

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Hancocks, Hayfield, D Humphreys, Jarvis, Macdonald, Morson, Moss, Parsons, H Phillips and Rose.**

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

9 MAY 2022

The Planning and Development Board will meet on Monday, 9 May 2022 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719221 or 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 11 April 2022** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

- 5a **Application No: PAP/2021/0687– 89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG**

Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons

5b Application No: PAP/2021/0695 – Highfield Farm, Farthing Lane, Curdworth, Birmingham, B76 9HE

Change of use from Guest House to C2, residential accommodation for vulnerable children & young people

5c Application No: PAP/2022/0124 – 12, Austrey Lane, Newton Regis, Tamworth, B79 0NL

Demolition of the existing property for the erection of 2 new dwelling houses

5d Application No: PAP/2021/0261 and PAP/2021/0265 – The Homestead, 82 Main Road, Austrey, CV9 3EG

Planning and Listed Building Applications for the Dismantling of an existing grade 2 listed barn and re-building it to form two new dwellings

5e Application No: PAP/2021/0155 – Peel House, 79 Witherley Road, Atherstone, CV9 1NA

Extension and alterations to existing dwelling and construction of one new dwelling with access off nursery Road

5f Application No: PAP/2020/0246 – Land Adjacent 15, Curlew Close, Warton

Erection of 28 affordable dwellings including associated landscaping, car parking and other ancillary works

5g Application No: PAP/2021/0239 – Land Between 3 And 17, Meadow Gardens, Baddesley Ensor, Warwickshire

Erection of 17 affordable dwellings (2 and 3 bed) together with landscaping and parking

The Contact Officer for this report is Jeff Brown (719310).

6 Exclusion of the Public and Press

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

7 Enforcement Action – Report of the Head of Development Control

The Contact Officer for this report is Jeff Brown (719310).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

11 April 2022

Present: T Clews in the Chair

Councillors Bell, D Clews, Dirveiks, Gosling, Jordan, Morson, Parsons, H Phillips, Rose and Symonds

Apologies for absence were received from Councillors Deakin (Substitute Gosling), Hancocks, Hayfield, D Humphreys (Substitute D Clews), Jarvis, Lees, Macdonald (Substitute Jordan), Moss and Simpson (Substitute Symonds).

63 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

64 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 7 March 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

65 **Minutes**

The minutes of the meeting of the Planning Sub-Committee held on 25 February 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

66 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That in respect of Application No PAP/2022/0077 (41, Sheepy Road, Atherstone, CV9 3AD) be granted subject to the conditions set out in the report of the Head of Development Control;**

- b That Application No PAP/2019/0621 (Land at Grimstock Hill, off Trajan Drive, Coleshill) be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Steve Faizey]

- c That in respect of Application No's PAP/2021/0261 and PAP/2021/0265 (The Homestead, 82 Main Road, Austrey, CV9 3EG) the Board continues to be up-dated on the heritage and planning matters at this site when new information is provided, and that a subsequent report to Planning Board will be made outlining all new representations received following a further round of consultation on the supporting documents and plans.**

67 Planning Sub-Committee – Listed Building Preservation

The Head of Legal Services recommended the expansion of the role of the Sub-Committee previously appointed to consider an issue relating to a listed building.

Resolved:

That the Board delegated responsibility for making decisions regarding action to preserve listed buildings to the Planning Sub-Committee, granting it powers to take any action which the Board may take to preserve such buildings.

68 Appeal Update

The Head of Development Control brought Members up to date with recent appeal decisions.

Resolved:

That the report be noted.

69 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

70 **Confidential Minutes of the Planning and Development Board meeting held on 7 March 2022**

That the confidential minutes of the Planning and Development Board meeting held on 7 March 2022 were received and noted.

Councillor Simpson
Chairman

Agenda Item No 5

Planning and Development Board

9 May 2002

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 6 June 2022 at 6.30pm via Teams.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2021/0687	1	89 -91 Main Road, Austrey Variation of condition number 4 of planning permission PAUSAV/0602/96/FAP dated 14/8/1996 relating to use of swimming pool for limited community use for private lessons	General
5/b	PAP/2021/0695	16	Highfield Farm, Farthing Lane, Curdworth Change of use from Guest House to C2 residential accommodation for vulnerable children and young people	General
5/c	PAP/2022/0124	30	12 Austrey Lane, Newton Regis Demolition of the existing property for the erection of 2 new dwellinghouses	
5/d	PAP/2021/0261 & PAP/2021/0265	42	The Homestead, 82 Main Road, Austrey Planning and Listed Building Applications for the Dismantling of an existing grade 2 listed barn and re-building it to form two new dwellings	
5/e	PAP/2021/0155	93	Peel House, 79 Witherley Road, Atherstone Extension and alterations to existing dwelling and construction of 1 new dwelling with access off Nursery Road	
5/f	PAP/2020/0246	121	Land adjacent 15 Curlew Close, Warton Erection of 28 affordable dwellings including associated landscaping, car parking and other ancillary works	
5/g	PAP/2021/0239	133	Land between 3 and 17 Meadow Gardens, Baddesley Erection of 17 affordable dwellings (2 and 3 bed) together with landscaping and parking	

General Development Applications

(5/a) Application No: PAP/2021/0687

89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG

Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons, for

Mr & Mrs Hames

Introduction

This application is referred to the Board because the outcome may require an assessment of the expediency of taking formal enforcement action.

The Site

This is a large detached residential property on the north side of Main Road set between another residential property to the west and the Austrey Baptist Church to the east. There is residential property and the village shop on the opposite side of the road.

The property has a large rear curtilage with a number of outbuildings. It has also been extended.

A location plan is attached at Appendix A.

The Proposal

Planning permission was granted in 1996 for alterations and extensions to include the re-design of a swimming pool and conservatory. This permission was taken up and the approved works completed. The permission was subject to conditions, one of which, number 4, says that:

“The swimming pool hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling house known as Charity House, 89 Main Road, Austrey as such.”

The reason for the condition was, “in order to prevent any unauthorised use of the property”.

The current application seeks to vary this condition so as to read:

“The swimming pool shall be used for the incidental enjoyment of Charity House and limited mixed community use for private swimming lessons by appointment only, during the hours of:

Monday: 1000 to 1430 and 1630 to 1800 hours
Wednesday: 1000 to 1430 and 1600 to 1900 hours
Friday: 1000 to 1400 hours”

The application arises as a consequence of a breach of the approved condition 4. Officers are satisfied that they had sufficient evidence to conclude that there had been a breach, resulting in the unauthorised use of the pool. The owner has acknowledged the breach and elected to submit this application to vary the condition in order to remedy that breach. Members are reminded that this course of action is enabled through planning legislation.

The applicant has indicated that the lessons cover children supported by a guardian in the pool guided by a swimming instructor on the side of the pool. This is done in groups rather than on an individual basis and with 5 or 6 sessions a day. The capacity of the pool is said to limit the usage to no more than groups of five. There is a swimming instructor present. Parking is to the rear of the house on an existing grassed area close to the pool. It is intended to pave this with grasscrete. It is said that there is space for eleven cars to account for a change over between lessons. One wheelchair accessible bay is to be included.

Vehicular access to the parking area for visitors is via a single lane track that emerges onto an agricultural access, known as Flats Lane, which in turn exits onto Main Road, between number 99 Main Road and 5 Kirtland Close.

Other Material Background Information

Members will recall that planning permission was granted on appeal in September 2021 for the conversion of an outbuilding at the rear of the main house for residential use. That permission included vehicular access via the same track referred to above and via the same stretch of Flats Lane onto Main Road.

A copy of this decision is at Appendix B and note should be taken of condition 3 which requires improvements to the access onto Main Road – i.e.:

“Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved”.

It is understood that the works to the outbuilding may have taken place and that occupation may have occurred in breach of this condition as no details have been submitted for discharge.

The location of the outbuilding the subject of this decision has been added to Appendix A.

Austrey Baptist Church and 87 Main Road are both Grade 2 Listed Buildings.

Consultations

Warwickshire County Council as Highway Authority – It has remained concerned since the application was submitted because of the intensification of use of the access onto Main Road. The issue is the substandard visibility to the north from this access. The Authority is mindful of the appeal decision but is of the view that the proposed use under this application will intensify its use. Additionally, it cannot see how improvements can be made. The last response is at Appendix C.

Representations

Austrey Parish Council – Whilst acknowledging the need for children to learn to swim, it has serious concerns for the following reasons summarised from its letter – attached at Appendix D.

- The breach here started in the summer of 2021 when there was a noticeable increase in traffic using Flats Lane. This is unsuitable for increased usage because of its surface, visibility and emergence opposite the very well used shop. The established access into the site in front of number 89 should be used.
- The use is not “limited” as evidenced from internet usage - 27 lessons are advertised per week. Moreover, usage is wider than the “community” with people travelling from much further afield than the village.

Eight letters of objection have been received from local residents repeating the matters raised by the Parish Council.

Eight letters of support have been received from users of the pool.

Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21(Services and Facilities) and LP29 (Development Considerations)

Austrey Neighbourhood Plan 2017 – AP3 (Views); AP8 (5-Minute Walkable Neighbourhood)

Other Material Planning Considerations

The National Planning Policy Framework – (the “NPPF”)

The National Planning Practice Guidance – (the “NPPG”)

Observations

The site is within the village Development Boundary as defined by Policy LP2 of the Local Plan and thus the principle of the use of the pool for more than personal use is acknowledged, as services and facilities are to be supported within such a boundary. The issues with the case are thus to look at the potential impacts of the proposed variation in use.

The site is close to two Listed Buildings. The Council is under a Statutory Duty to have special regard to the desirability of preserving their settings and any features of special architectural or historic interest which they possess. The proposal has no direct impact on the fabric of either of the two heritage assets. However, because of their proximity – particularly that of the Church - it is the impact on their settings that is more important here. The proposal relates to the use of an existing building and thus their settings would not necessarily be affected as opposed to the erection of a new building.

However, the greater activity associated with the proposed use – traffic travelling along the track; the parking required and the general increase in activity will change the ambience of the setting of the Church. This however is considered to be at the lower end of less than substantial, but nevertheless that will still carry significant weight in the final planning balance.

None of the representations received focus on adverse impacts on neighbouring residential amenity. The curtilage of the site is large and thus impacts will be limited. However, there be a very limited impact because of increased traffic alongside the neighbouring house to the south as this adjoins the access onto Main Road.

The main matter here is the adequacy of the access onto Main Road to cater for increased usage.

The starting point is that there is an approval for some increased usage due to the appeal decision subject to some improvements being undertaken. Details of those improvements have not been submitted but they would include widening of the access track as this was marked on one of the plans approved at appeal. The inspector in coming to her decision considered that, “traffic flow and speed in the locality of the access is slowed by on-road parking by customers of the post office/shop on the opposite side of Main Road and by the frequent turning of vehicles in the road.” She continues by saying that she “observed these conditions” and concluded that “these factors lead to an overall reduction in traffic speeds in the area” – see Paragraphs 8 and 9 of Appendix B. She came to the conclusion that the traffic generation from the proposed two bedroomed dwelling would not be material in terms of increased vehicle movements. She therefore was prepared to agree to the access being used, despite its sub-standard visibility to the north.

The applicant asks the Board to focus on the Inspector’s findings and reasoning – in other words lower traffic speeds in the vicinity of the access enable more use of the access despite the sub-standard visibility, provided that the improvements are completed.

The Highway Authority is saying that the proposal will increase traffic using this access – 5/6 sessions a day with 4/5 people visiting suggests a minimum of 40 movements a day. This is considered not to be safe even given the lower traffic speeds. Additionally, third party parking in Flats Lane can reduce the available width here, thus adding to the concern.

Policy LP29 (6) of the Local Plan requires “safe and suitable access to a site for all users”. The NPPF says that “ development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

The Inspector's decision and the reasoning behind it are considered to be material, but that should not lead to the conclusion that the access is acceptable for all traffic movements using the access. That may well be the case, but the applicant has provided no traffic assessment and no evidence to support his view that the increased use would not lead to adverse road safety impacts with the current physical arrangements at the access. Such evidence would need to take on board that improvements to the northern visibility are not possible because of third party land and physical "pinch-points".

It is considered that the applicant has not proven to the satisfaction of either the Highway Authority or officers that the proposal will satisfy both Local Plan Policy LP29 and the relevant paragraph of the NPPF. However before considering a possible refusal, the Board should make a judgement as to whether the benefits of the proposed use would outweigh this potential refusal.

There is merit in the provision of swimming lessons and this carries weight. However, the benefit should not be open-ended. There are clear highway issues here as well as the less than substantial harm to the setting of the heritage asset. The intensity of use could be restricted by conditions such that the weight to be given to the benefit would outweigh these harms. The applicant considers that the hours and numbers as proposed would form the basis of such conditions. That however, in the view of the Highway Authority and officers is too great a use. It would need to be less, but the applicant has offered no reduction, or the evidence to support the proposed or a lesser usage. Moreover, whilst conditions are appropriate, they would have to satisfy Planning Guidance. As such the enforceability of such conditions is considered not to be straight forward without quite sustained monitoring. For all of these reasons it is considered that as presently proposed, the benefits do not outweigh the harms.

