

**Planning Committee 5 July 2022  
Report of the Planning Manager (Development Management)**

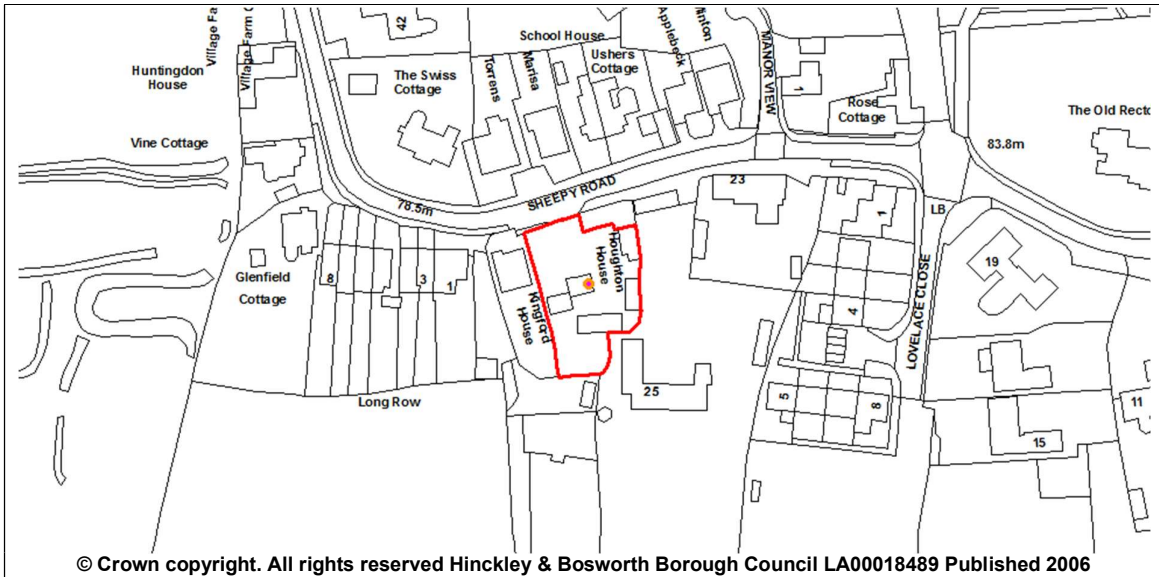


Hinckley & Bosworth  
Borough Council

**Planning Ref: 21/01501/FUL  
Applicant: Ms Amy Lawson-Gill  
Ward: Ambien**

**Site: Houghton House Sheepy Road Sibson**

**Proposal: Demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of four dwellings and associated external landscape works.**



**1. Recommendations**

**1.1. Grant planning permission subject to**

- Planning conditions outlined at the end of this report

**2. Planning application description**

2.1. Demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of four dwellings and associated external landscape works.

2.2. The proposed new dwellings units 1-3 are a single rectangular block with projecting perpendicular wings. The units are located to the back of a courtyard parking area towards the rear of the site. Each unit has a steep pitched gable frontage divided by accommodation above undercroft parking spaces between the three units. The form and proposed construction materials of each unit have traditional aspects to reflect the local vernacular but also has some contemporary design elements. The units are to be constructed of red brick facing walls with buff brick bonding detailing, and clay tile roofs. Each unit has a tall standing chimney stack projecting from the eaves of the rear gable, and a recessed porch housing the front door. The proposed windows are of a contemporary style and detail, with standard casements and box dormers at the eaves across the width of the frontage on the front elevations and taller box dormers and bi-fold doors to the rear elevations.

- 2.3. Proposed new unit 4 is located towards the front of the site and in between Houghton House and Kingford House, flanking the courtyard access. This is a traditionally styled dwelling with simple rectangular plan, dual pitched clay tile roof, eyebrow dormer windows, ground floor windows set below segmental arches and recessed entrance door on the front elevation, and construction materials of red brick with buff brick decorative bond and dentil eaves course. The unit is set back slightly behind a small front garden and the retained grass verge fronting the application site. To the side of the unit to Kingford House a high brick wall with saddleback coping is proposed.
- 2.4. Existing boundary treatments around the eastern, southern and western boundaries of the site are to be retained, with the block wall attached to Houghton House along the eastern boundary to be faced in brick. Boundary treatments within the interior of the site to divide each plot comprise low brick walls with high vertical timber louvre dividers.

