

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



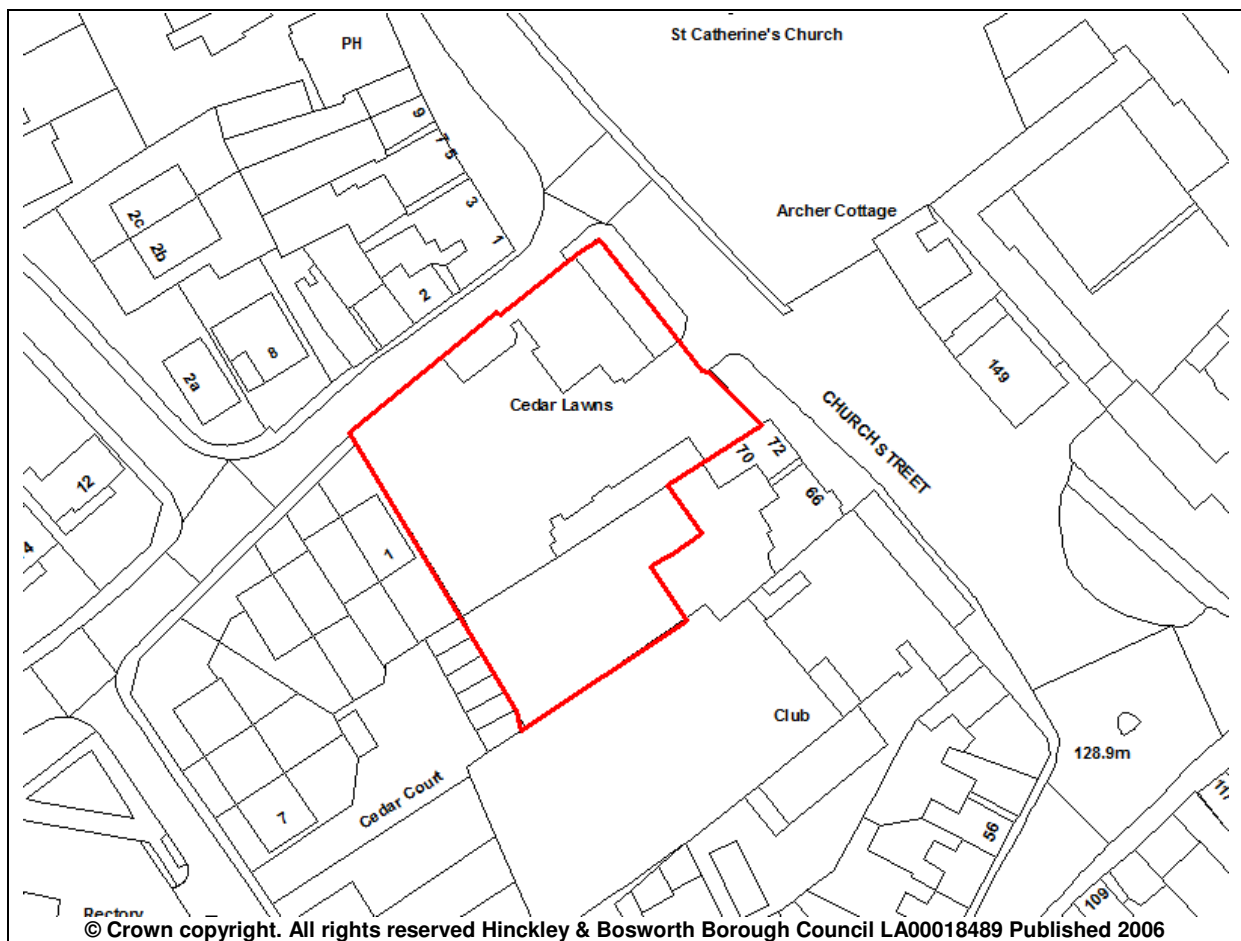
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00442/LBC
Applicant: Mr R Morris
Ward: Burbage St Catherines & Lash Hill

Site: Cedar Lawns Church Street Burbage

Proposal: 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



1. Recommendations

1.1. Grant listed building consent 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 listed building consent for the conversion of the existing building from offices to 5 flats and the conversion of the existing outbuilding to 1 dwelling. The proposal also includes the demolition of the single storey rear extension to the main building and part demolition of the outbuilding.

