

Delegated Report

Planning Ref: 25/01039/FUL

Applicant: Mr And Mrs Cole

Ward: Burbage St Catherines & Lash Hill



**Hinckley & Bosworth
Borough Council**

Site: Archer Cottage Church Street Burbage

Proposal: Change of use from office to ancillary accommodation and associated 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. The application seeks full planning permission for the change of use of 149 Church Street, Burbage from an office to ancillary accommodation including associated works. The annex would serve residential dwelling, Archers Cottage, Church Street, Burbage.
- 2.2. The associated works include providing a recess to the infilling of the door on the front elevation, rebuilding the chimney within the side extension, matching the existing window design for the new window on the gable apex of the side elevation, altering the style of the garage doors on the side elevation and the construction of a small infill section to the existing side extension.
- 2.3. To ground-floor level the ancillary accommodation would have a garage, family area, W.C, and swimming pool with a shower room, sitting room and bedroom atop of to the first-floor.
- 2.4. Revisions have been sought throughout the application process.

3. Description of the site and surrounding area

- 3.1. 149 Church Street is a building that dates back to 1825, being constructed as a National School and then subsequently operating as Church Rooms for the village. Despite some adaptations over subsequent time including altering the locations and forms of some of the window and door locations, the erection of the mono-pitched extension, and painting / rendering some of the facing walls, the historic form and appearance of the building remains apparent, including the gothic style arched timber windows to the side elevation, and a tall brick chimney incorporated into the extension, which is identified as a key feature to be retained within the Burbage Conservation Area Appraisal. The Appraisal summarises that 149 Church Street is an important historic building in the Conservation Area.
- 3.2. 149 Church Street was originally constructed as a church / educational use. The planning history indicates a commercial and then office use from the mid-1990s onwards up until recent times, with consents being granted for such changes of use.
- 3.3. Archer Cottage is located immediately to the north-west of 149 Church Street, physically separated by a narrow courtyard/garden. It is assumed that 149 Church Street is now under combined ownership with Archer Cottage and the planning application seeks to bring it under a residential use ancillary to the Cottage. Archer Cottage is a grade II listed building of special historic and architectural interest. It was listed in 1963.

4. Relevant planning history

86/00870/4L

- Alteration to expose beams supporting former jettied upper-storey and new brick courses to provide weathering to rendered lower brick wall
- Listed Building Consent
- 29.09.1986

16/00051/HOU

- Single-storey rear conservatory
- Planning Permission
- 14.04.2016

16/00052/LBC

- Single-storey rear conservatory
- Listed Building Consent
- 14.04.2016

21/00571/LBC

- Replacement Oak timber beams and windows (with wood fibre inserts and lime render finish) within existing gable end.
- Listed Building Consent
- 14.10.2021

24/00681/LBC

- Replacement of 4 windows to front elevation and 1 to the rear and alterations to 1 window fitting
- Listed Building Consent
- 16.09.2024

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. Following the publications, no representations have been received.

6. Consultation

6.1. Burbage Parish Council:

Burbage Parish Council does not object to this application but notes that the parking plan provided as supporting documentation is misleading in that it identifies 4 parking places in front of the property which, are public on-street parking places.

If approved, Burbage Parish Council would also wish to see a condition included to ensure that the use of the new provision remains ancillary to the main dwelling.

6.2. HBBC Conservation Officer:

- The comments received from the Council's Conservation Officer have been incorporated into the body of this report.

6.3. HBBC Waste:

The Council's Waste Team raise no objections to the proposal, subject to a pre-commencement condition being imposed.

Case Officer Comment – The implementation of this condition is not considered necessary due to the ancillary nature of the proposal.

