8.76. Policy 19 of the Core Strategy and Policy DM3 of the SADMP requires new residential development to contribute towards the provision and maintenance of

public play and open space facilities for children. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm. In light of the guidance in the PPG and as a result of amended plans reducing the number of proposed dwellings to 9 and reduction in floor space below 1000sqm, a contribution towards play and open space provision is not being sought.

Affordable Housing

- 8.77. Following amendments to national planning guidance, affordable housing contributions can no longer be sought on schemes of less than 10 dwellings, therefore notwithstanding Policy DM3 of the adopted SADMP, and as a result of the amended scheme resulting in the reduction of the number of dwellings, no contribution has been pursued in this case.

Other issues

- 8.78. Concerns have arisen regarding the site description, site address and plans being misleading. The applicant has submitted a site location plan which includes all land associated with Cedar Lawns and the piece of landlocked land to the south west of the site. All proposed works, alterations and new buildings are to be carried out in the land associated with Cedar Lawns and the ownership of the land to the rear of no. 66 is a civil matter and is not a material planning consideration.
- 8.79. Concerns have arisen regarding impact during construction. It is not considered that the construction of the scheme would have a detrimental impact to the surrounding area/neighbours that would warrant any further measures of protection to be in place.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary for Burbage and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. It is considered that the proposal would result in significant public benefits due to the return of a listed building back into optimum use, substantial improvements and

repair to the existing buildings and improvements and maintenance of the remainder of the site including substantial landscape improvements and tree planting. The improvements to the building and design of the new dwellings would lead to significant improvements to the setting of the listed building and the enhancement of the character and appearance of the Burbage Conservation Area.

- 10.3. These positive aspects need to be weighed against the demolition of part of the listed building and the introduction of additional buildings within the curtilage of the listed building. The Council has 1) Identified which heritage assets and their settings are affected; 2) Assessed whether, how and to what degree these settings make a contribution to the significance of the heritage assets; 3) Assessed the effects of the proposed development, whether beneficial or harmful, on that significance; 4) Explored the way to maximise enhancement and avoid or minimise harm. When considering the significance of the heritage assets it is considered the impact would be less than substantial. In weighing the less than substantial harm against those benefits in accordance with Paragraphs 133 and 134 of the NPPF, it is concluded that the public benefits outweigh the harm.
- 10.4. The proposal would also respect the scale and character of the existing building and street scene and would not adversely affect the amenities of the occupiers of neighbouring properties and it is assessed that the proposal would not have an adverse impact upon highway safety. The proposal is considered to be sustainable development in accordance with Policies DM1 of the SADMP together with paragraph 14 of the NPPF.
- 10.5. The NPPF states that permission should be granted 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 development is in accordance with Policy DM1, DM3, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the Council's adopted Site Allocations and Development Management Policies Development Plan Document and there are no material considerations that indicate that these should not apply. The application is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Elevations Drg. No. 16/20/10 Rev. A (scale 1:100) and Proposed Floor Plans Drg. No. 16/20/04 Rev. A (scale 1:100) received by the Local Planning Authority on 8 September 2016,

Proposed Outbuilding Conversion, Drg. No. 16/20/12 Rev. C (scale 1:100) and Proposed Bungalows, Drg. No. 16/20/13 Rev. B (scale 1:100) received by the Local Planning Authority on 7 February 2017 and

Proposed House Drg. No. 16/20/15 Rev. A (scale 1:100), Block Plan Drg. No. 16/20/05 Rev. G (scale 1:200) and Site Plan Drg. No. 16/20/14 Rev. D (scale 1:200) received by the Local Planning Authority on 8 February 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposal and the hard landscaped areas shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. No development shall take place within the application site until a programme of archaeological work including a historic building survey (Historic England Level 3) defined within a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. No works shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document.

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document.

6. No development shall commence until a method statement for the rebuilding of the external wall to Grove Road and the retention of the feature chimney have been submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence until a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

Reason: To preserve the setting of Cedar Lawns, and to preserve the character and appearance of the Burbage Conservation Area in the interests of visual amenity, to accord with Policies DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

8. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 shall not be carried out, on any dwelling hereby approved, unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document.

10. Prior to first occupation of any dwelling hereby approved, parking and turning facilities, as shown on approved drawing Block Plan Drg. No. 16/20/05 Rev. G (scale 1:200) and Site Plan Drg. No. 16/20/14 Rev. D (scale 1:200) received by the Local Planning Authority on 08 February 2017 shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter, park, and leave in a forward direction. The parking spaces and turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance

with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

11. No development shall take place until a scheme of hard and soft landscaping works, to include the following:
- boundary treatments for the site frontage and all other external boundaries;
 - boundary treatment for the flats and new dwellings;
 - hard and soft landscaping proposals for all the communal areas and land adjacent to the access drive;
 - details of the species types and location of the extra heavy standard trees to be planted

have been submitted to and approved in writing by the local planning authority. Once approved the scheme shall be carried out in accordance with the approved landscaping scheme.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

12. All hard landscaping, planting, seeding or turfing approved under condition 11 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

13. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

14. There shall be no occupation of the fourth dwelling authorised to be constructed pursuant to the planning permission unless and until the works of alteration and refurbishment to Cedar Lawns have been completed in accordance with plans reference Proposed Elevations Drg. No. 16/20/10 Rev. A (scale 1:100) and Proposed Floor Plans Drg. No. 16/20/04 Rev. A (scale 1:100) received by the Local Planning Authority on 08 September 2016.

Reason: To ensure that the development has a satisfactory appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

15. The bathroom window to the side (south) elevation of plot 2 shall be fitted with obscure glazing to level 3 of the Pilkington Scale or above and shall thereafter be permanently retained in this approved form.

Reason: To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

16. The bedroom window to the side (south) elevation of plot 2 shall be fitted with obscure glazing to level 3 of the Pilkington Scale or above and shall be non-opening and shall thereafter be permanently retained in this approved form.

Reason: To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
3. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
4. If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.
5. If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.