

Delegated Report

Planning Reference 25/00938/OUT
Applicant(s) Mr and Ms Bennett
Ward Burbage, St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Application Site Manor House, Church Street,
Burbage

Proposal Outline planning permission for the erection of a detached dwelling (all matters reserved except access, layout and scale)

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission** subject to planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of a single detached dwelling at Manor House, Church Street, Burbage. Only Access, Layout, and Scale are sought for approval within this outline application, and all other matters are reserved. Access would be proposed via the existing access from Aston Lane. This is a resubmission of outline planning permission 22/01176/OUT, which was not implemented and has since expired.
- 2.2. The precise appearance of the scheme is therefore reserved for later approval, and the application is described and assessed via the details submitted on 30 September 2025, including, but not limited to, the Block Plan (4636/01) and the Site Sections and Indicative Proposals document.

3. Description of the Site and the Surrounding Area

- 3.1. The 2,980sqm application site lies to the east of, and within the identified settlement boundary of, Burbage to the north of Aston Lane in its historic core.
- 3.2. The site is located within the Burbage Conservation Area, which was designated due to it being an area of special historical and architectural interest. The Burbage Conservation Area Appraisal ('BCAA') states that the group value of surviving buildings and spaces is one of the defining one of the key character and special interests of the Conservation Area. The spatial pattern of the Conservation Area has remained almost unchanged since the late 19th century and is a very important characteristic to the area.

- 3.3. The application site is in the setting of, and forms part of the rear residential garden space to the east of, Manor House, which is a Grade II Listed Building. The existing access to the site was approved via planning permission 15/00552/FUL.
- 3.4. The BCAA identifies the site as a Key Space within the Conservation Area that contains a number of Important Trees to contribute to the visual amenity and character of the area. Trees within public spaces and private spaces are both equally important in reinforcing the semi-rural appearance of the village centre and the Burbage Conservation Area.
- 3.5. As the land extends eastwards from the Listed Building, the site features a garden area with a small number of mature trees, then a cluster of mature and semi-mature conifer trees, then a lawned amenity area with some small remnant orchard trees, and then a large pond. The grounds are relatively flat but the land drops away marginally in the garden area towards the cluster of trees, before dropping away more considerably towards the pond. The substantial extent of the grounds associated with Manor House suggest it was historically, and still remains, a house of reasonably high status and scale within the village.
- 3.6. Although it is possible that the grounds to the House have been more formally landscaped, as indicated by the historic mapping, they now have a largely informal nature. Nevertheless, the preponderance of soft landscaping and mature trees provide the grounds with a verdant character, and in part semi-rural character (particular the eastern section of grounds including the pond), which reflects the position of the House on the edge of the settlement adjacent to the open countryside. The relative openness and extent of the grounds of the House is quite contained visually and predominantly appreciated when positioned within the grounds only due to the presence of the surrounding boundary features.
- 3.7. However, many of the mature trees within the grounds are visible from the street scenes of Church Street and Aston Lane, and the group of trees surrounding the pond and along the northern boundary are visible when positioned in the countryside to the east looking back towards the historic settlement core, where views focus in particular upon the spire of the Church of St Margaret.
- 3.8. The site is bounded by open countryside to the east and to the north is the Manor Farm complex, which are identified within the BCAA as Important Local Buildings. The southern boundary of the site is adjacent to the Grade II Listed Burbage Hall and its associated brick-built outbuildings to the south.
- 3.9. Due to the proximity of Burbage Hall to the application site and the visibility of the Hall from within the grounds to the House the application site is considered to fall within the setting of the Hall. On the opposite side of Aston Lane is the Grade II Listed The Old Grange.

4. Relevant Planning History**4.1 24/00985/TCA**

- Remove 12 'C' rated conifers as referred to in the Tree Survey, T51-54, T59-65 & T68
- Declined to Make
- 20.11.2024

4.2 22/01176/OUT

- Erection of a single detached dwelling
- Permitted
- 26.10.2023

4.3 15/00553/LBC

- Alteration to existing boundary wall to form new vehicular access
- Listed Building Consent
- 27.07.2015

4.4 15/00552/FUL

- Alteration to existing boundary wall to form new vehicular access
- Permitted
- 27.07.2015

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. No responses have been received.