### **3. Description of the site and surrounding area**

- 3.1. Houghton House is sited on the road frontage (grass verge), and is a two storey, detached cottage with a small outbuilding abutting its eastern gable. There was previously a two-storey gable to the rear (south) elevation with an attached range of single storey brick and tile outbuildings with pitched roof that extended along the east boundary. These ranges have been removed as part of the implementation of permissions reference 14/00541/HOU and 14/00542/LBC. There are a number of other detached outbuildings located to the rear along the west and (part) south boundary, constructed of a variety of materials including brick, timber and metal sheeting used for purposes ancillary to the dwelling.
- 3.2. Houghton House is a grade II listed building located on the south side of Sheepy Road. It is within the Sibson Conservation Area. The listing description states:
- 3.3. "House. Late C17, refronted mid C18 and late C18. Timber framed with red brick facing. Plain tile roof with large ridge stack and single gable stack. Original lobby entry plan. Exterior. 2 storey, 3 window street front. 2 window section to right fronted mid C18 with two 3-light wooden casement windows and above two 3-light casements with leaded lights which project above the eaves with eye-brow dormer roofs. Single window section to left fronted late C18 with large 3-light cross casement and above another 3-light casement with leaded lights and eye-brow dormer roof. Right return wall rendered over timber framing has single casement window."

### **4. Relevant planning history**

#### **05/01269/LBC**

- Replacement windows to front elevation
- Listed Building Consent
- 20.01.2006

#### **11/00984/FUL**

- Extensions and alterations to dwelling
- Planning Permission

- 30.04.2012

#### **11/00985/LBC**

- Internal and external extensions and alterations to dwelling including demolition of outbuildings
- Listed Building Consent
- 30.04.2012

#### **14/00541/HOU**

- Extensions and alterations to dwelling
- Planning Permission
- 19.09.2014

#### **14/00542/LBC**

- Extensions and internal and external alterations to dwelling including demolition of outbuildings
- Listed Building Consent
- 19.09.2014

### **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 published in the local press.
- 5.2. Twelve Letters of objection have been received; the comments are summarised below:
  - 1.) The scale of the proposed residential infill is inappropriate.
  - 2.) The village has no public transport or shopping
  - 3.) Inevitably therefore each family will have at least two motor vehicles.
  - 4.) On the basis that this is over development. Too many properties in too small a space.
  - 5.) Don't feel development is appropriate for this site but if you were to grant anything one property between Houghton House and Kingford House facing the road, and therefore maintaining the same 'street-scape' would be more in keeping with the village.
  - 6.) It would also be more in line with 'in-fill development' than building a whole new cul-de-sac, which completely changes the shape of the village.
  - 7.) Even then it should be built with quality materials and in the local vernacular of the beautiful characterful period buildings Sibson prides itself on.
  - 8.) We feel the planning office should be more concerned with the improvement and restoration of the existing building of Houghton House. A building of immense character and importance to the village. We have no objection to it being sympathetically restored, in fact we actively welcome it!

- 9.) Lack of public transport means all adults require cars for transport.
- 10.) Plans show insufficient parking when factoring in adult children who drive or indeed guests/visitors. Three bedroomed homes could easily accommodate at least two adults and two adult children
- 11.) Increase in traffic and congestion.
- 12.) Parking problem for the neighbouring residents
- 13.) Several neighbouring properties will be overlooked resulting in a loss of privacy.
- 14.) Huntingdon House, Vine Cottage, Glenfield Cottage and Nos. 1 to 8 The Long Row, are subject to periodic ground water flooding during periods of heavy precipitation The proposed development will add extra pressure on these systems and in particular the hard surfaced forecourt parking will clearly. This issue needs to be addressed before or as an integral part of this development.
- 15.) Increased hardstandings will add to surface water runoff and exacerbate known flood risk in lower area of the village.
- 16.) Additional load to existing sewerage and services with related risks to future functioning and resilience.
- 17.) Increased vehicle parking with the attendant potential overflow to Main Street and creation of additional pedestrian hazards.
- 18.) The style and appearance of the properties is not in keeping with the conservation area aspects of the village which we had understood to be a requirement for new developments laid out by Hinckley and Bosworth Council

One Letter of Support have been received; the comments are summarised below:

- 1.) It will be beneficial to the village to have some affordable housing, which will hopefully in turn encourage more families into the village.