As such a recommendation of refusal is to be considered.

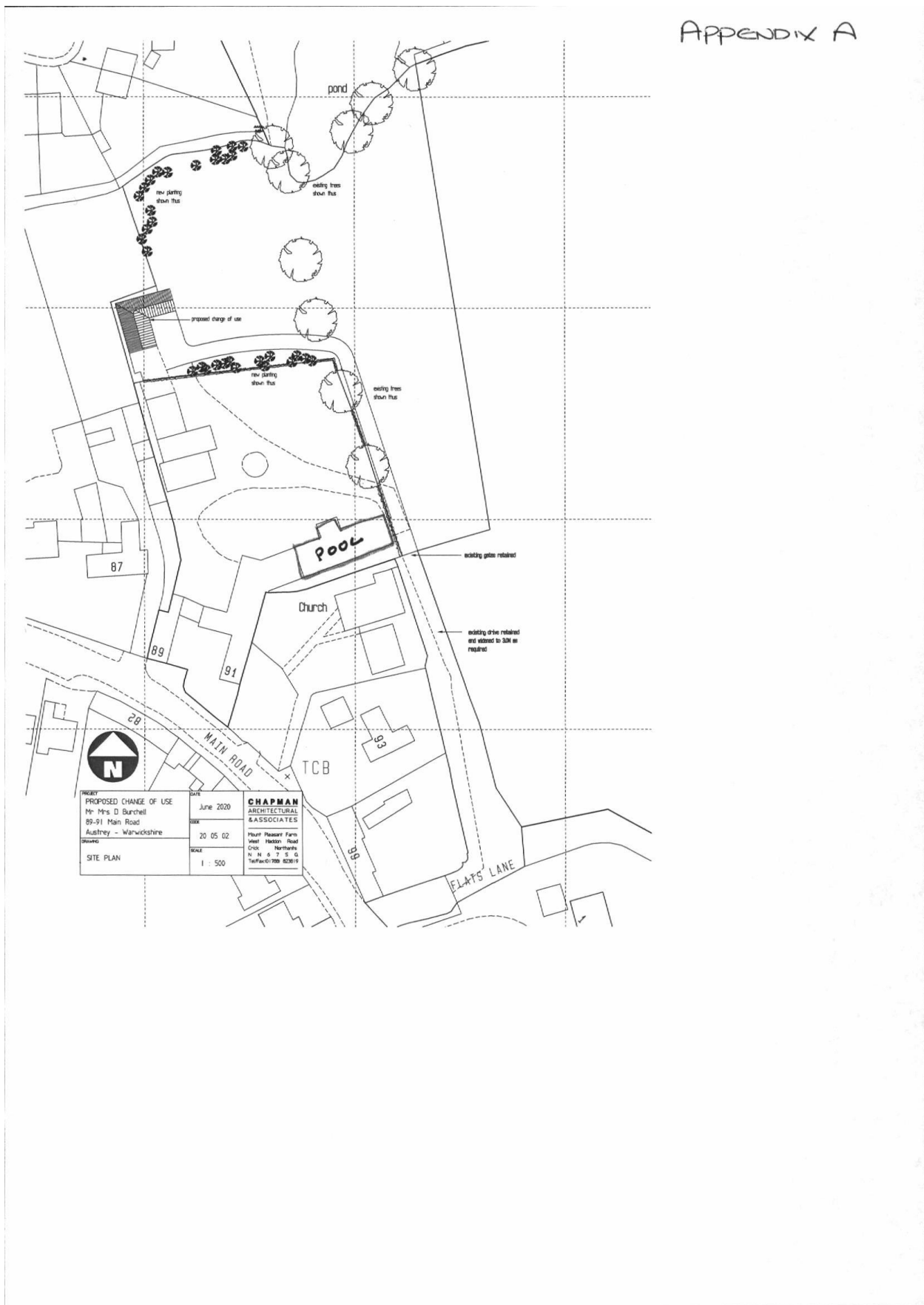
That as Members are aware, will lead to an assessment having to be made on the expediency of enforcement action. Given the strength of the highway concern it is considered that it would be. The requirements of that Notice would be to revert to incidental use as per the original condition. However, that would mean the loss of the benefit which does carry weight. Lesser measures are an option here, but they are unable to be defined without the relevant highway evidence, or the possibility of use of an alternative access – that at the main house.

A recommendation is set out below which may thus be more proportionate in all of the circumstances here.

Recommendations

- a) That the applicant be advised that the Council is minded to refuse planning permission for the reasons given in this report and that as a consequence it is considered that it is expedient to issue an Enforcement Notice requiring reversion of the use of the pool to that defined by the original condition number 4.
- b) That the applicant be invited to review the proposal through reducing the use of the pool and to consider an alternative means of access.

- c)** That in doing so, the applicant be advised that it is essential to provide satisfactory technical evidence to show to the Council's satisfaction that that reduced use is acceptable in highway terms.
- d)** That the applicant provides robust evidence to show that the improvements to the access as agreed by the 2021 appeal decision have been completed in full, to the written satisfaction of the Local Planning Authority.
- e)** That the Board be notified of progress on these matters.



PROJECT	DATE	CHAPMAN ARCHITECTURAL & ASSOCIATES
PROPOSED CHANGE OF USE	June 2020	
Mr Mrs D Burchell	JOB	Plot 1 Planning Farm West Haddon Road Oxley - Northants N N 6 7 S G Tel/Fax 01295 823619
89-91 Main Road	20 05 02	
Austrey - Warwickshire	SCALE	
SITE PLAN	1 : 500	



Appeal Decision

Site visit made on 22 April 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/R3705/W/21/3267144

89-91 Main Road, Austrey CV9 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Darren Burchell against North Warwickshire Borough Council.
- The application Ref PAP/2020/0303, is dated 18 June 2020.
- The development proposed is conversion of outbuilding to dwelling.

Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to dwelling at 91 Main Road, Austrey CV9 3EG in accordance with the terms of the application, Ref PAP/2020/0303, dated 18 June 2020, subject to the conditions on the attached Schedule.

Preliminary Matters

2. The Council confirms that had it had the opportunity to determine the planning application, it would have been refused on highway safety grounds.
3. Since the submission of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Since there is no change to national policy and guidance in relation to the matters at issue in this appeal, the comments of the main parties on the Framework have not been sought.

Main Issue

4. The Council raises no objections to the principle or most details of the proposed development. Having regard to all of the evidence, including the status of the relevant development plan policies as confirmed by the Council, there are no reasons to disagree. The main issue in this appeal therefore is the effect of the proposed development on highway safety.

Reasons

5. It is proposed to convert a building comprising a garage and workshop to a dwelling. It is one of a number of outbuildings at the rear of No 89-90 Main Rd, a substantial dwelling in extensive grounds.
6. The appeal building would be served by an existing access which is used by the appellant to reach the rear of their property. The access leads from the appeal site onto Flats Lane before joining Main Rd. Flats Lane also provides access to the garage belonging to the neighbouring property (No 99) which opens onto it. The lane is also used by agricultural vehicles accessing the fields to the rear. A public footpath runs alongside the lane.

<https://www.gov.uk/planning-inspectorate>

7. At issue in this appeal is whether there would be a safe and suitable access to the site at the junction of Flats Lane and Main Rd. The Highway Authority considers it to be substandard due to the limited visibility at the junction of these 2 roads. The required standard of 2.4m x 43m can be achieved to the south. However, to the north visibility is restricted by planting and the building line. It is noted that this standard can be reduced in situations where there are low traffic speeds.
8. Main Rd is the principal route through the village, with streetlights and housing on both sides. The speed limit is 30mph and there are no parking restrictions. There are multiple lay-bys for parking along the length of the road, including directly opposite the site access, and most properties have off street parking. Notwithstanding the pandemic's effect on the number of traffic movements, the submitted road speed data establishes traffic speeds along Main Rd as below the 30mph limit. Moreover, as confirmed by local residents, traffic flow and speed in the locality of the access is slowed by the on-road parking by customers of the post office/shop on the opposite side of Main Rd and by the frequent turning of vehicles in the road. I also observed these conditions and it appears to me that these factors lead to an overall reduction in traffic speeds in the area.
9. Furthermore, in terms of the potential intensification of the use of the access, it is necessary to consider its existing use, including by agricultural vehicles. I am not convinced by the evidence that the number of vehicle movements associated with the occupation of a 2 bedroomed dwelling would have a material effect on the access onto Main Rd such as to harm highway safety. Pedestrians crossing the road at this junction would be aware of the potential for vehicle movements at this point, particularly as the access is already there. In my experience this situation would be little different to many accesses in village and rural locations. Furthermore, the access track would be widened to a uniform 3m along its length which would give additional space for users of the public right of way.
10. In accordance with the aims of the Framework and on the basis of the site-specific considerations, I conclude that the appeal proposal would not lead to an unacceptable impact on highway safety and there would be no severe residual cumulative impacts on the road network. Accordingly, the proposal would comply with the requirements of Core Strategy Policy NW10 (6) which requires proper access to development sites; Policy LP31 of the Submitted Local Plan which continues this approach, and the Proposed Modification MM74 to Policy LP31.

Other Matters

11. I have had special regard to the desirability of preserving the settings and any features of special architectural or historic interest which the nearby listed buildings Austrey Baptist Church and 87 Main Rd possess. I concur with the Council that due to the distance between the appeal site and the listed buildings and the presence of intervening buildings there would be no harm to, or loss of, the significance of these designated heritage assets or their settings.
12. There would be minimal alterations to the appearance of the appeal building and new windows would be screened by boundary fencing. There would be no overlooking of adjoining properties or any other harm to the living conditions of neighbouring occupiers.

13. In respect of concerns about potential flood risk in the area resulting from the proposal, the proposal is for a conversion and not new-build development and any surface water would be disposed of by soakaway. Notwithstanding the concerns of the Austrey Parish Council about incidents of flooding and flood damage nearby, there is no convincing evidence that there would be an increased flood risk here. In this regard I share the Council's view.

Conditions

14. A condition is necessary which sets out the approved drawing for the avoidance of doubt and in the interest of proper planning. In the interests of visual amenity and highway and pedestrian safety, details and specifications for the approved improvements to the access are required to be submitted to and approved in writing by the local planning authority for approval and thereafter retained.
15. The Council suggested a condition restricting the construction of outbuildings under Class E of the General Permitted Development Order. The Framework and the Planning Practice Guidance indicate that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this specific case the resulting dwellinghouse would have a large garden area, the site is close to the village boundary and it is bounded by a public footpath and nearby fields. There is therefore the potential for buildings otherwise permitted under Class E to harm visual amenities. In this regard I have also considered the Austrey Neighbourhood Plan Policies AP2 and AP3 which among other things seek to retain access to surrounding fields and to protect important views. Accordingly, for these reasons the suggested condition has been imposed.
16. The installation of an electric vehicle charging point is required by condition in the interests of sustainability. A further condition was suggested requiring the submission of a Construction Management Plan. However, as the proposal is for the conversion of a small-scale existing building which is likely to require fewer construction material deliveries and personnel than a new build development, and because the access to the site already exists, I consider that such a condition would be unreasonable and unduly onerous.