6.4. The below consultees raise no objection to the scheme:

- HBBC Drainage;
- HBBC Environmental Health (Pollution);
- LCC Highways – *subject to compliance with standing advice.*

Policy

7.1. Burbage Neighbourhood Plan (BNP) 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Flooding and Pollution
- 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) 2024
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets

7. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area, the appearance of the important historic building and heritage significance of the Burbage Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision
- Impact upon ecology

Principle of development

7.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

- 7.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 7.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 7.5 The current Development Plan consists of the adopted Core Strategy, the adopted SADMP and the BNP. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy.
- 7.6 The Core Strategy, the SADMP and the BNP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 7.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy, SADMP and BNP policies and refers to the NPPF and notes any inconsistencies between them.
- 7.8 The site is situated within the settlement boundary of Burbage. Policy DM1 of the adopted SADMP, Policy 1 of the BNP, and Policy 4 of the Core Strategy support development within the Burbage settlement boundary therefore there is a clear presumption in favour of sustainable development. Other material considerations are assessed below.

Design and impact upon the character of the area, the appearance of the important historic building and heritage significance of the Burbage Conservation Area

- 7.9 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.
- 7.10 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 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.
- 7.11 The PPG and HEAN2 sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.

- 7.12 Policy DM10 of the adopted SADMP 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.
- 7.13 Policies DM11 and DM12 of the adopted SADMP 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.
- 7.14 Policy 2 of the BNP requires new development within the Parish of Burbage to respect its surroundings and, where appropriate, should follow the existing pattern of development and should retain existing important natural features on the site, such as trees, hedgerows and streams.
- 7.15 The immediate area already consists of residential uses; therefore, the expansion of such use is not considered to be out of character especially given its ancillary nature.
- 7.16 The proposed associated works would include providing a recess to the infilling of the door on the front elevation, rebuilding the chimney within the side extension so this remains as a key feature in the Conservation Area, matching the existing window design for the new window on the gable apex of the side elevation, altering the style of the garage doors on the side elevation so they are a traditional hardwood material and have a traditional style and the construction of a small infill section to the existing side extension which would be of a form and materials to match, so this will minor extension will sit comfortably upon the host building.
- 7.17 This work would result in a satisfactory development that would maintain the character and appearance of 149 Church Street as an important historic building in the Burbage Conservation Area. Consequently, the heritage significance of the Conservation Area would be preserved, and the development would have no adverse impacts upon the significance of Archer Cottage, this being a grade II listed building located within the immediate setting of the application property.
- 7.18 The annex would be detached from, but not remote from, the existing dwelling and would lie within its residential curtilage. To ground-floor level the accommodation is indicated to host a garage, family area, W.C, and swimming pool with a shower room, sitting room and bedroom atop of to the first-floor, technically amounting to having all of the facilities needed for independent living with the exception of a private garden. Despite this, the LPA have worked with the applicant's agent to restrict access to the annex from Church Street, with the only usable accesses being directly through the main dwelling, through the gate to the front of the site, and through the proposed garage. Whilst the proposed garage access is not ideal in these site specific circumstances, subject to a condition being imposed to ensure that the proposed residential annexe is to remain ancillary to the residential occupation of the application dwelling at all times in the future and a condition to ensure that the fencing to the proposed north-west side elevation remains in perpetuity the LPA would be satisfied to recommend approval of the application. The existing access gate to the front of the site is further to remain usable as this is the only access that provides the occupant with access to their bins.
- 7.19 For these reasons the proposal would comply with Policies DM10, DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF, and the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 7.20 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 7.21 Policy DM7 of the adopted SADMP states that development should not cause noise or vibrations of a level which would disturb areas that are valued for their tranquility in terms of recreation or amenity.
- 7.22 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 7.23 The proposal does not include any extensions to the existing building and therefore there would be no overbearing or overshadowing impacts upon neighbouring residential properties in the vicinity, however additional openings are proposed to the side and rear elevations. The proposed bi-fold doors to the north-west side elevation would face towards the main dwelling, with the windows and rooflights to the rear elevation facing onto a blank elevation. The first-floor window to the south-east side elevation would afford views to Manor House, but these would be limited and restricted to the front courtyard only as to not have a severe impact upon the privacy of the occupiers.
- 7.24 Further to the above, the proposed annexe would be used only for residential purposes ancillary to the residential occupation of the application dwelling and therefore noise levels would be in proportion with such uses and are unlikely to result in any significant adverse noise impacts on the occupiers of any neighbouring dwellings. Should an unusual degree of noise pollution occur for such use it should be reported to the Council's environmental health team to be investigated under the separate environmental legislations in place.
- 7.25 In light of the above, the proposal would comply with Policies DM7 and DM10 of the adopted SADMP and Paragraph 135(f) of the NPPF.