6. Consultation

- 6.1 The Council's Conservation Officer stated that the proposed development would result in less than substantial harm to the significance of Burbage Conservation Area and the Grade II Listed Manor House. Therefore, the Conservation Officer advised that the harm caused to these designated heritage assets must be carefully weighed up against the public benefits of the proposal.
- 6.2 Should the balancing favour weigh in favour of the proposal, the Conservation Officer requested a pre-commencement planning condition that secured the details of the 'no dig' access driveway.
- 6.3 There have no objections have been received from Burbage Parish Council or the Council's Drainage or Environmental Health Departments.

- 6.4 Leicestershire County Council as the Local Highway Authority referred to standing advice. Planning conditions were requested from the Council's Waste Management Department and the County Council's Archaeology and Ecology Departments.
- 6.5 The Council's Arboricultural Officer confirmed that the scheme's proposal for the sole removal Tree T43 and the installation of 3D geogrid 'no dig' access driveway was acceptable in these site-specific circumstances, subject to a planning condition. The Arboricultural Officer requested that the Applicant meets with them on site prior to the commencement of the proposed works commencing.
- 6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Burbage Neighbourhood Plan 2015 – 2026 ('BNP') (2021):

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 12: Important Trees

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- Planning Practice Guidance ('PPG')
- National Design Guide ('NDG') (2019)

7.5 Other Relevant Guidance:

- Burbage Conservation Area appraisal ('BCAA') (2011)
- Good Design Guide (2020)
- Leicestershire Highway Design Guide ('LHDG') (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 The National Planning Policy Framework ('NPPF') is a material planning consideration in planning decisions, and Paragraph 3 of the NPPF confirms that it should be read as a whole. Paragraphs 11 and 12 of the NPPF confirm that whilst planning decisions should apply a presumption in favour of sustainable development, this does not change the statutory status of the Development Plan as the starting point for decision making. 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.

8.4 The application site is within the settlement boundary of Burbage, which is considered to be a sustainable location for new residential development. On this basis the principle of this development would be considered to be acceptable in principle.

8.5 However, the proposal would be constructed on a site that is identified as a Key Space within the Burbage Conservation Area. The loss of key spaces between buildings is highlighted as a vulnerability of the Conservation Area. Therefore, the proposed development would be considered to result in harm to the character and appearance, and thus significance of the Burbage Conservation Area.

8.6 In light of the above, the proposal would be considered to be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Housing Land Supply

- 8.7 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community. Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.8 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.9 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.10 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.11 Footnote 7 of the NPPF confirms that areas and assets of particular importance include, but are not limited to, designated heritage assets, such as Burbage Conservation Area and the Grade II Listed Manor House. When the 'tilted' balance is engaged, Footnote 9 of the NPPF confirms that Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.

- 8.12 Whilst the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.

Design and Impact upon the Character of the Area and the Historic Environment

- 8.13 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.
- 8.14 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.
- 8.15 Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.16 Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 8.17 Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.18 Policy DM11 of the SADMP requires all developments proposals which have a potential to affect a heritage asset or its setting to demonstrate:
- (a) An understanding of the significance of the heritage asset and its setting; and
 - (b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - (c) How the benefits of the proposal will outweigh any harm caused; and
 - (d) Any impacts on archaeology in line with Policy DM13 of the SADMP.
- 8.19 Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting.

- 8.20 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.21 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.22 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places. Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that existing trees are retained wherever possible.
- 8.23 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.24 Policy 2 of the BNP states that any future residential development within the Parish of Burbage must respect its surroundings, and, where appropriate, follow the existing pattern of development and retain existing important natural features on the site, such as trees, hedgerows and streams.
- 8.25 Policy 12 of the BNP suggests that development proposals that damage or result in the loss of a tree or trees protected by a Tree Preservation Order (TPO) or trees of significant amenity value with important arboricultural, landscape, or ecological significance, will only be permitted in exceptional circumstances.
- 8.26 Guidance Point C1 of the National Design Guide (NDG) confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.27 Guidance Point C2 of National Design Guide highlights that well-designed places and buildings are influenced positively by the history and heritage of the site, its surroundings and the wider area, including cultural influences, as well as the significance and setting of heritage assets and any other specific features that merit conserving and enhancing.