## **6. Consultation**

- 6.1. Environmental Services (pollution) – No objection subject to a condition restricting hours during the site preparation and construction phase.
- 6.2. HBBC Trees– No objection.
- 6.3. LCC Highways – No objection subject to condition related to implementation of parking and turning facilities and no obstructions of the vehicular access.
- 6.4. Conservation Officer: No Objections, planning conditions are suggested for any subsequent approval. It is considered that the removal of the incongruous outbuildings within the immediate setting of the listed building, and the implementation of a sympathetic range of alterations to Houghton House in accordance with a detailed schedule of works and further details to be provided via condition, will preserve and enhance the special architectural and historic interest of the listed building and enhance the significance of the Sibson Conservation Area. The proposed new dwellings and their associated courtyard, landscaping and

boundary treatments would be of a satisfactory scale, layout, density, mass and design, and constructed largely of traditional materials. The proposal would therefore preserve the significance of the Sibson Conservation Area and be compatible with the significance of the grade II listed building Houghton House and its setting, so consequently it would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered likely that the proposal complies with Policy S8: Design of the Sheepy Neighbourhood Plan (2021) but a full assessment against the Plan is left to the decision-taker.

Planning conditions are suggested for any subsequent approval.

- 6.5. Sheepy Parish Council: NEUTRAL, it appears to be in line with the Policies in the Sheepy Parish Neighbourhood Plan made March 2019 (and Recently revised 2022).

However, Sheepy Parish Council has concerns about the impact of the development on the Grade II listed Houghton House, its curtilage, street scene, and neighbouring properties.

Sheepy Parish Council request that Hinckley & Bosworth Borough Council give consideration to:

- 1.) The site being within Sibson Conservation Area and so the Borough Council's Conservation Officer must be consulted.
  - 2.) Sheepy Parish Neighbourhood Plan's Design Guide and its recommendations for Sibson village as included in the Sheepy Parish Neighbourhood Plan updated in 2022 (expected to be 'made' following the Examiner's recommendation in April 2022).
  - 3.) Highway safety that may result from the apparently very limited space for vehicular movements and turning within the proposed site and, the increased flood risk from the development.
  - 4.) Neighbouring properties have periodically suffered from flooding and it is important that Policy S6: Water Management (legally binding Sheepy Neighbourhood Plan) is fully considered and the design incorporates suitable measures to mitigate flood risk, in particular SuDS.
  - 5.) Sheepy Parish Council also request that Hinckley & Bosworth Borough Council give consideration to ensure the application complies with Policy S8(D) of the Sheepy Parish Neighbourhood Plan and shows appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 6.6. HBBC Drainage – No objection subject to condition relating to submission of Surface water drainage details, incorporating sustainable drainage principles (SuDS)

## **Policy**

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S7: Local Heritage Assets
- Policy S8: Design

7.2. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 16: Housing Density, Mix and Design

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

## 8. Appraisal

8.1. Key Issues:

- Assessment against strategic planning policies
- Site context and significance
- Design and impact upon the character of the conservation area and the setting of a listed building
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Planning Balance

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and Site Allocations and Development Management Policies DPD (2016).

8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within

the Borough. Sibson is identified as a Rural Hamlet within Policy 13 of the Core Strategy. Due to the limited services in these rural hamlets, development will be confined to infill housing development. A mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17 should be delivered.

- 8.4. The most recent housing land monitoring statement for the period 2020-2021 indicates, at table 7, that the Council has a housing land supply of 4.46 years, which falls short of the Government requirement that all Councils have a housing land supply of at least 5 years. In addition to this, a more recent appeal decision (Appeal ref: APP/K2420/W/21/3279808) at Station Road, Market Bosworth and determined in February 2022 updates the most recent monitoring position to the Council being able to demonstrate a 4.45 year housing land supply, which in and of itself means the policies are out of date.
- 8.5. Therefore, paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The provision of four dwellings contributes to the Council's requirements to demonstrate the delivery of new homes and is considered a significant benefit of the proposal.
- 8.6. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7. Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.8. Given the location of the site is within the settlement boundary of Sibson and would be classed as infill development within the village. This type of development is supported by Policy 13 of the Core Strategy, the proposal would be in accordance with adopted strategic planning policies and the principle of development is acceptable. This is subject to all other material considerations being satisfactorily addressed.