Conclusion

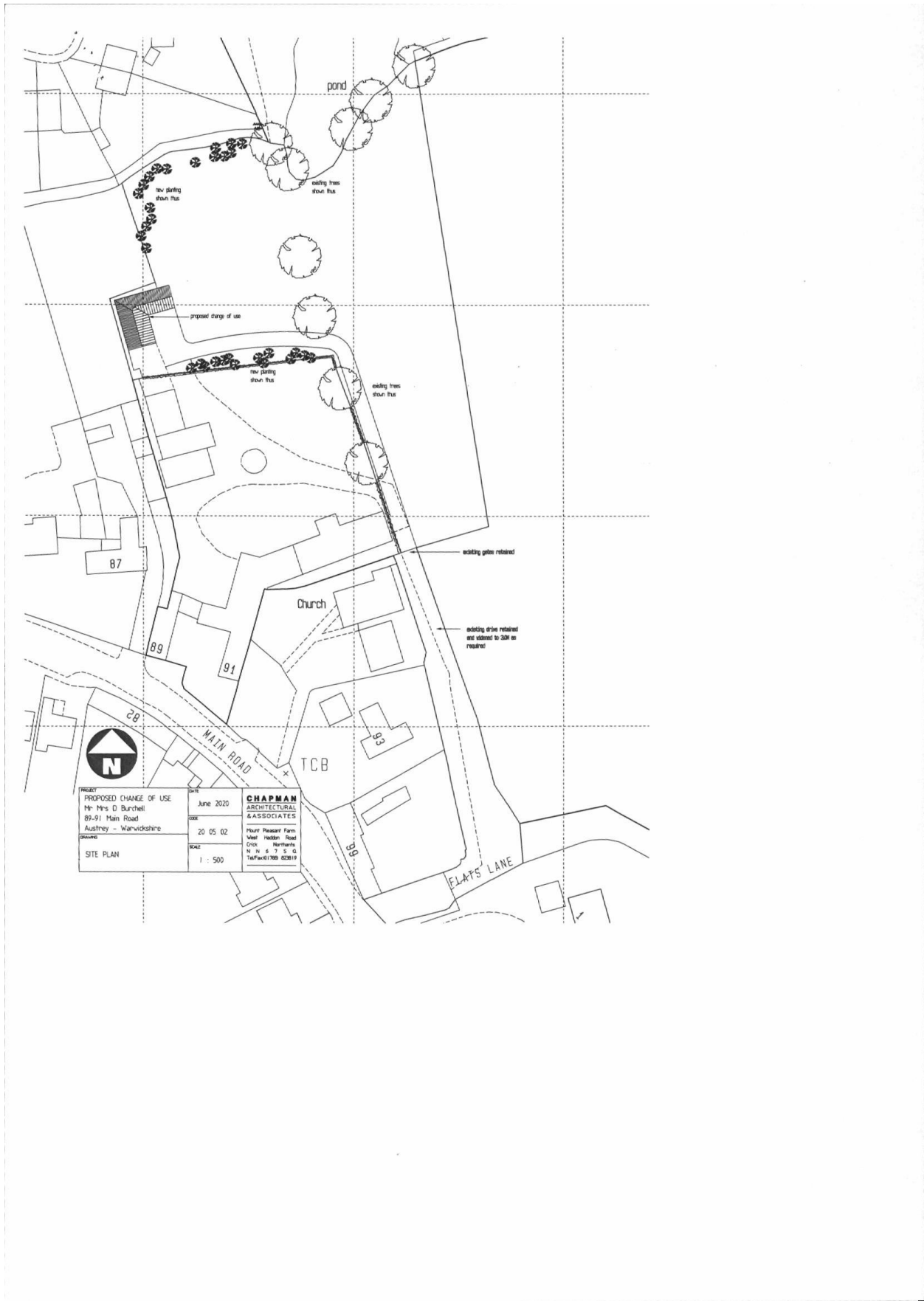
17. I have had regard to all other matters raised, including objections to the proposal from the Parish Council and neighbouring occupiers, but none affect my conclusions. For the reasons set out above the appeal should be allowed subject to the imposed conditions.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 05 02 and 20 05 04.
- 3) Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved.
- 4) Notwithstanding the provisions of Class E of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures incidental to the enjoyment of a dwellinghouse shall be constructed.
- 5) Prior to the first occupation of the approved development, an electric vehicle charging point shall be installed and maintained in full working order at all times.



Jeff Brown

From: Chris Lancett <chrislancett@warwickshire.gov.uk>
Sent: 22 April 2022 16:35
To: plot64@talktalk.net
Cc: Christina Fortune; 'Pete Hames'; Jeff Brown
Subject: Re: Planning Application PAP/2021/0687: Charity House, 89-91 Main Road, Austrey

OFFICIAL

Afternoon All,

Apologies for the late response, got caught up on another application.

The Highway Authority still has concerns with the proposals. The main concern of the Highway Authority relates to the sub-standard visibility to the north of the access, and it is not considered that the inspectors previous condition covers the visibility.

The Inspectors decision gave significant weight to the level of traffic generation from the development, and they considered that a 2-bed dwelling would not result in a significant increase such that the development would result in a detriment to highway safety. The Appeal decision outlines that the inspector acknowledged the sub-standard visibility however considered that the dwelling would not intensify the use of the access significantly. The condition imposed by the inspector requires details of the access improvements previously proposed i.e resurfacing/widening of the access track to the rear rather than the visibility splays.

The condition being used in this instance would not overcome the concerns of the Highway Authority.

A commercial use is now being proposed which would result in more movements. From the previous details there could be 5 or 6 sessions a day all with 4 people attending. So, there could be a minimum of 40 movements a day on opening days just from people attending.

This would be a significant increase in movements through a sub-standard access which is considered to be detrimental to highway safety.

As outline in my previous emails the measurements do not appear to be correct on the drawings so the required splay does not appear achievable, significant alterations may be required to the kerb line which would not be supported.

It should also be noted that it is unclear if the required width of the access could be provided. As outlined by local residents and as seen on the Highway Authority's last site visit vehicles were parked within Flats Lane (assumed to be No.99) reducing the available width. If the occupiers of No.99 either own that area of Flats Lane or have access rights to park there, how would the width be maintained to allow 2-way flow?

Regards,
Chris

Chris Lancett GradCIHT
Development Management Engineer
Planning Delivery
Communities
Warwickshire County Council

Tel: 01926 412 359
Email: Chrislancett@warwickshire.gov.uk

www.warwickshire.gov.uk

From: [Heather Hadley](#)
Sent: 27 January 2022 15:28
To: [planappconsult](#)
Cc: [Heather Swan](#); [Helen Simpson](#); jacqui@austrey.co.uk; [sam](#); [Tristan Fraser](#); [Tony Treadwell](#); [Lynsey Treadwell](#)
Subject: Planning Application PAP/2021/0687

Dear Christana Fortune,

Ref - Planning Application PAP/2021/0687 - 89-91 Main Road, Austrey

I write on behalf of Austrey Parish Council to register our concerns regarding the application to change the swimming pool from residential use to commercial use. Whilst we are keen for children to learn to swim we have serious concerns with this application for the following reasons:-

Highways/ Traffic

The applicant has been breaching the planning restriction on the swimming pool by providing swimming lessons since summer 21. We are aware of this because of the very noticeable and concerning increased traffic around the track known as 'Flats Lane'.

The area known as Flats lane is actually a muddy track providing an occasional entrance to the land at the rear of Charity House. It is in no way sufficient for regular vehicular usage and is a track regularly used by people out for a walk in the village.

A previous application to build a new home using this entrance was rejected only 2 years ago citing 'highways' as one of the reasons for rejection.

The mud track turns out opposite the village shop and Postoffice. This is constantly a busy area with cars parking up outside the shop, and has become increasingly busy with the number of new homes built in our village over the past 5 years. The track also turns out right next to Kirtland Close and opposite The Green. Visibility is not good especially with the potential for traffic coming from several angles. It is simply not safe to be using on a regular basis and its current continued use is causing many residents distress. There is also a concern that further usage will create mud that will encroach on the roadway outside the shop.

If the usage of the pool is for 'limited use' as stated in the application there should be no reason why the main house entrance could not be used and the 'small number of visitors' park on the driveway. The pool is attached to the main house after all so this would make complete sense. There should be absolutely no reason why Flats Lane should be used for this purpose other than convenience for the owner of Charity House to the detriment and danger of the residents of Austrey. Cars attending for swimming lessons should also not be parked up along the road outside Charity House as this also has the potential for accidents restricting the visibility of cars manoeuvring outside the shop and around Kirtland Close and The Green.

Basically, we feel very strongly that the area is not safe or suitable for the increase in traffic this business enterprise is already generating and could continue generating in future.

Volume of Usage

The applicant states in their application that the swimming pool will have 'limited community use for private lessons'.

We are already well aware of the usage as the applicant has now been providing lessons for a number of months and is advertising on the Internet. We can confirm in our opinion the usage should not be classed as 'limited'.

There are currently 27 lessons advertised per week of 30 minutes. This is not 'limited usage' but more in line with the number of lessons a town leisure centre would be offering. I doubt very much North Warwickshire Borough council would pass planning for a leisure centre right in the middle of Austrey village. The applicant also states the lessons are for the 'local community'. We already know from the sheer level of traffic people are not arriving on foot and are probably travelling in from other villages. Those travelling from other villages already have the option of swimming facilities in other areas such as Tamworth, Atherstone and Hinckley.

This is not just one or two lessons per week but a business operation on a large scale and is totally inappropriate for its setting.

We hope you will give our comments serious consideration. We are happy to meet up with you explain and discuss the traffic concerns if required.

Yours sincerely,

Heather Hadley
Parish Councillor
Austrey Parish Council

General Development Applications

(5/b) Application No: PAP/2021/0695

Highfield Farm, Farthing Lane, Curdworth, Birmingham, B76 9HE

Change of use from Guest House to C2, residential accommodation for vulnerable children & young people, for

Mr T Younis

Introduction

This application is referred to the Board at the request of local Members concerned about potential impacts.

The Site

This a large brick built detached house standing on the north side of Farthing Lane on the eastern edge of the village. The closest neighbouring residential property is the west – some 75 metres between the properties themselves but 200 metres by road. The house has been extended in the past and comprises a nine-bedroom property. It is set back from the road and the premises also includes open land to the west as well as some timber sheds. Access is onto the lane. There is open countryside around the premises.

The location is illustrated at Appendix A.

The Proposals

The application is to use the whole property for a Class C2 Use. This is defined by the 2021 Use Classes Order as a “residential institution providing residential accommodation and care to people in need of care, residential schools, colleges or training facilities, hospitals and nursing homes”. It is the first of these descriptions that is being proposed here. The applicant says that there would be five children/young people residing here with stays of between a month and ten years. The ages would range from 12 to 25 and they will have emotional, behavioural difficulties with potential mild learning difficulties. At any one time there would be a minimum of 6 carers for the five residents. Care would be provided over the whole of a 24-hour period but in three shifts - 0700 to 1500; 1430 to 2230 and 2200 to 0730 hours. A child psychologist would visit once a month for a period of around three hours and social workers attending every six weeks for around an hour. Maintenance contractors would visit when needed.

There would be no external or internal changes made to the property. Some fencing would be provided along Farthing Lane and parking would be provided in front of the house and by the sheds for up to seven spaces. These spaces are shown at Appendix B.

All management and regulatory matters would be governed by Ofsted and the Care Quality Commission.

The applicant has provided a brochure and this is at Appendix C.

Background

This is a residential property that also benefits from a 1998 permission to use three rooms for bed and breakfast use.

Consultations

Warwickshire County Council as Highway Authority – No objection subject to a condition requiring hard surfacing of the initial section on the access drive.

Warwickshire Police (Architectural Liaison) – No objection

Environmental Health Officer – No objection in principle subject to conditions

Representations

Four letters of objection have been received raising the following matters:

- There are limited if any facilities in the village to provide for young people
- There is limited public transport
- Road safety concerns for pedestrians using the road because of the lack of a footpath
- There are at least 20 residential properties nearby
- There are inconsistencies in the documentation submitted.
- The property is no longer in B and B use and that did not have nine letting rooms, so traffic will be high
- What is the “performance record” of the applicant’s company
- There may be anti-social behaviour
- There are no Risk Assessments included or information about governance and management

Curdworth Parish Council - It had no objection to the application as submitted subject to neighbour comments and to there being no traffic impacts. It did however have a number of detailed points.

Applicant’s Response

The applicant has provided detailed responses to the matters raised in the representations reported above including clarifying some of the “inconsistencies” raised. These are at Appendix D.

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP7 (Housing Development), LP27 (Walking and Cycling), LP29 (Development Considerations) and LP34 (Parking).

Other Material Planning Considerations

The National Planning Policy Framework

Observations

a) Introduction

There are a number of comments that should be made from the outset, as the Board is aware that the determination here rests on an assessment of planning considerations alone.

Firstly, the proposed use is defined above as a C2 use. Members should be aware that this is distinct from a C2(a) use which relates to “secure residential institutions”. A fresh planning application would be needed to move to a Class C2 (a) use.

Secondly, the fact that the property is no longer in Bed and Breakfast use is not of significant weight. That use was found to be appropriate at this property and at this location. It could be re-used for such a purpose without a fresh planning application.

Thirdly, if that bed and breakfast use became “abandoned”, the lawful use would revert to a Class C3 use – namely as a dwelling house. Members will know that this use is wide-ranging and includes:

- a) A dwelling house lived in by a single person or family. This would include foster families.
- b) Up to six people living as a single household and receiving care. This includes supported housing schemes such as for people with mental health issues or learning disabilities and
- c) Up to six people living as a single household which does not fall within a C4 use (small house in multiple occupation) such as religious communities or for student “digs”.

As such, any of the descriptions identified above would be lawful at this property, with no need to submit a planning application.

Fourthly, there are representations made about the possibility of anti-social behaviour.

This can be a material planning consideration in the determination of an application, but for it to carry weight there needs to be a sound evidential base for that perception.

There is no evidence submitted that this care home would result in a spike of anti-social behaviour in the neighbourhood. Proposals for such care homes are not uncommon within residential areas and planning appeal decisions have concluded that it cannot be assumed that children and young adults living in care would be more likely to behave anti-socially over and above any such activity that might arise from a “traditional” family unit, or indeed any of the descriptions identified above under a C3 use. Inspectors give weight that in a care home, children will be supervised by specialist supervising staff and care workers who are able to deal with any situation that might arise.

Finally, the governance and management of the care home is not a planning matter.