- 2.2. There would be 3 x 1 bedroom flats and 2 x 2 bedroom flats in the main building, and the conversion would have 3 bedrooms.
- 2.3. No significant changes or alterations are proposed to the external elevations of the main building. A new AOV (automatic opening vent) rooflight with a minimum opening of 1m² 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. A number of internal changes are proposed to the main building with new stud walls proposed to the internal rooms and the removal of certain internal walls. This application also includes the demolition and the re-building of the boundary wall adjacent Grove Road.
- 2.4. A design and access statement, heritage statement and a photographic survey have all been submitted to support the application.
- 2.5. The proposed conversion, demolition of part of the building and erection of 4 new dwellings is also subject to a separate application (ref: 16/00441/FUL).

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 the application site from view. 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
16/00441/FUL	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 seven addresses raising the following concerns:
- 5.3.
- 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:

HBBC Conservation Officer
LCC Archaeology

6.2. Objections received from the following:

Georgian Group
Victorian Society

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.

6.4. Historic England have no objection subject to consideration that the public benefits outweigh the harm which may be associated with the proposal.

7. Policy

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

- Policy DM11 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Heritage Assets

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Section 66 and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990

7.3. Other relevant guidance

- The Setting of Heritage Assets (Historic England)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the Grade II Listed Building and its setting

Assessment against strategic planning policies

8.2. Policies DM11 and DM12 of the emerging SADMP and Section 12 of the NPPF seek to conserve and enhance heritage assets in a manner according to their significance but support repair and alterations to listed buildings in principle where they would not detract from the architectural or historical character of the buildings or their setting. Therefore the main considerations with regards to this application are whether the proposed repair works/alterations would have any adverse impacts that would detract from the architectural or historical character of this Grade II listed building or its setting to an unacceptable degree.

Impact upon the Grade II Listed Building and its setting

8.3. 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.

- 8.4. 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.
- 8.5. 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 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.
- 8.6. 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.
- 8.7. 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
- 8.8. 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.
- 8.9. 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).

- 8.10. The south of the site was historically an orchard but is now overgrown scrubland separated 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.
- 8.11. The impact of the proposal on the significance and its setting of the listed building is assessed within this report. The impacts of the proposed development on the character and appearance of the Burbage Conservation Area are assessed in the full planning application.

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

- 8.12. To facilitate the conversion of Cedar Lawns various internal works are required. Internally, many historic internal features survive, including fireplaces, coving and architraves, picture rails, original skirting, a bell pull, decorative doors with fanlights, a principal decorative staircase, and timber window shutters and panels. The historic floor plan of the house is still discernible despite its current use as offices, with a central entrance foyer with staircase accessed through the main door flanked by two reception rooms and a large room with bay windows facing out into the garden. The principal rooms are also discernible on the upper floors. Deeper within the building there are a number of smaller plan rooms, a corridor and a secondary staircase to the upper floors. This is likely to have been the servicing area to the house and it appears that there have been more alterations to the original plan form of the smaller rooms including the installation of toilets and a kitchen for the offices. Occasional studwork partitions have been installed within a number of the rooms. All remaining historical features and remnants of the original plan form contribute to the significance of the building.
- 8.13. The internal works to facilitate the conversion to flats include occasional blocking up of existing doorways, the occasional creation of new doorways, blocking up but retaining the majority of the secondary staircase, covering the coving behind suspended ceilings to achieve required fire and sound protection, the insertion of some stud walls to divide the rooms and the removal of some existing stud walls. Where existing doorways are to be blocked architraves are to be retained to demonstrate the evolution and history of the building.
- 8.14. Only on one occasion (in proposed flat five) would the creation of a new doorway lead to the loss of an original architrave, and some of the secondary staircase would have to be removed in flat 4, but for all other internal works no historic features would be lost. The majority of original features would also remain visible. The selected locations chosen for the insertion of stud walls ensure there is no impact on the historic fabric of the building, and in most cases their insertion would have little impact on the plan form of the building. This is not the case within one of the reception rooms on the ground floor (proposed to be bedroom 1 of flat 2) and the room facing the garden on the ground floor (proposed to be bedrooms serving flat 1), where the original size and status of these rooms would be reduced by their subdivision. However, the partitions installed for the toilets would be removed to reinstate the original plan form for bedroom 1 of flat 4. On balance these alterations to the plan form could be considered to have a neutral impact on the significance of the building, with any minor loss of original plan form considered against the fact that the installation of studwork is reversible. The vast majority of the internal works could be considered to be sensitive to the surviving historical features within the house, but there is a loss of a small section of architrave and secondary staircase.