#### Site context and significance

- 8.9. The character of Sibson and its designated conservation area is primarily derived from the agricultural origins of the settlement. This is defined within the Sibson Conservation Area Appraisal (SCAA) (2008). The SCAA describes Houghton House as a fine traditional farm complex, however whilst subsequent investigation identifies that it was unlikely that the House was ever a farmhouse, it was used for as agricultural labourers' cottages and does therefore reflect the predominant character of the village. Overall, it is considered that due to its special architectural and historic interest Houghton House makes a positive contribution to the significance of the conservation area and there is an opportunity for its contribution

to the increased via the implementation of the proposed external alterations that would enhance its character and appearance.

- 8.10. The remaining outbuildings on the site were originally constructed during the middle half of the 20<sup>th</sup> century and have been subsequently adapted. They are of some very limited historical merit in terms of the evolution of the occupation and use of the Houghton House. However due to their current poor condition and appearance it is considered that the outbuildings make a negative contribution to the significance of the conservation area and are a negative presence within the setting of Houghton House.
- 8.11. The remainder of the site consists of a lawned area adjacent to Sheepy Road and Kingford House, set behind a grass verge and low level brick wall which appears to be a remnant of a historic boundary treatment, and a courtyard utilised for the parking of the vehicles. The western section of the site and the courtyard are open in character which allows for good visibility of the curtilage of Houghton House from Sheepy Road. The SCAA identifies a view to be protected looking into the interior of the site from the site access on Sheepy Road. The reason for the identification of the view within the SCAA is not explained and given that the view focuses on the incongruous outbuildings and does not extend out beyond the interior of the site into the countryside, the importance of this view and its contribution to the significance of the conservation area is unclear. The grass verge fronting Houghton House is identified as part of a key space within the conservation area.
- 8.12. The SCAA identifies a number of characteristics within the conservation area that are of relevance to this proposal. The village townscape varies in character, with the character of the village around the application site being a mix of traditional buildings interspersed with modern dwellings ranging from single storey properties to modern period estate houses. These modern properties have been constructed on important gap sites throughout the village. The area to the west of Houghton House, including two short terraces (known as Long Row) is described as the most attractive part of the conservation area. The synergy in scale, form and appearance of Houghton House and Long Row is clearly apparent in the street scene when looking westwards along Sheepy Road, although the uncharacteristic scale, design and materials of Kingford House in between the historic dwellings is clearly apparent in such views.
- 8.13. In terms of building style, scale and detail with the exception of the key buildings at the eastern end of the village all properties are between one and a half and two storeys in scale. Traditional estate cottages are set on or near the back edge of the road, sometimes separated by a short front garden or grass verge. Cottages are gabled with prominent ridge top chimneys. Clay roof tiles with plain ridges are the predominant roof material. Elevations are generally plain broken only by an occasional porch. The widespread use of red brickwork of various tones provides a continuity of appearance throughout the conservation area. Eaves profiles include dentil courses, decorated bargeboards, gablets, and eyebrow windows, the latter being a distinctive feature of the Gopsall estate. Windows are generally timber and are vertically proportioned or sit beneath segmental brick arches. Where gardens front directly onto the street, walls of local brick, often with saddleback copings are the common feature, which also help to channel views and provide a strong sense of enclosure.

Design and impact upon the character of the conservation area and the setting of a listed building



8.14 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 or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design.

8.15 The Sheepy Neighbourhood Plan (2021) provides guidance to ensure new development respects the prevailing character of the different parts of the Parish, including Sibson. Policy S8 guides Design.

Impact upon the significance of heritage assets

Demolition of outbuildings

8.16 The remaining single storey outbuildings on the application site have some very limited historical merit in terms of the evolution of the occupation and use of the Houghton House. However, they are later additions to the setting of the main building and by virtue of their current poor condition and appearance it is considered that their demolition will not result in the loss of significant architectural or historic features and subject to the recording that has been supplied in the submitted documentation, their demolition is considered to be justified and therefore acceptable. The detached buildings are of an incongruous appearance and of little merit in terms of historical significance that their demolition will have a positive impact on the setting of the listed building and the character and appearance of the conservation area.

Works to listed building

8.17 In respect of the front elevation, the windows are proposed to be restored to their earlier configuration and the front door re-instated within the existing opening and the dentilled eaves brickwork to the front elevations re-exposed. It is considered that the proposed changes will have a positive impact upon this prominent front elevation of the building and will enhance the special architectural and historical interest of it, as well as positively impacting upon the character and appearance of the conservation area. The proposed alterations, repair or replacement of windows and doors on the other elevations will not result in the loss of any significant architectural or historical features and therefore are also considered to be

acceptable. The extension to the chimney stack, construction of the brick boundary wall to the east site boundary, repair, re-pointing or replacement where necessary of bricks, tiles, render and mortar will not result in any unnecessary loss of salvageable architectural or historical fabric and will improve the stability and long-term viability of the listed building and is therefore acceptable.