There is a need to register the property under the Care Standards Act 2000 and there are legal requirements under this Act, the Registration Regulations of 2010 and the Children's Homes (England) Regulations 2015. Inspections are undertaken by OFSTED and the Quality Care Commission.

b) Planning Considerations

This site is in the Green Belt and outside of the development boundary defined for Curdworth in the Local Plan. The NPPF says that provided existing buildings are of permanent and substantial construction, their re-use would not be inappropriate in the Green Belt, provided that the new use preserves the openness of the Green Belt and does not conflict with the purposes on including land within it. Here the building is permanent and of substantial construction. There is no additional impact on the openness of the Green Belt as the premises have a lawful residential and bed and breakfast use which means that vehicular and pedestrian activity associated with the proposed use is very unlikely to be materially different to that of the lawful uses. Any boundary fences can be erected under permitted development rights. There is no conflict with the purposes of including land within the Green Belt as the use is confined to an established residential planning unit. As such it is considered that the proposed use is appropriate development in the Green Belt.

The site is however outside of Curdworth which not considered to be a sustainable location. However, in this case an alternative use for the property has been found to be acceptable and the proposed use is appropriate development in the Green Belt. The separation distance to the village is not considered to be unreasonable in terms of distance and the use of the premises for any of the descriptions under a lawful C3 use could still continue even although there is no footway along the road. Moreover, both the NPPF and Local Plan policy supports the need to provide for a wide range of housing requirements and the best interests of children is a material consideration under the duty the Council has, with the Equalities Act. On balance it is considered that the proposal can be supported.

The property is sufficiently distant from other residential property not to cause material adverse impacts bearing in mind too that the lawful use includes different styles of occupation.

It is material that the Highway Authority does not object

c) Other Matters

It is agreed that there have been some inconsistencies in the applicant's documentation as identified by several of the representations. The response from the applicant at Appendix E and the description of the proposal set out in this report provides the relevant material on which the Board should make its determination.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Standard three year condition.
2. Standard Plan numbers condition – plan numbers BP2110/PA/01B and 10B both received on 24/1/22
3. The premises shall be used as a children's and young persons' care home run by Envision Care Plus for persons between the ages of 12 and 25 only and for no other purpose, whether or not that purpose falls within Class C2 of Part C of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

REASON

In the interests of the amenities of occupiers in neighbouring property.

4. The use hereby permitted shall accommodate no more than five people at any one time who fall within the terms of condition 3 above.

REASON

To define the scope of the permission in the interests of the amenities of the area.

5. There shall be no occupation of the premises hereby approved until such time as the existing access has been resurfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON

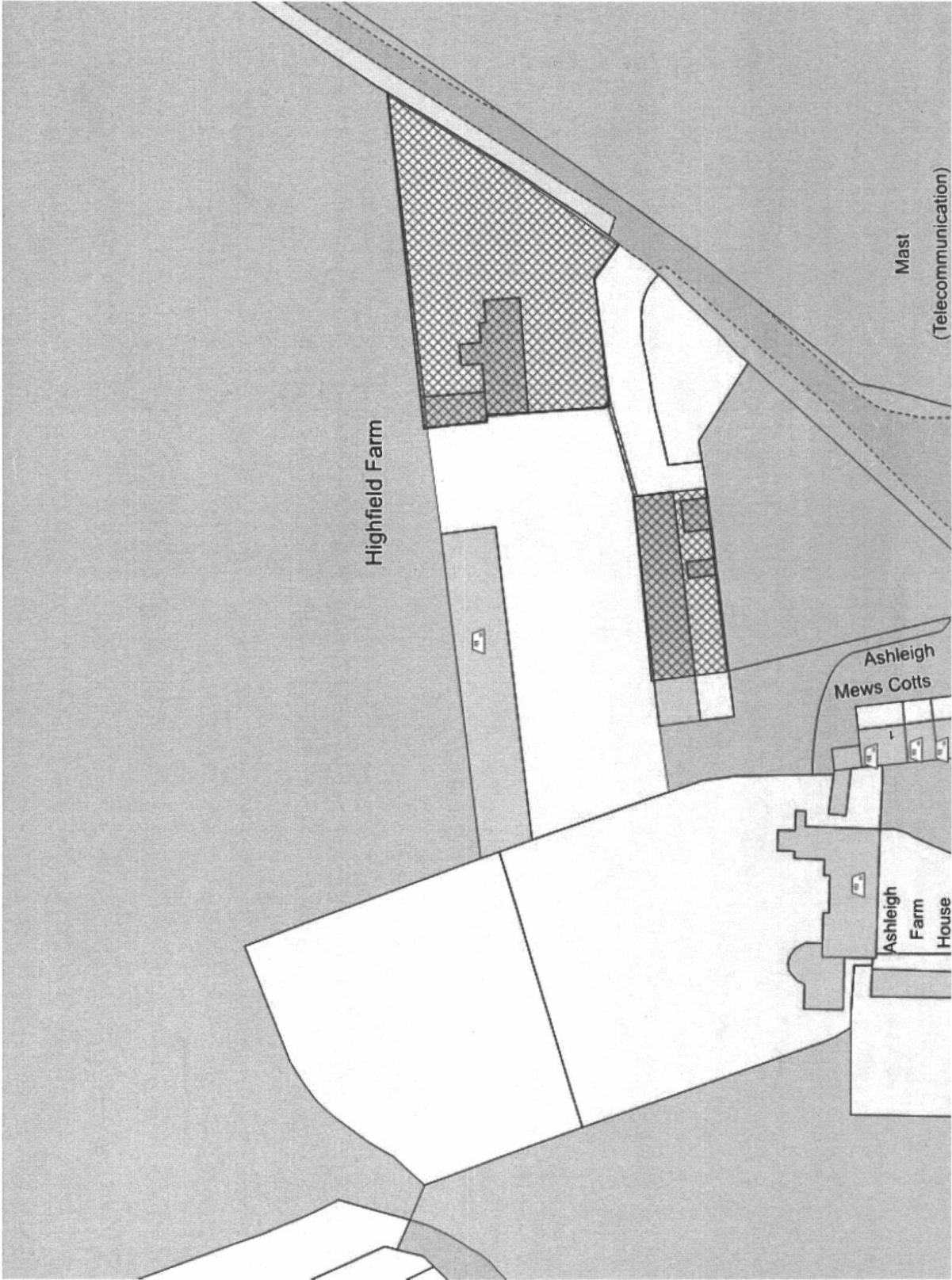
In the interests of highway safety.

6. There shall be no occupation of the premises hereby approved until such time as details have been submitted to the Local Planning Authority showing the provision of Electric Vehicle Charging Points on site and that all of the details that may be subsequently approved in writing, have been satisfactorily installed on site, to the written satisfaction of the Local Planning Authority.

REASON

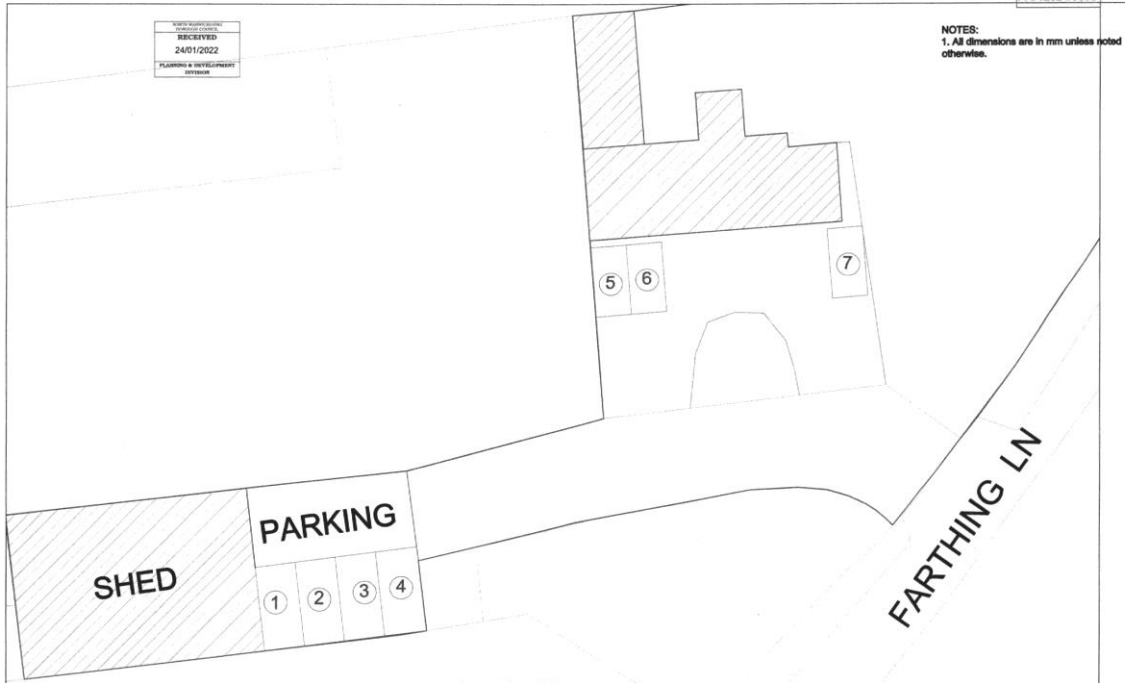
In the interests of reducing carbon emissions

APPENDIX A.



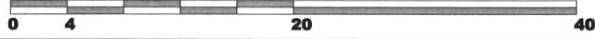
STYK CONSULTING LTD
 24/01/2022
 PLANNING & DEVELOPMENT
 DIVISION

NOTES:
 1. All dimensions are in mm unless noted otherwise.



Location Plan
 Scale 1:200

SCALE BAR 1:200



A. Plot Area		B. Plot Area	
Assessment		Assessment	
STYK Consulting Ltd		Highfield Farm, Farthing Ln, Sutton Coldfield B76 9EJ	
Planning Permission		Parking Arrangement	
Telephone 07827778946		Drawing Number BP2110/PA/10	
Scale (at A3 size) As shown		Version B	



ENVISION CARE PLUS

THE BEST PATHWAY TO HOPE
RESILIENCE AND WELLBEING



Overview

We provide a safe and therapeutic environment for young people/adults with developmental disorder and co-morbid anorexia nervosa, PTSD and mental health issues. A trauma informed and cognitive behavioral therapy approach is used to support service users to address disorders. It is a specialist intermediate service creating a bridge between the usual tier 4 services and home. This service provides a safe environment to people coming from tier 4 settings, preventing relapse of symptoms, complex mental health and manifested physical health and in the community. This unit also helps service users transition to a robust, intensive therapeutic care treatment environment and allow graded reintegration to the community. Our specialized care model is designed to provide a unique and integrated mental health approach supported in a residential environment.



Aims and Objectives

- Promote independence
- Social inclusion & build resilience
- Support rehabilitation and recovery
- Support engagement in community, educational and vocational activities

Purpose of Care

Highfield House is a children's home for up to 5 children and young people/adults (boys/ girls), from 12-25 years old. We support young people to access education until the completion of their GCSE years and beyond into further education, apprenticeships, training, or employment.

Accommodation

Highfield House is in the village of Curdworth just off the M42 Junction 9. It has individually styled rooms boast cozy decor and en-suite facilities. It is modern build

APPENDIX C

residential home which has been converted to meet the needs. It has appropriate facilities (rear garden, activity/gaming rooms, sensory rooms, etc) to



Activities and Therapies

The young people/adults are encouraged to increase their community presence and attend individual and group activities, such as movie nights, café/restaurant outings, educational trips, library access, gym/leisure centre, swimming, academic and work experience. The users have access to indoor activities including board & card games, puzzles, quizzes, foosball and pool tables. Unit activities also include non-bake cooking sessions, health promotion group, social skills groups, creative writing, expression through art and living together group.



Subjected to risk assessment, we also encourage users to visit parks, be involved with general shopping (Minworth ASDA, Sainsbury, Tesco) and to pick fruits from the fruit picking farms; these activities are carried out under staff supervision.

In addition, to engage and promote recovery, individual treatments are provided to service users (following a thorough psychometric assessment) which includes access to:

- Speech/language therapist
- Art & Yoga therapist
- Animal therapist and
- Music/drama therapist

Staffs

Our team has a wide range of experience in ensuring that our young people's long-term care needs are met. Where necessary, partnership working with other specialist professionals is completed to ensure review and maintenance of their quality of life. The needs of each young person will be individually assessed. The requirements of the young person will be met based on this assessment. Any additional unmet need will be sourced and included in the care of the individual.

Our Multi-Disciplinary Team (MDT) consists of:

- psychology
- social support
- psychiatry
- dietitian
- physical health
- nursing and
- occupational therapist

Leadership and Management

The Registered Manager is available from Monday to Friday during office hours. There is flexibility to enable the manager to have some out of hours contact time with service users, evening staff and with waking night staff and to do the occasional waking night shift or day shift, they are also contactable in emergency event and staff are aware of the on-call processes.



Care Planning

The young people who access our service would have experienced previous admission to hospital due to mental ill health. They would not be able to return to their home address at this point, either requiring additional support

for their mental health or that they do not have a suitable social setting to be discharged to. The service is designed to care for children and young people with previous complex mental health problems who are unable to be cared for within their own family home; we aim to replicate the nurture that a loving family home provides. Review of placement would take place every 6 to 8 weeks.