- 8.28 The Good Design Guide states that development in 'back land' locations will require clear and convincing justification in relation to its context. Some sites may be able to accommodate this type of development, whereas others will not.
- 8.29 The application site does not have a functional relationship with Burbage Hall and is not considered to make any direct contribution to its significance. As the proposal would be sited a reasonable distance away from the rear boundary of Burbage Hall, any direct physical impacts upon the building would be considered to be avoided.
- 8.30 Whilst the construction of a 'low impact' dwelling to the rear of the Hall would result in a slight change to its context, a limited appreciation of the interest of the Hall would still be possible from the observer when positioned within the application site. It is therefore considered that the development would have a negligible and not adverse impact upon the significance of Burbage Hall
- 8.31 Ultimately, the siting of the new dwelling within the lawned amenity area of the Manor House would alter the currently undeveloped character of the site. The land has always had a functional relationship to the Manor House, either as a plantation when it was part of the wider of Manor Farm complex, or forming part of its residential curtilage, and therefore the scheme would be considered to sever this relationship.
- 8.32 The subdivision of the grounds of this heritage asset would not be considered to follow the urban grain and spatial characteristics of the area and therefore the development would be considered have an uncharacteristic siting within the Burbage Conservation Area. As a consequence of the siting of the development, the scheme would be considered to reduce the extent of, and alter the open character of, the identified key space to the detriment of the Burbage Conservation Area.
- 8.33 Therefore, the development would be considered to have an adverse impact upon the positive contribution that the application site currently has upon the significance of the Grade II Listed Manor House, and the Burbage Conservation Area. It is considered that there would be no particular means of avoiding or mitigating the adverse impacts upon these heritage assets caused by the siting and layout of the dwelling.
- 8.34 However, the adverse visual and physical impact from this change would only be considered to be perceptible when positioned within the application site, which significantly limits the magnitude of the scheme's adverse impacts. Therefore, it is considered that level of harm to the significance of the Manor House and the Burbage Conservation Area would be less than substantial harm in terms of the NPPF, and towards the lower end of this spectrum of harm.
- 8.35 Notwithstanding this, the relatively low scale of the proposed dwelling has been influenced by the ground levels within the application site and has been designed to limit the visual impacts of the scheme on the wider area.

- 8.36 Given this limited scale and massing, the potential visual impacts of the development would be likely to be confined to the application site. In addition, the development would be considered to be subservient and respectful to the higher status Listed Buildings, the Manor House and Burbage House. However, it will be important to ensure though that the size of the dwelling does not increase and that the landscaping and appearance of the dwelling, which are Reserved Matters, are of the highest quality and address the siting within the Burbage Conservation Area and within the setting of two Listed Buildings.
- 8.37 Furthermore, the existing gated access, which is flanked by high historic brick walls, would be unaffected by the proposal, and therefore their significance and the sense of enclosure that they provide along Aston Lane would be retained.
- 8.38 To facilitate the driveway into the application site from the site, the Applicant's Tree Impact Plan states that the scheme would result in the loss of one Category C Tree. However, through the use of a no-dig driveway solution all the existing conifer trees within the site would be retained and not adversely affected. The no-dig driveway solution, which was considered to be acceptable by the Council's Arboricultural Officer.
- 8.39 In light of the above, the proposed access and driveway to the development would not be considered to detrimentally affect the positive contribution of the cluster of trees within the site to the significance of the Conservation Area and the verdant character of the site, subject to details of the no-dig construction method being provided by a planning condition prior to the commencement of the development. It will also be important to ensure that the future landscaping enhances the Burbage Conservation Area.
- 8.40 Whilst landscaping and appearance have not been sought for approval at this stage by the Applicant, it is considered that the indicative use of stone and timber cladding and the indicative design of the dwelling would intentionally contrast with the traditional qualities of the Manor House and Burbage Hall. As a result of this, the scheme would be considered to sit relatively comfortably within the Conservation Area and the setting of these two Listed Buildings. This will be secured at Reserved Matters stage. In addition, landscaping that avoids a strong definitive boundary between the application site and the Manor House would be likely to ensure that the relationship between the two sites remains visually discernible, and it would be expected that the landscaping is both well-informed and comprehensive to reinforce a key characteristic of the Burbage Conservation Area.
- 8.41 To summarise, the uncharacteristic siting of the dwelling would be considered to cause a low level of less than substantial harm to the significance of the Burbage Conservation Area and the Grade II Listed Building, the Manor House. Therefore, this harm must be carefully weighed up against the public benefits of the proposal, as required by Policies DM11 and DM12 of the SADMP, and Paragraph 215 of the NPPF.