This could be considered to cause a minor level of harm to the significance of the building.

- 8.15. The exterior of Cedar Lawns is currently in a poor state of repair and a substantial amount of renovation is required to return it to its former glory to reflect its significance. Its current poor state is likely to have been caused by a combination of a lack of maintenance given its use as offices and evidence of inappropriate modern methods of works, such as the use of cement pointing. On the front elevation there is overgrown vegetation with ivy attached to the building, stained and spalled brickwork and damaged stonework. The timber windows require repair. On the Grove Road elevation there is also damaged brickwork and stonework and a more recent window opening has been added. To the side and rear (garden) elevations there is extensive damage to the brickwork and stonework and many of the windows have rotten timber sections. On these elevations there are grey plastic downpipes that create an unattractive feature. There is the potential that the poor condition of the external brickwork has caused dampness within the interior of the building so remedial action is required as a matter of urgency to ensure no further issues arise.
- 8.16. A range of works are proposed to the external facades including removing and/or making good the damaged brick and stone work on all elevations, repairing and renovating the windows and replacing timber sections where necessary on all elevations, removing the overgrown planting and ivy on the front elevation, installing a new window on the Grove Road elevation of a style more appropriate to the building, and relocating and replacing the downpipes on the side and rear elevations with a more sympathetic design. A new external grade door is to be fitted to the ground floor on the rear elevation. Such works are welcomed and are a substantial benefit to the proposal, both restoring the architectural significance of the building and improving its physical condition to secure its long-term future. It is recommended that a method statement for the external facades is submitted prior to the commencement of the works to ensure they will be carried out appropriately to sustain the significance of the building, and further details on the style and materials for the replacement window, door and downpipes should be submitted to ensure that their appearance is appropriate and compatible with the listed building.
- 8.17. 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 extension is a later 19th century addition the listed building and its removal would reveal the original rear façade. The main feature of the extension is the decorative chimney stack with tall stone pots. This proposal includes the re-building of the chimney and therefore will retain the key element viewable from the wider area.
- 8.18. The works of repair and restoration to the exterior of Cedar Lawns, accompanied with the proposal to reinstate the grandeur to the principle 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.

- 8.19. 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.
- 8.20. It is recommended that in the interest of preserving the setting of the listed building, 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)

- 8.21. 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.
- 8.22. The works to facilitate the conversion are appropriate and are compatible with the significance of this curtilage listed outbuilding. Two small modern flat roof extensions to the outbuilding are proposed to be demolished to facilitate the construction of the new dwelling. These extensions are of no significance and their demolition would not cause any harm to the significance of the building.

Conclusion

- 8.23. 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.
- 8.24. 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.
- 8.25. 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 comply 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.

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. Alterations and additions to listed buildings are acceptable in principle if it can be demonstrated that the proposal would not detract from its architectural or historical character. By virtue of the design and appearance of the scheme together with the proposed use of sympathetic materials and finishes the proposal would preserve the architectural and historical character and setting of the Grade II listed building and enhance the appearance of the buildings within the area. The proposal would be in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and the overarching principles of Section 12 of the NPPF. The proposal is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant listed building consent** 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
 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) received by the Local Planning Authority on 7 February 2017 and

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 preserve the architectural and historic character of the building in accordance with Policies DM11 and DM12 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 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 commence until a method statement for the external elevations of Cedar Lawns, 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.

5. 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 to accord with Policies DM10 and DM12 of the 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.