The focus of the service is on increasing participation in activities of daily living; to give support with mental health recovery, to integrate the young person back to the community, including mainstream education and encouraging independence for each young person. A package of care will be developed with the young person that meets their individual needs.

All young people will have the following care plans in place with a regular assessment as shown below:

- Positive Behavioural Support Care Plan
- Communication Care plan
- Discharge Care plan



Assurance

We are determined to assure a high quality and responsive service working within a multi-disciplinary framework with our community partners. In particular, we make the following pledges:

- Full child protection procedures and adherence to the Children Act
- Clearly defined Wellness and Recovery Plans
- Education and recreation activities
- Close liaison with Social, Health services
- Discharge exploration on a regular basis
- Focus on returning the young person to mainstream education or work
- High quality education and training for staff to maintain and develop clinical excellence.

Contact Us

Highfield House,
Farthing Ln, Curdworth, Sutton Coldfield.
Birmingham
B76 9HE
Tel +44 (0) 798 933 2786
Email – info@envisioncareplus.co.uk



Response to queries raised by Curdworth Parish Council: 03 March 2022

1) Regarding shift patterns of staff and also visitors, deliveries etc, what is the increase in vehicle movement likely to look like :

Our service would be registered for 5 Young people, however it would be running on a capacity of 60-80 percent. Based on full capacity of 100 percent, we would have a maximum of 5-6 staff at any one time who will be working in shifts. As we don't want to incur additional traffic, we are flexible to arrange shift patterns which will not have any adverse impacts in the area. Shift pattern can be 7am-7.00 pm or 8.00 am-8.00pm. We would also encourage our staff to share cars where possible and for any local staff we would promote for them to use bicycle; this would work towards Reduce Carbon Footprint & Go Green agenda.

We would be happy to work with Curdworth Parish Council on existing schemes they promote and are open for suggestions.

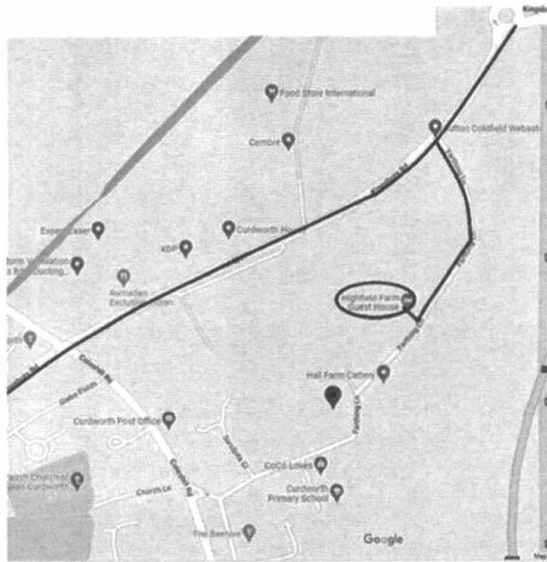
2) Is there any indication of any particular times of the day when movements might Peak.

We are flexible in our shift patterns/timings and would be happy to arrange for change in shift at 7am-7.00pm or 8.00am-8.00 pm. For distant activities, for the young people, we intend to use a mini-bus; this would avoid multiple drives to and from the Highfield farm.

As you know, Highfield Farm is at the end of the village, the staff would be instructed to use north-east roads to access the site; this would subsequently eliminate imposing additional traffic flow entering the village. As there will be a small number of young people in the service, we don't envisage numerous deliveries as even the food shopping will be done staff for kitchen. Please note, this was previously a B&B for 9 bedrooms which suggests the traffic for the proposed application would be far less than what it was used for previously.

3) This was taking into account there is a school around the corner – with a very blind bend – which has been of concern to the Council for a while.

As mentioned previously, staff would be instructed to use north-east road to enter the village (as shown below) and as Highfield Farm is located at the north-east edge of the village no additional traffic is going to be within the village. This also confirms that there will be no traffic interface with our proposal with Farthing Lane (beyond the south of Highfield Farm) near the school. Hence there would be no issues regarding traffic near school or inside the village.



4) There was a query regarding ownership of some of the land where the parking is located if that could be clarified

Please find the attached map of the land registry and plan outline submitted with the planning application. We don't believe there has been any incursion of land beyond our right.

5) Any further information available about the operation of the service to be provided.

This would be specialist service to Young people who have autism with comorbid illness like anorexia and would be providing specialist service to meet their needs associated with their diagnoses. This service would be registered with regulators Osfted/CQC.

We reassure the council that there would be no change in traffic flow on the roads of the village and we are happy to arrange a meeting with the Parish council (or attend their meeting whenever there is a slot available) to go through our draft model of care/statement of purpose. Feel free if you have any further concerns our would like to discuss any of our previous responses.

Document1

PUBLISHED WITH EXPRESS CONSENT

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
15/02/2022
PLANNING & DEVELOPMENT DIVISION

Thank you for your email below; please find our response to the concerns raised by the local resident:

1. *As residents of Farthing Lane we are concerned that we have only today heard about this application via the letter from North Warwick Borough Council.*

Currently, it's a 9-bedroom property which was used as Guesthouse by the previous owner. We would like to reduce this to a permanent residence for 5/6 people providing adequate space allowing us to better occupy the time of the young people in the house.

We will be delighted to meet in person with the residents of the village and talk them through how we would like to upgrade the property for the intended purpose. This will not only allow residents of the village to raise their concerns, but it will also give us an opportunity to present our concept and convey our intentions of integrating with the surrounding culture/community.

2. *We would be interested to know where the vulnerable young children and young people would be spending their leisure time. This is a one pub, one shop village made up of mostly elderly residents. The public transport is limited eg. village bus that runs 4 times a day at 2 hourly intervals, 3 times on a Saturday, no evening service and not at all on Sundays and Bank Holidays.*

As described in Statement of purpose, this would be young people with developmental disorder and co-morbid anorexia Nervosa. There would be one member of staff allocated to every child throughout 24-hours a day; this is to ensure their needs are met and to provide them with the necessary support.

We intend to provide in-house activity room and sensory rooms to keep them occupied. In the activity room, there would be sound-proof cinema/movie night facility, pool table, table tennis, air hockey, etc.

We would also provide them with yoga therapy, music therapy (sound proof, if necessary), dance therapy, animal therapy and art therapy. In addition, there would be various in-house recreational activities including board games, puzzles, quiz night etc. Occasionally, the service users would also go to ASDA Minworth with staff for general shopping.

We would not be reliant on shopping from local shops and young people would need to be completely abstained from any alcohol hence would be not accessing local pub or local shop. In addition, we will use our own transport to commute for appointments and other activities. i.e. there will be zero reliance on public transport within the village.

Document1

3. *Mr Younis obviously will have taken all this into consideration and still thinks it would be a good idea. We object to this planning application as we do not think this village is the right place for it.*

Given the fact, it is in the last end of the village (isolated from the crowd) in a semi countryside area, it makes this place ideal for such service users to regulate their emotions and provide a low stimulus environment.

It is of our highest priority to maintain the calm atmosphere and surrounding aesthetics as this will be in our personal interest when assisting the young people with their well-being.

As mentioned above, we are happy to arrange a session with local residents to talk them through our concept and address their concerns.

Feel free to raise any concerns if you are not content with the response and I will provide you with further details.

Again, many thanks for your time and I look forward to hearing back from you

Regards

Tashraf Younis

Sent: 14 February 2022 09:13

Subject: RE: PAP/2021/0695 - Highfield Farm, Farthing Lane, Curdworth, Birmingham, B76 9HE
Change of Use to C2 use

Mr Kazemi

Further to your planning application for Highfield Farm.

I have received a response from a neighbour as follows, I am offering you the opportunity to respond if you wish to do so, please be aware that there is no obligation to respond to objections.

Comments: "As residents of Farthing Lane we are concerned that we have only today heard about this application via the letter from North Warwick Borough Council. We would be interested to know where the vulnerable young children and young people would be spending their leisure time. This is a one pub, one shop village made up of mostly elderly residents. The public transport is limited eg. village bus that runs 4 times a day at 2 hourly intervals, 3 times on a Saturday, no evening service and not at all on Sundays and Bank Holidays. Mr Younis obviously will have taken all this into consideration and still thinks it would be a good idea. We object to this planning application as we do not think this village is the right place for it. "

Document1

Please read the below responses in conjunction with the supporting 'Rep07a_Farthing Lane_redacted – Markups' file.

1. It is correct that the property has not been used as guest house for the past few years. However, reason for this is not based on any of the concerns raised in this objection. The actual reason is as follows: due to death of one of the owners, it became increasingly challenging for the other partner to operate the guest house. In addition, old age, other family commitments and unnecessary expenses for a 9-bedroom property made it unpractical to keep the place running as usual. This was also the reason for the previous owner to sell the property and move into a relatively smaller house as it would be economically viable and comfortably maintained.
2. There has been a slight misinterpretation when the application states that there is foot access to the farm. It is proposed, as included in the planning application, to park the cars near the existing shed and walk into the main property; the Planning Statement was written in that context. With hindsight, limited foot access suggests that there will be less interface with general public which means there will be less impact on the village with our presence.
3. It is correct that there are some discrepancies in the planning application and some of the documents submitted at latter stage. This is because our process with planning has been iterative as with each phase of the application and questioning; as a result of this we have gone back to work on changing or incorporating things to work collaboratively with the LA and the Parish council. In addition, there have been some reconsiderations of the concept and it was decided to proceed the application with integrity and adapt an honest approach with the general public. For those reasons, revised Planning Statement and Company Brochure were resubmitted to North Warwickshire Borough Council on 25/03/2022 (attached with this response) which was before the concerns raised in this objection. As a result of this, all the discrepancies were addressed in the resubmitted documents. Following are responses to the discrepancies/concerns raised in this objection:
 - B1 - Changes in the age group – it has been decided to operate the place for 12-25years olds (please see the revised Planning Statement and/or Brochure). This is necessary to allow for continuity of care for children and not to reject them on basis of them turning 18 as they would be very vulnerable to leave and live independently or live with older adults. There are national guidelines in regard to developing service that extends to 25years as this provides robust and safe transition to adult services.
 - B2 - Number of children - there will be maximum of 5 children at any one time (please see the revised Planning Statement and/or Brochure). We want to create more space for activities hence looking for maximum 5 service users at one time. This was decided following previous objections made in regard to activities.
 - B3 - Length of placement – It is necessary to specify a short term stay as an individual may not settle in this place or would like to move closer to home if an opportunity arises. Similarly, for the long term stay, with our experiences of working on services we understand that transitions are some of the most important times for the types of YP (Young people/person) we intend to be looking after; creating arbitrary cut off points, like asking YP to leave on their 18th birthday, can create traumas of rejection. This would be a great setback not only to us and our staff but also to that YP who could have improved significantly and returned to normal day-to-day activities.
 - B4 - Number of staff - there will be 6 carers for 5 children at any one time. In terms of shift patterns, currently we are aiming to have 8-12 hours shifts where the hours would be adjusted to avoid any peak time/school time. We are also flexible and happy to work with locals to minimise impact on the village as well as our patients.
 - B5 - Disabilities/needs – It is important to understand how/when the information is being provided.
 - For the Planning statement, the examples in the form were 'learning difficulties, physical disabilities, behavioural issue'. This suggested we keep it simple and understandable for general public and for that reason we decided to only mention 'children or YP will have emotional and behavioural difficulties with potential mild learning difficulties.'

- For the response to Curdworth Parish Council, the impression was to provide more details about the state of the patients and therefore we tried to further clarify the state of the YP in our response.
 - The brochure is prepared for our organizational instruction (to more informed people within this field) and that was the reason we included more details/background which are also in line with our Statement of Purpose. Again, the brochure was shared on request and not to cause any confusion.
 - B6 - Staff/specialist expertise – Again, it is important to understand the purpose of Planning Statement and Company Brochure. From impression, it was considered that the Planning Statement requires a simplified approach where basic care was outlined along with the input from specialists such as psychologist. For the company brochure, more details were included where attempt was made to outline inhouse expertise that the staff would require (such as social support and physical health) as well as external support from the experts.
 - B7 - I would like to take this opportunity to again clarify that the Company Brochure does not claim or try to give an impression that planning application is a tick box exercise. We acknowledge its relevance and have tried to be proactive with our responses and communication with the general public and local council. The brochure was intended for latter stage and was only shared on request to give an understanding of our intent of use. It is correct that the company has been registered recently but the partners involved possesses years of experience in managing businesses and dealing with such individuals that would be cared for in the property. In additional, to our understanding, planning application is independent of our personal credentials as this will be independently assessed by CQC and Ofsted inspections once the application is submitted to them for review.
4. Further to our previous responses, we will not be dependent on any of the amenities of the Curdworth Village. We will provide our own transport and inhouse activities/education. As mentioned in the Company Brochure, there will be numerous activities planned for daily basis which will not only keep Young People occupied but also educate them which will help them to deal with normal day-to-day challenges. In addition, there will also be gaming rooms to encourage dealing with socializing challenges. The documents submitted tries to outline that we are not dealing with children/YP from chaotic upbringings or dysfunctional families but development disorder. Developmental disorder is terminology used in CAMHS for YP with autism, ADHD, learning difficulties. We are aiming to look after children having developmental disorder with comorbid conditions mainly Complex PTSD and anorexia nervosa and disordered eating associated with trauma symptomology. Again, these details are shared to clarify and not to introduce discrepancies with our planning statement.
5. a/b - Our YP will be monitored on 1-2-1 basis 24/7 i.e. there will be no interface with strangers. Regarding the existing criminal activities, with presence of our staff 24/7 at Highfield farm and shift transfer on daily basis, it suggests that any inappropriate activities in the near vicinity would be discouraged and make the surroundings a safer environment. We strongly believe that the mere occupation of that space for that purpose with 24/7 staff presence and the planned use of CCTV around the property will be enough of a deterrent.