- 8.18 The reinstatement of a lime plaster finish to the internal walls alongside other minor renovation works will result in an enhancement to the significance of the listed building and is therefore acceptable.
- 8.19 A detailed and comprehensive scheme of works has been submitted within the Remaining Schedule of Works document in addition to the Appendices of this document providing a general approach and specification for the repair or replacement of timber windows, repointing brickwork, preserving historic plaster, and internal lime plastering. Any works should be carried out in accordance with these details to ensure that the significance of the listed building is preserved. For any new and replacement windows and doors details including their appearance, dimensions and construction materials should be submitted and approved in writing prior to their installation to ensure that the significance of the listed building and conservation area is preserved and enhanced. A simple elevational and sectional drawing for the windows and doors is recommended.
- 8.20 To ensure that the desired external and internal alterations and renovations to the listed building are implemented it is requested that a suitably worded planning condition is placed on any subsequent approval of the proposed new dwellings within the setting of Houghton House to tie the enhancements to the listed building to the implementation of that development.

New dwellings within conservation area and setting of listed building

- 8.21 The proposed new dwellings would be of an appropriate one and a half storey height with eaves and ridge levels that respect scale of surrounding development. The siting of unit 4 towards the front of the site, in addition to its flanking high boundary wall, follows the traditional layout in the conservation area by introducing development towards the back edge of the road and providing a stronger sense of enclosure to the street scene. Units 1-3 are located towards the back of the site, but in a similar position to the outbuildings that have been and are proposed to be demolished. The existing courtyard character of the site would remain evident through the retention of central access point to the courtyard and layout of development to the rear around it.
- 8.22 The design of unit 4 follows traditional characteristics and architectural detailing with eyebrow dormers, segmental arches, and dentil eaves course. The design of units 1-3 has some traditional elements, such as the steeper gables and tall chimney stacks found elsewhere in the village, but also has contemporary elements including the materials and form of the fenestration. Whilst these elements are not wholly characteristic there are considered to sit comfortably on each unit as part of a consistent design approach and any visual impact upon the wider area from these features is limited due to their location to the rear of the site away from the street scene. The mass of units 1-3 is also broken up by the set back of units 2 and 3, recessed porches and undercroft parking entrances.
- 8.23 Other than for the fenestration materials for units 1-3, all construction materials for the new dwellings respects the materials of the local area through the use of red brick in an attractive bond, marked by buff bricks, and clay tile roofs.

Notwithstanding the information contained within the application form, design and access statement and elevational drawings it is suggested that samples and/or details of the materials to be used for the construction of the new dwellings (the walls, roof, windows and doors, windows cill and header treatments, and rainwater goods) are submitted and approved prior to the commencement of the development (or once above foundation level) if it is approved, to ensure that the significance of the conservation area and adjacent listed building is preserved.

- 8.24 The proposed erection of a brick boundary wall with saddleback copings to the side of unit 4 would reinstate a traditional feature to the site frontage. The proposed louvred boundary treatments for internal fencing to divide the gardens for the units is a contemporary styled fence treatment but again it is not necessarily uncharacteristic.
- 8.25 Notwithstanding the formal comments from the Highway Authority consideration should be given to removing the small area of soft landscaping within the courtyard area to provide an additional, perhaps visitor, car parking space to reduce any potential pressure for on-street parking within the immediate vicinity of the site, and the subsequent impact this may have on the character and appearance of the conservation area including the grass verge as a key space immediately to the front of the site.
- 8.26 To ensure that the application site retains its design quality and the site is not overly domesticated with paraphernalia which may have an adverse impact upon the amenity and character of the area including the conservation area, it is recommend that permitted development rights for development within the curtilage of the new dwellings is removed via a condition if the application is to be approved. This is particularly relevant for unit 4 given its presence in the street scene.
- 8.27 For the above reasons, and subject to planning conditions, the works to the listed building and works within its setting would be sympathetic to its architectural and historic interest. The removal of the outbuildings on the site would enhance the character of the conservation and setting of the listed building. The new dwellings would be of an appropriate scale, layout, density, mass and design and be constructed of largely traditional materials.