Impact upon Residential Amenity

- 8.42 Key Policy 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.
- 8.43 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.44 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.45 There are no residential properties to the north or east of the site. Due to the separation distance between the proposed development and the Manor House, the scheme would not be considered to result in any significant adverse impacts to the residential amenity of the occupants of this existing property as a result of overlooking or loss of privacy, or any loss of light or overbearing impacts.
- 8.46 To the south of the application site is Burbage Hall and its associated outbuildings. Therefore, the proposal would not result in a material impact on neighbouring residential amenity in this location.
- 8.47 Although Burbage Hall features several windows that face into the application site, by virtue of the proposed layout and orientation of the development and the resultant separation distances between the two structures, the scheme would not be considered to result in any overlooking or loss of privacy impacts to the residential amenity of the occupants of Burbage Hall, nor the future occupants of the development.
- 8.48 However, based on the Proposed Block Plan, the blank side elevations of the outbuildings would be less than 8m from the proposed dwelling. This is less than the minimum separation distances detailed within the Good Design Guide for between principal habitable windows and single storey blank elevations.
- 8.49 Nevertheless, based on the indicative Proposed Site Section, it is likely that a scheme for this dwelling would be able to come forward at Reserved Matters in a way that is designed to ensure that the residential amenity of the future occupiers of the development is protected from any significant poor visual outlook or overbearing impacts.
- 8.50 Based on the Proposed Block Plan, the layout of the development would be considered to provide sufficient private outdoor amenity space to comply with the Good Design Guide's requirements.

- 8.51 In light of the above, it is therefore considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.52 Policy DM17 of the 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. 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')).
- 8.53 The proposed development would make no amendments to the main vehicular access to Manor House from Church Street, and the proposed development would utilise the existing vehicular access from Aston Lane. No amendments would be proposed to the Aston Lane vehicular access, which was approved via planning application 15/00552/FUL. The use of the site for one dwelling would not be considered to materially intensify the use of the access in comparison to its existing use. Therefore, in light of these factors, the proposed access would not be considered to result in any unacceptable impacts to highway safety or the road network in accordance with Policy DM17 of the SADMP.
- 8.54 The proposed layout of the site features three off-street vehicular parking spaces, which would comply with the minimum quantum and dimension parking standards within Table 28 and Figure 44 of the LHDG. Therefore, the development would be provided with adequate off-street vehicular parking in these site-specific circumstances in accordance with Policy DM18 of the SADMP and the LHDG.