Impact upon highway safety and parking provision

- 7.26 Concerns have been raised by Burbage Parish Council regarding the parking provision at the site.
- 7.27 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 7.28 To support this, Policy DM17 of the adopted SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 7.29 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 7.30 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the

relevant highway authority. Currently this is the Leicestershire Highway Design Guide (LHDG) (2024).

- 7.31 As a result of the proposal the dwelling would serve 5 bedrooms instead of the existing 4. The Leicestershire Highway's Design Guide seeks to ensure that a dwelling serving four or more bedrooms has an off-street parking provision for a minimum of three vehicles.
- 7.32 The dwelling does not benefit from an off-street parking provision, with the spaces indicated on the submitted parking provision being restricted public parking. An integral single garage is proposed to the annex but would fail to meet the minimum internal dimensions as set out within the LHDG and as so cannot be counted towards the sites parking provision.
- 7.33 Nonetheless, given the sites village centre location and the lack of objection from the LHA, the addition of a further bedroom at the property (which is to be used occasionally) is not considered to exasperate parking issues within the area and therefore the LPA do not seek to resist the application.
- 7.34 It is further important to note that the proposed 'garage' would accommodate a concertina inward opening garage door as to not obstruct the adjacent highway.
- 7.35 In light of the above, the proposal is considered to comply with Policies DM17 and DM18 of the adopted SADMP, Paragraph 115(b) and 116 of the NPPF and the LHDG.

Impact upon ecology

- 7.36 Policy DM6 of the adopted SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- e) The need and benefits of the development in that location clearly
 - f) It has been adequately demonstrated that the irreplaceable habitat
 - g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.
- If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 7.37 Although a formal consultation with County Ecology has not been carried out, given that the works would involve breaking into the existing roof in an area where known populations of swifts are recorded breeding enhancement measures should be secured by a condition of any consent and implemented in full. .This is necessary to conserve and enhance protected and priority species particularly those recorded in the locality. A bat informative is also considered necessary for the avoidance of doubt.
- 7.38 By virtue of the above, subject to a condition and informative, the development would accord with Policy DM6 of the adopted SADMP.

8. Equality implications

8.1 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.

8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

8.3 There are no known equality implications arising directly from this development.

9. Conclusion

9.1 It is considered that the proposed development would be in accordance with Policies DM1, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, Policies 1 and 2 of the BNP, the LHDG, the Planning (Listed Buildings and Conservation Areas) Act 1990, the GDG, the Core Strategy and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

10. Recommendation

10.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

10.2 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:

- Site Location Plan;
- Proposed Site Plan, Drg No.9869-06B as received by the Local Planning Authority on the 27th October 2025.
- Proposed Elevations & Floor Plans, Drg No.9869-04 Rev A-B as received by the Local Planning Authority on the 19th May 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Plan (2016), and Policy 2 of the Burbage Neighbourhood Plan (2015-2026).

3. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 27th October 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policy 2 of the Burbage Neighbourhood Plan (2015-2026).

4. The annexe hereby permitted should be used as ancillary accommodation to the dwelling known as Archer Cottage, Church Street, Burbage and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation.

Reason: To ensure the annexe is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. Prior to first use a swift (*Apus apus*) enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This is to detail the provision of a minimum of 2 woodcrete nest boxes, the make/model and location on building. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure that species and habitats are protected and to enhance biodiversity in accordance with the in accordance with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016).

6. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the timber fencing to the north-east of the residential annex hereby permitted shall be permanently maintained and shall not be replaced with a gate at any time.

Reason: To ensure the annex is not occupied as an independent unit of accommodation in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.