#### Impact upon neighbouring residential amenity

- 8.28 Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 8.29 An objection has been received regarding overlooking and potential loss of privacy from a neighbour to the rear of units 1-3 along the southern boundary. It is acknowledged that there would be some overlooking into the side garden of the rear neighbour. Nonetheless, this would not lead to a level of overlooking that would warrant a reason for refusal, as the rear first floor window of unit 2 is at an obtuse angle and over 10m from the rear/side elevation. In addition, the main outdoor space used by the rear neighbour is their rear garden and this will not be overlooked by any of the three units.
- 8.30 Policy DM10 of the adopted SADMP also requires that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.

- 8.31 The site plan indicates that the buildings are adequately spaced at the rear with the minimum length of the proposed gardens indicated as 8.5m. The proposed plot sizes would provide 70m<sup>2</sup> for the two bedroom and 84m<sup>2</sup> for the three bedroom properties. The amenity space for dwellings of this size which is considered acceptable as outlined in the Good Design Guide. It is noted that the side spacing between buildings are not ideal, however, it would not have an adverse impact on the local character in this instance.
- 8.32 It is considered that the proposed development sits comfortably within the street scene as the height and design of the proposed properties are consistent with the scale, mass, and form of the neighbouring residential area. The proposed properties would not detract from the character of the area and do not appear as an overbearing feature.
- 8.33 The proposal is unlikely to have an adverse impact on the amenities of surrounding residents and provides acceptable residential amenity for future occupiers. As such, the proposed development is in accordance with Policies DM7 and DM10 of the SADMP and the Good Design Guide.

#### Impact upon highway safety

- 8.34 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.
- 8.35 Paragraph 109 of the NPPF states that development should only be refused if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.36 Objections have been received regarding increased traffic, insufficient on-site parking, insufficient visitors' parking, and the main road being too narrow and unsafe access for increased traffic.
- 8.37 The LHA has checked its Personal Injury Collision (PIC) database and there have been no recorded PICs in the vicinity of the proposed site accesses within the last five years. The LHA therefore believe the proposed development should not exacerbate the existing highway safety situation.
- 8.38 The LHA are satisfied that, subject to the conditions set out below, the access is safe and suitable for the proposed development and accords with Part 3, Paragraph 3.192 of the Leicestershire Highways Design Guide (LHDG).
- 8.39 The LHA are of the view that the proposed development may lead to an intensification of the existing access and have therefore added an appropriate condition below to ensure the perpetual maintenance of the desired minimum visibility splays in both directions at the site access
- 8.40 The LHA are satisfied that the submitted drawings show sufficient space for appropriately sized parking spaces to be provided and that sufficient space has been afforded to allow vehicles to turn and enter the public highway in a forward gear.
- 8.41 This complies with LCC Highways Design guidance. Overall, there would not be a significant adverse impact upon highway safety.
- 8.42 Therefore, the proposal would comply with policies DM17 and DM18 of the SADMP.

## Drainage

- 8.43 Policy DM7 of the adopted SADMP requires that development does not create exacerbate flooding. The site is located within flood zone 1 indicating there is a low risk of surface water flooding.
- 8.44 Objections have been received regarding increased risk of flooding and runoff to neighbouring dwellings further down the Main Street
- 8.45 The Borough Council's Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS). It is considered this condition is reasonable to reduce flood risk on the site in compliance with policy DM7 of the SADMP.

## Planning Balance

- 8.46 The site is located within the settlement boundary of Sibson where new infill residential development is considered sustainable subject to all other material considerations. The proposed residential development would therefore comply with adopted strategic planning policy, Policy 13 of the Core Strategy.
- 8.47 As referred to earlier within this report the Council is unable to demonstrate a 5-year housing land supply and its housing policies are out of date, therefore, this application should be determined against paragraph 11(d) of the NPPF whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole
- 8.48 Paragraph 8 of the NPPF identifies three overarching and interdependent objectives to sustainable development – the economic, social and environmental objectives. In this case, the proposal would provide a small contribution to the social role through the provision of five additional dwellings and a moderate contribution to the economic role through the construction of the development and future ongoing occupation of the dwellings supporting local services.
- 8.49 It is considered that the removal of the incongruous outbuildings within the immediate setting of the listed building, and the implementation of a sympathetic range of alterations to Houghton House in accordance with a detailed schedule of works and further details to be provided via condition, will preserve and enhance the special architectural and historic interest of the listed building and enhance the significance of the Sibson Conservation Area. The proposed new dwellings and their associated courtyard, landscaping and boundary treatments would be of a satisfactory scale, layout, density, mass and design, and constructed largely of traditional materials. The proposal would therefore preserve the significance of the Sibson Conservation Area and be compatible with the significance of the grade II listed building Houghton House and its setting, so consequently it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.50 The application does not conflict with any of the policies set out within the Local Plan (2006-2026), and there are no significant or demonstrable adverse impacts that would outweigh the identified social and economic benefits and the presumption in favour of sustainable development. Therefore, no material