Please note, we are trying to respond to a range of people with a wide spectrum of knowledge and experience of the type of challenges these YP will have. We acknowledge that it means we are always walking on tight rope of over-simplifying or over complicating the narrative for various groups of people. But we are happy to sit down with individuals to clarify issues that might not be clear to them.

Overall, we are looking help build a resilience and support YO with acquisition of skills in the wider community. This can be easier achieved by providing a calm environment (which is at Highfield Farm) with right physical/ mental support to get YP back to their friends and families. As mentioned above all the discrepancies/ concerns raised in this objection have been addressed in the previous responses and the documents that were resubmitted; I have attached them again for your convenience.

General Development Applications

(5/c) Application No: PAP/2022/0124

12, Austrey Lane, Newton Regis, Tamworth, B79 0NL

Demolition of the existing property for the erection of 2 new dwellinghouses, for

Mr Huzaifa Ahmed - 786 PROPERTIES

Introduction

This application is reported to the Planning and Development Board due to local members concerns surrounding the impacts of the proposals.

The Site

The development site measures approximately 0.06ha (600sqm) and consists of 12 Austrey Lane and its associated garden land, land which is demarcated by hedgerows and wooden fencing.

The site occupies a prominent corner position along Austrey Lane at the north-eastern edge of Newton Regis, beyond the Conservation Area and the village's historic core. Townsend Close, a small development of post-war semi's, is situated immediately to the rear.

A location plan is at Appendix A.

Background

Planning permission was granted in 2021 for the partial demolition, refurbishment, and extension of 12 Austrey Lane together with the erection of a new dwelling (PAP/2020/0661). During the course of the development, number 12 was demolished in its entirety. This planning application seeks to regularise the existing situation, seeking consent for total demolition of number 12 and the erection of two new dwellings.

The plans as approved in 2021 are at Appendix B.

The Proposal

Planning permission is sought for demolition of the existing property and for the erection of two new dwellinghouses. Both dwellings will adopt a largely uniform appearance, effectively comprising a short terrace run when considered together with 10 Austrey Lane. The two properties share the same ridge height (8m), gabled roof form, and facing materials – through coloured rendered elevations under a tiled (sandtoft 20/20) roof.

The proposals necessitate the formation of a new access onto Townsend Close, set-back approximately 13m from its junction with Main Road, along with the provision of parking and circulation space to the front of the new unit. Vehicular access to the replacement dwelling (no. 12) is to be obtained from the rear of the plot with parking spaces provided in the garden. A small, single storey projection is provided to the front elevation of both properties, together with a shared 2.85m two-storey projection at the rear.

Plans are provided at Appendix C.

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Other Relevant Material Considerations

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Representations

Two representations have been made, both objecting to the development. The issues raised are summarised below.

- General concerns relating to the existing construction operations – damage to sewers, paths and kerbs, unsupported scaffolding, abusive behaviour towards residents, heating oil poured down the drains causing foul smells.
- Damage caused to number 10 – property has been left as an eye sore
- Right to build should be removed due to existing construction concerns
- House should be reinstated to be ‘in keeping’ with the adjoining property

Newton Regis, Seckington and No Man’s Heath Parish Council object to the application as indicated below.

“The Parish Council have concerns about the site in general. The building was demolished by two men on scaffolding towers. The covering of the exposed wall was not done properly and following on from the 3 storms the cladding was left flapping in the breeze. Severn Trent are investigating overflow of the drain”.

Observations

As set out earlier in this report, planning permission was recently granted for the partial demolition, refurbishment, and extension of 12 Austrey Lane together with the erection of a new dwellinghouse. During the course of development, number 12 was demolished in its entirety. This planning application seeks to regularise the existing situation, seeking planning permission for demolition of number 12 and for the erection of two new dwellings.

Total demolition is not considered to be objectionable from a planning perspective and relevant material planning considerations - the principle of developing the site, the final design, impact on neighbouring amenity, highways implications etc, were all assessed under the 2021 permission. As the application presented here replicates the approved design, layout, and access arrangements, it fundamentally will lead to the same 'end' result - the provision of two dwellings. Officers consider the proposals to be acceptable and compliant with relevant planning policies.

In respect of the representations made, concerns surrounding working practices and pollution associated with demolition of the property are not material planning considerations. Indeed, these matters are covered by non-planning related legislation (such as the Control of Pollution Acts). Property damage and allegations of abusive behaviour are private matters and again, not material planning considerations; material considerations are those which relate to the use and development of land i.e.- they must serve a planning purpose.

The design of the proposals was assessed under the 2020 application and deemed to be acceptable. The scale, general form and materials proposed are considered suitable, representing good, considered design, and complying with adopted planning policy (LP1 and LP30).

Recommendation

That planning permission be GRANTED subject to the following conditions:

Standard Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the following drawings and documents:

The Proposed External Works drawing (103 Rev A) received by the Local Planning Authority on 22nd April 2022

The Proposed Drainage Plan drawing (104 Rev A) received by the Local Planning Authority on 22nd April 2022

The Proposed Floor Plans Construction drawing (102) received by the Local Planning Authority on 28th February 2022.

The Proposed External Works Details drawing (105) received by the Local Planning Authority on 28th February 2022

The Proposed Elevations Construction drawing (107 Rev A) received by the Local Planning Authority on 28th February 2022.

The Proposed Site Plan drawing (152B) received by the Local Planning Authority on 28th February 2022.

The Materials Specification received by the Local Planning Authority on 28th February 2022.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-occupation conditions

3. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

REASON

In the interests of highway safety.

4. The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access in accordance with drawing 152B (Proposed Site Plan). These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway

REASON

In the interests of highway safety.

5. The development shall not be occupied until the hedgerow on the north-eastern and south-eastern boundary has been reduced to a maximum height of 0.6 metres in accordance with approved plan 152B (Proposed Site Plan). These boundary features shall thereafter be permanently retained at a maximum height of 0.6 metres above the level of the public highway footway.

REASON

In the interests of highway safety.

6. Prior to occupation of either dwelling hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

7. Electric Charging Points shall be provided in accordance with the Proposed External Works drawing (103) and the Electric Vehicle Charger Specification, both received by the Local Planning Authority on 28th February 2022. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development. For the avoidance of doubt, the approved specification is the 7.2kW (32A) charger.

REASON

In the interests of facilitating sustainable travel and reducing air pollution.

Other conditions

8. The development shall proceed in accordance with the Construction Management Plan received by the Local Planning Authority on 28th February 2022, a plan which shall be adhered to throughout the construction period of the development.

REASON

In the interests of highway safety and neighbour amenity.

9. All hard landscaping shall be carried out in accordance with the approved details whilst all planting, seeding, or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

REASON

In the interests of the visual amenity of the area.

10. The proposed vehicular access to the site shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specifications of the highway authority.

REASON

In the interests of highway safety.

11. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON

In the interests of highway safety.

12. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the Local Planning Authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.

REASON

To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

13. No development whatsoever within Classes A, B and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site to the existing or proposed dwelling without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of preserving the amenity of neighbouring occupiers, preventing over-intensive development and to ensure an appropriate provision of external amenity space having regard to the plot size.

14. Any gas boilers provided must meet a dry NOx emission concentration rate of <40mg/kWh.

REASON

To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner.

This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
4. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council.

For further information please see

https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control

https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations. Guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>

5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
6. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website

https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information

7. Condition number 10 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184.

In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

8. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
9. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

10. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g., street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
11. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
12. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and through regular dialogue. As such, it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

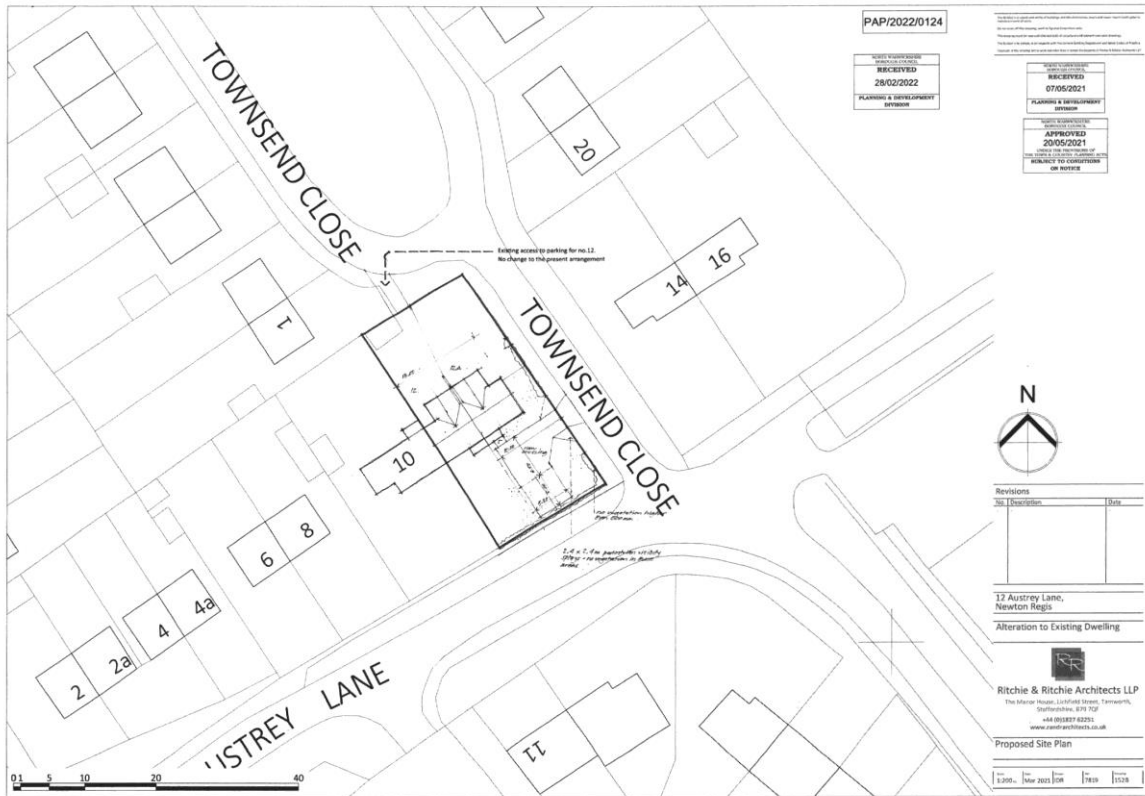
Planning Application No: PAP/2022/0124

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	01/03/22
2	Newton Regis, Seckington and No Man's Heath Parish Council	Representation	12/04/22
3	Third Party	Representation	07/04/22
4	Third Party	Representation	11/04/22

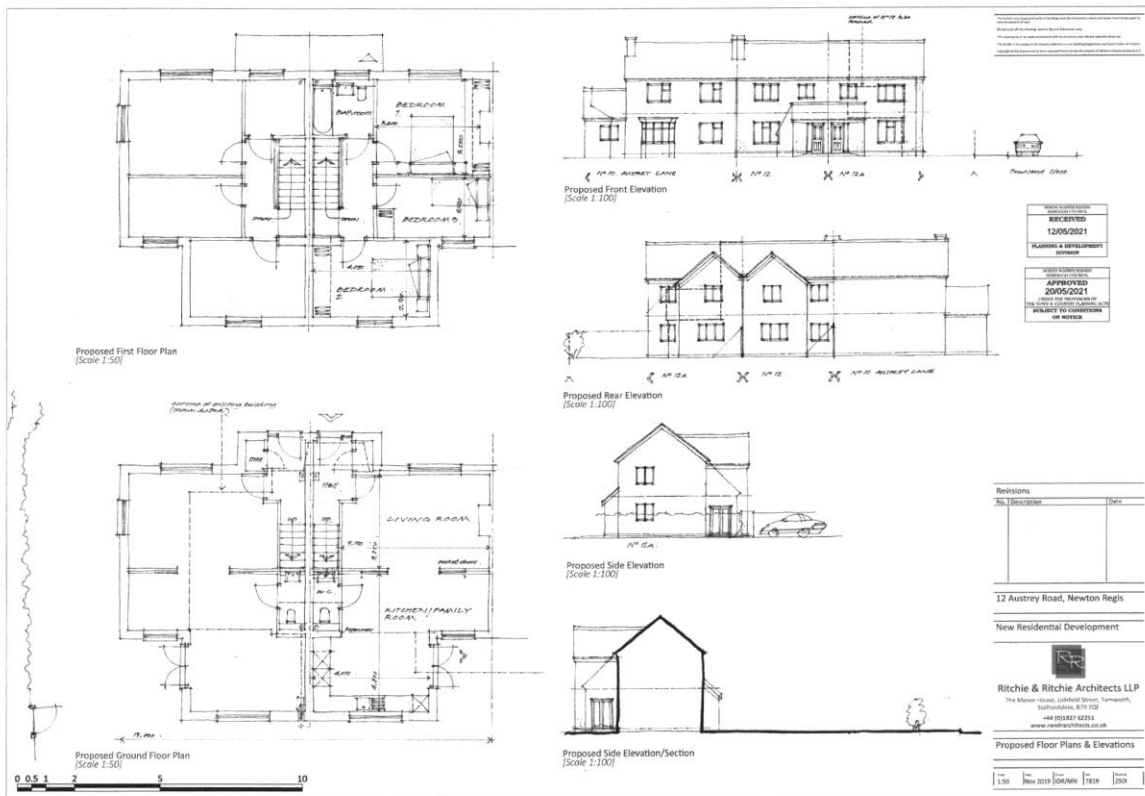
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX A