Planning Balance

- 8.55 In summary, the 'tilted' balance would be engaged whereby in accordance with Paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.56 Due to its uncharacteristic siting, the development would be considered to cause a low level of less than substantial harm to the significance of the Burbage Conservation Area and the Grade II Listed Building Manor House. Where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, Paragraph 215 of the NPPF and Policies DM11 and DM12 of the SADMP required this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 8.57 Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental progress as described in Paragraph 8 of the NPPF. Public benefits may also include heritage benefits as specified in Paragraph 20 of the Planning Practice Guidance (Conserving and Enhancing the Historic Environment), 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.
- 8.58 The development does not have any material physical impact upon the Manor House or Burbage House. On the contrary, the development is considered to be subservient and respectful to the two higher status Listed Buildings. Whilst the appearance of the scheme is a Reserved Matter at this stage, it will be ensured that the proposal is designed to sit comfortably within the Conservation Area and within the setting of these two Listed Buildings.
- 8.59 Moreover, the principle historical interest the application site has is due to its functional association with the Manor House. Whilst the remnants of this association are perceivable upon close inspection, the relationship between these two sites is not visible from the public highway and is partially screened by the presence of the cluster of conifer trees from within the grounds of the Manor House. Therefore, the less than substantial harm to the setting, and thus significance, of the Listed Building would be considered to result in limited localised harm that is not perceivable from any public vantage points of the site.
- 8.60 This is considered to be a similar situation for the scheme's less than substantial harm to the setting, and thus significance of the Burbage Conservation Area. Despite the loss of one Category C tree, the development would not be considered to have a detrimental impact on the positive contribution of the cluster of trees within the site and the verdant character of the site to the significance of the Burbage Conservation Area from Aston Lane or from within the application site. Nevertheless, harm to heritage assets that cannot be seen from public vantage points does not circumvent the impacts of development on the historic environment and it does not justify the acceptability of the scheme in principle.
- 8.61 However, the benefit of providing one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance. In addition, there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. These benefits when associated with one dwelling would be modest and would be considered to attract limited positive weight in the planning balance.

- 8.62 Page 3 of the Applicant's Design and Access Statement states that the application site is no longer required for the Manor House, and the occupants are finding it increasingly difficult to maintain along with the associated cost of maintain a large, Listed Building, and this it is becoming increasingly unkempt.
- 8.63 Ultimately, the financial challenges of maintaining a designated heritage asset would not be considered to represent sufficient justification for low level of harm caused by this development.
- 8.64 It is though considered that, given what has been stated, a condition requiring the demonstration at Reserved Matters stage of how the proposed development could benefit the Manor House through the completion or undertaking of repairs and renovations to secure its long-term conservation would be warranted. The long-term conservation of the Manor House would be considered to a benefit of the development to which limited positive weight could be attached.
- 8.65 Furthermore, it is considered that a well-informed and comprehensive landscaping scheme that demonstrated enhancement of the Burbage Conservation Area would also be a heritage benefit of the scheme, which would attract limited positive weight within the planning balance.
- 8.66 To conclude, the extent of the physical and visual impact of the low level of less than substantial harm caused to the Burbage Conservation Area and the Grade II Listed Building, the Manor House, would not be seen from any public vantage point and would be confined to within the application site itself. This harm would be further limited by the fact that the heritage interest of the application site by virtue of its relationship with the Manor House would be partially screened by the presence of the cluster of conifer trees from within the grounds of the site. The development would also not be considered to have a detrimental impact on the positive contribution of the cluster of trees within the site and the verdant character of the site to the significance of the Burbage Conservation Area from Aston Lane or from within the application site.
- 8.67 Through the future landscaping scheme and the demonstration of the long-term conservation of the Listed Manor House, the scheme would be considered to provide heritage benefits to which limited positive weight could be given. The proposal would also include minor social and economic benefits through the provision of one dwelling within the Borough. It is considered to be reasonably necessary to secure such a landscaping scheme via planning condition at this stage to ensure this minor heritage benefit.
- 8.68 As a result of the minor heritage benefits set out above, and the limited social and economic benefits of the development, which when taken together, it would not be considered that, on balance, the weight that must be given to the lower level of less than substantial harm would significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances.

- 8.69 By virtue of all these factors, it is considered that the proposal would be acceptable in these site-specific circumstances and in accordance with Policies 1, 2, 4, and 12 of the BNP, Policies DM1, DM10, DM11, DM12, DM17, and DM18 of the SADMP, Policy 4 of the adopted Core Strategy, and the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to conditions and further details at Reserved Matters.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions and obligations.