considerations indicate that a decision should be made other than in accordance with the Development Plan.

## **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.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1. The proposal is within the settlement boundary of Burbage. The siting, scale and design of the proposed dwellings complement the character of the surrounding area and has a neutral effect on the setting of the nearby listed building. It would also have no adverse impact upon the residential amenity of any neighbouring dwellings, it would have no severe adverse impact upon highway safety and there would be no adverse impact upon ecology. Therefore, the proposal would comply with Policy DM1, DM3, DM6 DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP, Core Strategy Policy 13, Chapter 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act, 1990. Therefore, this application is recommended for approval subject to the conditions below

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **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 91 of the Town and Country Planning Act 1990, as amended by 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:

Design and Access Statement Dated 31/05/22  
Design and Access Statement (Low-Res Part 1) Dated 31/05/22  
Design and Access Statement (Low-Res Part 2) Dated 31/05/22  
Design and Access Statement (Low-Res Part 3) Dated 31/05/22  
Proposed Ground Floor Site Plan - Drg No. 20101 P03 Dated 31/05/22  
Proposed First Floor Site Plan - Drg No. 20102 P03 Dated 31/05/22  
Proposed Floor Plans - Unit 4 - Drg No. 20105 P03 Dated 31/05/22  
Proposed Elevations - Unit 4 - Drg No. 20102 P03 Dated 31/05/22  
Proposed Detailed Elevations - Unit 4 - Drg No. 20106 P0 Dated 31/05/22  
Site Location Plans - Drg No. 214115 P03 Dated 21/06/22

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall be implemented in accordance with the proposed work schedules and Appendices 2, 3, 4 and 5 within the Remaining Schedules of Works document received by the local planning authority.

**Reason:** To ensure that the development has a satisfactory external and internal appearance to preserve and enhance the significance of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. Before any development commences, details of any new and replacement windows and doors on each elevation of the listed building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details. The details shall include the window frame and door materials, window frame and door finish, and sectional and elevational window and door drawings to a recognised scale.

**Reason:** To ensure that the development has a satisfactory external appearance to preserve and enhance the significance of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

5. There shall be no occupation of the fourth dwelling authorised to be constructed pursuant to the planning permission 21/01501/FUL unless and until the internal and external works to Houghton House have been completed in accordance with the details approved in condition 2 of listed building consent reference 21/01502/LBC.

**Reason:** To secure the enhancement of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

6. Notwithstanding the submitted details, before development commences full details and/or samples of all external materials for the construction of the new dwellings, including facing walls, roof tiles, details of proposed new windows and doors, window cill and header treatments, and rainwater goods shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details.

**Reason:** To ensure that the development has a satisfactory external appearance in the interests of visual amenity and to preserve and enhance the significance of the listed building and the Sibson Conservation Area to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A to H of Part 1 Schedule 2 of the Order shall be carried out upon the new dwellings.

**Reason:** To ensure continued control over development within the curtilage of the dwellings on the site in the interests of visual amenity and to preserve the significance of the listed building and the Sibson Conservation Area to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

8. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 5.5 metre dropped crossing and a 6 metre kerbed radii. The access once provided shall be so maintained at all times.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided at the site access in both directions. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

10. The development hereby permitted shall not be first used until such time as the 10 designated parking spaces, each measuring at least 2.4 metres X 5.5 metres have been implemented. Thereafter the onsite parking provision shall be so maintained in perpetuity.



**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

11. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of six metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided at the site access in both directions. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

13. The development hereby permitted shall not be first used until such time as the 10 designated parking spaces, each measuring at least 2.4 metres X 5.5 metres have been implemented. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

14. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of six metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

15. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The

approved scheme shall be implemented in accordance with the full details prior to the completion of development.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

16. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and shall not take place at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3 **Notes to applicant**

- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.