APPENDIX B



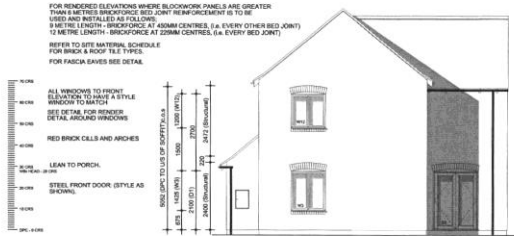


1 Proposed Front Elevation
SCALE: 1:50

WINDOW SCHEDULE	
NO.	DESCRIPTION
1	1200 (W) x 1500 (H) DOUBLE GLAZED UPVC CASSETTE FRAME WITH GLASS UNIT
2	1200 (W) x 1500 (H) DOUBLE GLAZED UPVC CASSETTE FRAME WITH GLASS UNIT
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50	1200 (W) x 1500 (H) DOUBLE GLAZED UPVC CASSETTE FRAME WITH GLASS UNIT



RECEIVED
28/02/2022
PLANNING & DEVELOPMENT
DIVISION



2 Proposed Side Elevation
SCALE: 1:50



3 Proposed Rear
SCALE: 1:50

PROJECT
New Dwelling
LOCATION
12 Austrey lane
Newton Regis B79 0NL

CLIENT
786 Properties
DRAWING TITLE
Proposed Elevations
Construction

REV	DATE	REVISION	BY
A	15.11.21	Arches added, eaves and doors amended	

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SCALES As Shown SHEET SIZE A1
JOB No. 26.21
DRAWING No. 107 REV A



General Development Applications

(5/d) Application Nos: PAP/2021/0261 and PAP/2021/0265

The Homestead, 82 Main Road, Austrey, CV9 3EG

Planning and Listed Building Applications for the Dismantling of an existing grade 2 listed barn and re-building it to form two new dwellings, for

Mr M Bevan - SaLaBe Ltd

Introduction

The applications are reported to Planning and Development Board to provide an update on the heritage and planning matters relating to the barn-end range of the farmhouse at the above site. Members will also be aware that a Planning Sub-Committee has also been looking at this property.

The Site

The site is located along Main Road, in the centre of the village of Austrey and close to the junction with The Green. The listed building consists of a linear range of timber framed and brick buildings running along the street frontage. The range consists of a one and a half storey timber framed farmhouse (previously rendered and timber framed with brick and wattle and daub infill panels) attached to a single storey run of outbuildings referred to in this report as the barn, faced in brick with surviving timber framed sections. The site is prominent with a linear frontage along Main Road.

The Proposal

The proposal continues to require the dismantling of the barn-end range of the listed building and to re-build it to form two new dwellings. The earlier reports detailing the matters outlined in this application is appended at Appendix A.

It is proposed to re-build the original structure of the barn and further information has been or is due to be submitted:

- a revised Heritage statement that highlights the significance of the building in greater detail than previously provided.
- the awaited viability assessment
- information on integrating the heritage elements into the proposal for the replacement barn.

The above information is to go out for a further round of consultation with the Parish, neighbours and the Amenity Societies.

The proposal will continue to cover the re-use of existing sound materials from the barn which will be incorporated on a like-for-like basis, subject to a methodology and further drawings.

The building will be proposed to be re-constructed using traditional solid masonry wall construction with a lime mortar, a timber cut roof and with the timber framed features re-incorporated into the re-build of the barn. New external doors and windows will be installed where the existing openings are located and new openings are to be made on the rear elevation of the replacement barn. A rear extension is proposed which would re-configure that of the previous rear extensions to the barn. The re-build of the barn will then form two dwellings with associated parking and provision for garden space and thus bringing the site back into use.

Background

The background to the application site can be viewed at Appendix A.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP8 (Windfall), LP15(Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Austrey Neighbourhood Plan – AP10 (New Housing)

Other Relevant Material Considerations

National Planning Policy Framework 2021 (NPPF).

Planning (Listed Buildings and Conservation Areas) Act 1990

Representations

A further round of consultations will be carried out once the additional details are submitted and the responses reported to a subsequent Planning and Development Board.

Previous representations received are within the previous Board report at Appendix A.

The up-dated representations from a recent round of consultations are outlined in full below:

Historic England

a) Significance

The Homestead is listed at Grade II, as a brick cottage with attached outbuilding which contains substantial remnants of a timber frame which is probably 17th century, or possibly 16th century as far as can be understood from the information available.

b) Impact

We wrote regarding the applications in September 2021. Since then, further information was provided which we responded to in a letter on 13 December 2021 despite the new documentation we are now being consulted about, we remain disappointed by the inadequacy of the information supplied to date. It remains muddled and difficult to interpret. For example, across the different documents the descriptions rely variously on bay numbering, truss numbering and room numbering which is not carried through in all the captions and plans in a useful and coordinated manner.

The most useful new documentation is the drawing provided by Ritchie & Ritchie labelled Salvage and Reuse Strategy Plan, Work in progress. The trusses are numbered and it attempts to show the surviving framing. However, this is still based on the old and less than adequate survey of the frame which the electronic building survey did not (and could not) be expected to supply. A detailed measured survey of the significant elements of the structure to be demolished, particularly the timber-framing, is still lacking. That should include drawings of the wall framing and of the trusses. The latter should record the upper faces of each truss, with details of the construction so that the relationship with the surviving wall framing is understood. There also needs to be fuller record of the roof structure particularly of the wind braces or any evidence for them. The measured survey should be accompanied by an analysis of it reveals about the development of the building.

There is a surviving historic first floor in bay 1 of the barn (between trusses 1 and 2) which can be seen in some of the pre-dereliction imagery with a substantial ceiling beam and joists. The post-dereliction imagery shows that in bay 1 trusses 1 and 2 have curved wind braces: generally an indication of a 16th century or earlier date. Imagery suggests that some of the roof timbers in that bay may be smoke blackened, offering potentially important evidence in understanding the development of the building.

No attempt has been made to understand truss 3, the roof of which has not been investigated in any way. Are the principal rafters still present? What about the wall posts and is there a tie beam? An understanding of truss 1 should establish the relationship with the Cottage: is it an open or closed truss? Has it this part of the barn been curtailed by the construction of the cottage, or was it built up against it? Whoever provides the understanding needs a basic knowledge of how timber-frames were put together, including the relationship between the upper faces of the trusses and the plan form of the building. For further understanding of this the most readily available source is Richard Harris's classic *Discovering Timber Framed Buildings* sadly out of print, and his important article: Richard Harris, 1989, The Grammar of Carpentry, *Vernacular Architecture*, **20**, 1-8.

c) Policy

There is a requirement in the NPPF to understand the building and to justify the proposals when they are as extensive as this, potentially amounting to substantial harm.

The barn is a part of the listed building so that justification will need to be robust.

d) Position

As yet there is insufficient information to permit this scheme to proceed. There is no change in our overall view of the proposals from when we wrote in September 2021. We have no objection in principle to the conversion of the barn to residential accommodation but the scheme needs to pay more attention to the existing historic structure, and to retain some of it if possible, particularly bay 1 against the Cottage.

An analytic and measured survey of the building as it now stands, accompanied by an understanding of the historic development of the structure, is still required. It should be possible to provide adequate documentation to justify some limited demolition. Any demolition requires detailed survey prior to dismantling, enhanced by a detailed observation and revision to those drawings undertaken as a part of the dismantling process.

e) Recommendation from Historic England

Historic England has concerns regarding the applications on heritage grounds.

No other representations have been received following from any other amenity society during the recent round of consultation, although any further comments will be up-dated to Board verbally.

Three representations of objections and comments have been received from neighbours as summarised as follows:

- Removal of another building of significant character to the village of Austrey will be detrimental to the rural and previous agricultural nature of the village.
- The Homestead has always been a significant focal point and in keeping with the history of the village.
- A new dwelling will be detrimental to the character of the Main Road.
- It does not address the housing needs identified locally.
- Sympathetic refurbishment of the existing structure maintaining its original character features and timbers where possible both internally and externally would keep the character of an older part of the village.
- The barn is part of the listing building and dismantling it would be to not preserve a site and an example of heritage and historic importance!
- I would like further clarification on how the build will affect my boundary and my property the current boundary between the gardens is marked by a hedgerow.
- The documents submitted do not make it clear what the plans are for the rear of the property.

Observations

This report is to provide a progress report to the Board to ensure that the planning and heritage matters at this site are addressed regularly, as and when updates are available.

The Planning Sub-Committee has considered this property and Members should be aware that as a consequence, significant protective measures have now been put in place at the site such that the whole range of buildings here is now wind and water-tight.

Additionally, the footpath alongside is now accessible. These works also have had the effect of protecting the surviving historic fabric in the barn.

Members will know that the determination of these two applications rested on the works referred to above being undertaken and the receipt of updated and more detailed reports at the request of Historic England in order to evidence the need to dismantle the barn.

As indicated above, that additional information is also likely to be received between the publication of the agenda for this meeting and the date of the meeting as well as further consultation responses from Amenity groups. It is proposed to make that information available to Members as quickly as possible.

It is thus anticipated that the two applications can be referred to the June Board for determination.

Recommendation

- a) That the Board continues to be up-dated on the heritage and planning matters at this site when new information is provided, and that a subsequent report to Planning Board will be made outlining all new representations received following a further round of consultation on the submission of further supporting documents and plans.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2021/0261 and PAP/2021/0265

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Revised Heritage Statement (to go out for further consultation)	21.4.22
2		Historic Building Survey and Appendix	11.4.22
3		Salvage and re-use plan	8.4.22
4	Neighbour	Representation_objection	8.4.22
5	Neighbour	Representation_objection	8.4.22
6	Neighbour	Representation_comments	18.4.22
7	Historic England	Consultation reply_comments with concerns	21.4.22

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

General Development Applications

(6/C) Application No: PAP/2021/0261 and PAP/2021/0265

The Homestead, 82 Main Road, Austrey, CV9 3EG

Planning and Listed Building Applications for the Dismantling of an existing grade 2 listed barn and re-building it to form two new dwellings, for

Mr M Bevan - SaLaBe Ltd

Introduction

The applications are reported to Planning and Development Board to provide an update on the heritage and planning matters relating to the barn-end range of the farmhouse at the above site. Members will also be aware that a Planning Sub-Committee has also been looking at this property.

The Site

The site is located along Main Road, in the centre of the village of Austrey and close to the junction with The Green. The listed building consists of a linear range of timber framed and brick buildings running along the street frontage. The range consists of a one and a half storey timber framed farmhouse (previously rendered and timber framed with brick and wattle and daub infill panels) attached to a single storey run of outbuildings referred to in this report as the barn, faced in brick with surviving timber framed sections. The site is prominent with a linear frontage along Main Road.

The Proposal

The proposal is to require the dismantling of the barn-end range of the listed building and to re-build it to form two new dwellings. The previous report detailing the matters outlined in this application is appended at Appendix A.

It is proposed to re-build the original structure of the barn and revised information is to be submitted very soon so as to include:

- A draft structural survey.
- An enhanced drawing survey.
- A report on the methodology to be used in the proposed dismantling of the barn.

The proposal will continue to cover the re-use of existing sound materials from the barn which will be incorporated on a like-for-like basis, subject to a methodology and further drawings.

The building will be proposed to be re-constructed using traditional solid masonry wall construction with a lime mortar, a timber cut roof and with the timber framed features re-incorporated into the re-build of the barn. New external doors and windows will be installed where the existing openings are located and new openings are to be made on the rear elevation of the replacement barn. A rear extension is proposed which would re-configure that of the previous rear extensions to the barn. The re-build of the barn will

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then form two dwellings with associated parking and provision for garden space and thus bringing the site back into use.