11. Recommendation

- 11.1 **Grant planning permission** subject to planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. An application for approval of reserved matters shall be made within two years of the date of this permission, and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the appearance, landscaping, and access other than vehicular access (hereafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the red line boundary, the layout, access, and scale details within the submitted application details received by the Local Planning Authority as follows:

- Block Plan (4361 01A) (submitted: 12.12.2025)
- Site Sections and Indicative Proposal (submitted: 30.09.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the commencement of development, the details of the 3D geogrid 'No dig' access driveway, as specified within Page 17 of the Arboricultural Report and Tree Constraints Plan (submitted: 30.09.2025), have been provided to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details at all times.

Reason: To ensure that the trees on site are retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and to preserve the special interest and significance of the Burbage Conservation Area, in accordance with the Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the commencement of development, a Written Scheme of Investigation (WSI) shall be submitted in writing to, and approved in writing by, the Local Planning Authority. For the land and structures that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination, and archiving in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Chapter 16 of the National Planning Policy Framework (2024).

6. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The HMMP shall be submitted concurrently and in accordance with the Biodiversity Gain Plan. The HMMP shall include, but shall not be limited to, the following details:
- (a) a non-technical summary; and
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; and
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan; and
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and

- (f) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- Initial enhancements, as set in the HMMP, have been implemented; and
- Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of habitat creation and enhancement works when:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Any forthcoming Reserved Matters application shall be accompanied by a schedule of works and timetable for implementation of works for the repair and renovation of the Manor House that are required to secure the long-term conservation of the heritage asset. The development hereby approved shall be implemented in accordance with the subsequently agreed schedule and timetable.

Reason: To ensure that the development preserves the character and appearance, and thus significance, of the Grade II Listed Building, the Manor House, in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Chapter 16 of the National Planning Policy Framework (2024).

8. Further to the requirements of Condition 02, any Reserved Matters application relating to landscaping shall include a well-informed and comprehensive tree planting scheme and a tree protection plan that shall demonstrate an enhancement to the Burbage Conservation Area.

Reason: To ensure that the development preserves the character and appearance, and thus significance, of the setting of the Grade II Listed Building, the Manor House, and the application site's positive contribution to one of the key characteristics of the Burbage Conservation Area in accordance with Policies 2 and 12 of the Burbage Neighbourhood Plan (2021), and Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Any forthcoming Reserved Matters application shall include a Biodiversity Enhancement Layout that accords with the biodiversity enhancement detailed within Section 5 of the Preliminary Ecological Appraisal (Rev A) (submitted: 16.12.2025). The content of the Biodiversity Enhancement Layout shall include the following:
 - (a) detailed designs or product descriptions for biodiversity enhancements; and
 - (b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016),

10. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

11. Prior to the first occupation of the development hereby permitted, the parking and turning facilities shall be implemented in accordance with Block Plan (4361 01A) (submitted: 12.12.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with

Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

12. All mitigation measures and/or works shall be carried out in accordance with the details contained in Paragraph 5.2.1 of the Preliminary Ecological Appraisal (Rev A) (submitted: 16.12.2025).

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

13. The development shall be carried out in full accordance with the Tree Constraints Plan TCP23 DRWG NO. 2020-01(12) (submitted: 30.09.2025)

Reason: To ensure that the development preserves the character and appearance, and thus significance, of the setting of the Grade II Listed Building, the Manor House, and the application site's positive contribution to one of the key characteristics of the Burbage Conservation Area in accordance with Policies 2 and 12 of the Burbage Neighbourhood Plan (2021), and Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **Notes to Applicant(s)**

1. 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.
2. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.
3. The development should avoid a strong definitive boundary to subdivide the proposed dwelling from the Manor House. This is to ensure that the relationship between the Manor House and the portion of its grounds upon which the dwelling is proposed would remain visually discernible. Therefore, rather than a 1.5m post and rail fence and accompanying hedgerow, the Council's Conservation Officer only recommends the use of a native hedgerow that it is maintained at a lower level than 2m.

Archaeology

4. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor
5. The County Council's Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority.

Drainage

6. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory propositi test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
7. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Ecology

8. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

Waste

9. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.