Background

The background to the application site can be viewed at Appendix A.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP8 (Windfall), LP15(Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Austrey Neighbourhood Plan – AP10 (New Housing)

Other Relevant Material Considerations

National Planning Policy Framework 2021 (NPPF).

Planning (Listed Buildings and Conservation Areas) Act 1990

Representations

A further round of consultations will be carried out once the additional details are submitted and the responses reported to a subsequent Planning and Development Board.

Previous representations received are within the previous Board report at Appendix A.

Observations

This report is to provide a progress report to the Board to ensure that the planning and heritage matters at this site are addressed regularly, as and when updates are available.

The Planning Sub-Committee has considered this property and Members should be aware that as a consequence, significant protective measures have now been put in place at the site such that the whole range of buildings here is now wind and water-tight. Additionally, the footpath alongside is now accessible. These works also have had the effect of protecting the surviving historic fabric in the barn.

Members will know that the determination of these two applications rested on the works referred to above being undertaken and the receipt of updated and more detailed reports at the request of Historic England in order to evidence the need to dismantle the barn.

As indicated above, that additional information is now likely to be received between the publication of the agenda for this meeting and the date of the meeting. It is proposed to make that information available to Members as quickly as possible after receipt and to also forward it to the appropriate consultees – notably Historic England.

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It is thus anticipated that the two applications can be referred to the May Board for determination.

Recommendation

- a) That the Board continues to be up-dated on the heritage and planning matters at this site when new information is provided, and that a subsequent report to Planning Board will be made outlining all new representations received following a further round of consultation on the supporting documents and plans.

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APPENDIX A

General Development Applications

(5/i) Application Nos: PAP/2021/0261 and PAP/2021/0265

The Homestead, 82 Main Road, Austrey, CV9 3EG

Dismantling of the existing grade 2 listed barn and re-build to form two new dwellings

and

Listed Building Consent for dismantling of the existing grade 2 listed barn and re-build to form two new dwellings,

Both for

Mr M Bevan - SaLaBe Ltd

Introduction

These applications are presented to the Board in light of the circumstances of the proposals given the statutory protection of the listed building (barn) which is proposed to be dismantled and re-build.

The Site

The site is located along Main Road, in the centre of the village of Austrey and close to the junction with The Green. The listed building consists of a linear range of timber framed and brick buildings running along the street frontage. The range consists of a one and a half storey timber framed farmhouse (previously rendered and timber framed with brick and wattle and daub infill panels) attached to a single storey run of outbuildings referred to in this report as the barn, faced in brick with surviving timber framed sections. The site is prominent with a frontage along Main Road. The context of the site is illustrated at Appendix A.

The Proposal

The proposal requires the dismantling of the barn end range of the listed building and to re-build it to form two new dwellings. It is proposed to re-build the original structure and not the later extensions to the rear. Asbestos removal has already been carried out on the barn with the extent of asbestos being limited to the roof covering. The modern rear extensions to the barn have also been removed.

The proposal covers the re-use of existing sound materials from the barn which will be incorporated on a like for like basis. The building will be re-constructed using traditional solid masonry wall construction with a lime mortar, a timber cut roof and with the timber framed features re-incorporated into the re-build of the barn. New external doors and windows will be installed where the existing openings are located and new openings are to be made. A rear extension is proposed which would re-configure that of the previous rear extension to the barn. The re-build of the barn will then form two dwellings with

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associated parking and provision for garden space and thus bringing the site back into use.

The existing elevations to the barn and the proposed elevations are illustrated at Appendix B for comparative purposes. The use of the re-build will have a floor plan configuration for two dwellings as indicated by the layout at Appendix C. The parking is proposed to cover sufficient parking for three dwellings, being for that of the existing listed farmhouse and for the two new dwellings, with bin storage and private rear amenity spaces, all illustrated on the site layout plan at Appendix D.

Background

Planning Permission and Listed Building Consent have previously been approved for the restoration of the farmhouse and the conversion of the barn end range for one dwelling, under applications PAP/2016/0529 and PAP/2016/0531. These applications were partially taken up in that works had started to the farmhouse in preparation for restoration over two years ago and soft stripping occurred with the removal of modern 20th century fabric, which were inappropriately applied to the farmhouse and the barn during the 1970's and 1980's.

However, the extent of stripping out had gone beyond soft stripping and resulted in the removal of the roof across the entire building. The roof had been upgraded to the farmhouse range in previous years and the clay tiles removed and palleted on site in readiness for inspection of the roof timbers. The roof of the barn was unfortunately a corrugated asbestos, which was propped up on the existing poor roof structure to the barn and so its removal was necessary because not only was it insecure but a danger to passing pedestrians and road users. The removal of the roof across the entire building has caused water ingress as the tarpaulin is not a suitable system for weather protection.

The modern rear extension to the barn which formed a 1960's garage block and modern interventions such as block work within the barn have also been removed. Though the extent of stripping out has gone beyond a soft strip the main significant architectural features within the barn still remain.

Structural issues were identified within the barn and the farmhouse and following several structural surveys (one of which was carried out by a conservation accredited structural engineer) an informed approach to structural repairs could be advised. Structurally the entire listed building requires serious remedial work and the barn end range has been repaired with highly cementitious materials, which has harmed the fabric of the barn overall.

Required structural works have been carried out to the farmhouse. To complete this, the adjoining wall to the barn also requires serious structural intervention, such as dismantling and rebuilding as the gable end of the cottage also forms the adjoining wall to the barn. As a consequence, one bay of the barn is proposed to be removed to assist with the final structural repairs to the farmhouse under application PAP/2021/0057.

Details of the planning history have been provided in the supporting document submitted with the application entitled: 'Historic Building Survey', which assess the condition of the building highlighting areas of harm on significance and provides a

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limited justification on the reasons for the proposed works. A further statement has been provided in a revised format.

For completeness about the understanding of the main features of the grade 2 listed farmhouse and its attached barn, the list entry follows:

Farmhouse. C17 with mid/late C20 alterations. Timber-framed with C20 colourwashed pebbledash. Late-C20 plain-tile roof. brick ridge and right end stacks. Attached former outbuilding to left, now part of the house, is partly timber-framed with brick infill and partly of brick. Corrugated asbestos roof. Originally 2-unit plan. One storey and attic; 2-window range. C20 studded door on left has flanking lead-latticed small windows. 2 old 3-light windows with glazing bars have painted rendered lintels with keyblocks. Mid/late C20 dormers have 3-light casements. Small one-storey range on right has C20 casement in return side. Left range is of one storey. Stable and 2 plant: doors. Late C20 three-light casement on right. Left return side has timber-framed gable. Rear is irregular. Interior has exposed framing. Open fireplace has rough bressumer. Stop-chamfered joists. Room to left has flagged floor. Queen strut roof.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable development); LP2 (Settlement Hierarchy), LP8 (Windfall), LP15(Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Austrey Neighbourhood Plan – AP10 (New Housing)

Other Relevant Material Considerations

National Planning Policy Framework 2021 (NPPF).

Planning (Listed Buildings and Conservation Areas) Act 1990

Representations

Representations received expressing the following:

- Any development within the grounds would be inappropriate as any modern structure erected within the curtilage would look totally out of place.
- Full support as the current building is unsafe and an eyesore
- There is a lack of parking
- The access is poor close to a bend
- No provision has been made for cycle storage
- The Homestead and its outbuildings are a really important part of the character of Austrey. In a small village overwhelmed by new development it represents part of a cluster of heritage buildings which show the original character and history of the village.
- The Homestead plot has already been the subject of extensive development, with a set of brand new homes built on the original grounds behind the cottage, despite the historic significance of the site.

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- Demolishing the Grade II listed low level agricultural buildings which form part of the property, and replacing them with new homes, would not only completely alter and detract from the appearance of the main street, it would also damage the setting of the Homestead itself.
- This property has now been empty for some 5 years and in that time has deteriorated considerably. It is really sad to see such a lovely old building not being lived in and falling down before our eyes.

Austrey Parish Council – It approves the refurbishment of the main house but strongly objects to the demolition of the attached barns for the following reasons:

- need to preserve an historic listed building

The Homestead is a listed building steeped in history clearly shown by the applicant in some of the photos from many years ago. It fronts the road and is highly visible, forming the character of the area with other listed buildings in close proximity. The barns are an important and integral part of the building and make up half of the property's frontage to the road. They should remain intact and should be restored sympathetically. The property would probably not have been in the state it currently is if the applicant had not removed the roof many months ago, leaving the property to the elements, without adequate protective covering.

- commercial gain at the expense of a listed building

The Historic building survey attached to the application states they require "to demolish the barn range to allow the construction of two new residential units which will help fund the works to restore the farmhouse". The desire to demolish the barns and build 2 more properties to "fund the restoration of the main house" is a clear disregard for this historic property at the expense of commercial gain and should not be allowed under any circumstances. If the applicant cannot afford the restoration he should sell it to someone who can. The simple matter is that building 2 new properties will make him more money. To allow this application to go ahead on this basis sets a very dangerous precedent. Listed buildings by nature are usually expensive to maintain/renovate. They are listed because they have "special architectural or historical interest" and should never be demolished simply because the builder/ owner can make more money by demolishing them. To assess a listed buildings viability based on financials alone would make almost all listed buildings unviable.

- negative effect on the street scene

The proposal to demolish the attached barns would effectively remove fifty percent of the frontage of this building and would therefore have a very detrimental impact on the street scene. The huge change in street scene proposed will also have a detrimental impact on the view out from those properties. The OS maps provided clearly show the whole building dating back to 1886 which indicates the street scene has been such since at least that date. To allow the barns removal now would have a negative impact on the character of this historic area within our village. It was resolved to object on the grounds of over-intensification.

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Consultations

Historic England – It objects. The full response is at Appendix E.

National Amenity Societies (historic buildings and places) - There is an objection to the original application and to the revised supporting information. The full consultation response is recorded at Appendix E

Society for the Preservation of Ancient Buildings – It objects as recorded in Appendix E.

The Council for British Archaeology - It objects as set out in Appendix E.

County Planning Archaeologist - There is no objection, but some archaeological work should be required if consent is forthcoming through planning conditions.

Warwickshire County Council as Highway Authority – It objects as the visibility splays from the vehicular access to the site do not accord with guidance. Parking areas are considered remote from the pedestrian accesses to the properties.

Observations

a) Introduction

The Homestead is a Grade 2 Listed building: As such the Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This duty is directed by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 17 of the same Act provides that without prejudice to this general power, listed building consent may be granted subject to conditions with respect to:

- preservation of particular features of the building, either as part of it or after it is removed
- making good of any damage caused to the building by the works after work is completed
- reconstruction of the building or any parts of it following the proposed works, using the original materials as far as possible, and any alterations within the building as laid down in the conditions.

In addition, Section 17(3) provides that listed building consent for demolition of a listed building may also be granted, subject to a condition that the building shall not be demolished before an agreement outlining how the site will be redeveloped is made, and planning permission has been granted for such a redevelopment, has been granted.

The main consideration is therefore the impact of the proposed works regarding the dismantling of the barn range of the listed building on the significant architectural and historic character it possesses. Furthermore, the principle of providing two new dwellings needs to be assessed as well as the highways impact and amenity and design considerations.

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b) Sustainability

The site falls inside the development boundary for Austrey, a small, nucleated village to the north of the Borough and a Category 4 settlement as defined by policy LP2 of the Local Plan, where development will be supported in principle. Furthermore, category 4 settlements will cater for windfall developments of no more than 10 units. A windfall development of two units as here within the confines of Austrey, can be considered appropriate in principle in terms of housing numbers. The site is in a sustainable location with access to a local shop, village hall, public house and bus routes to the larger town centres in North Warwickshire.

c) Highway Matters

Local Plan Policy LP29 (6) requires safe and suitable access to the site for all users and that proposals provide proper vehicular access, parking, and manoeuvring space for vehicles in accordance with adopted standards. Policy LP34 does not change this requirement. Paragraph 111 of the NPPF indicates that 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 would be severe.

The proposal improves the existing access to the site and the best visibility splays that could be achieved are shown on the submitted revised drawings - the proposed splay looking left from the access is marginally better than the existing splay. In mitigation, the grass margin strip footway fronting the site will be removed and resurfaced with tarmac, thereby providing some improvement for pedestrians. The bin collection point would be moved closer to the public highway footway and would be satisfactory. The highways layout plan is illustrated at Appendix D.

However, the Highway Authority could not agree to three dwellings (the existing farmhouse and the two new dwellings to be created by the re-building of the barn) using the access unless mitigation outweighed the risks. The highways authority has concluded the existing access would be intensified as a result of the proposal. The nature of the highway objection is that the visibility splays from the vehicular access to the site do not accord with guidance and that the parking area is considered remote from the pedestrian accesses to the properties.

The consideration here is therefore whether there are any other overriding issues that outweigh the highways objection.

The parking area is suitably laid out for six vehicles with sufficient space for manoeuvrability and the ability to enter the highway in a forward gear. The visibility looking right on exit from the site is good, however the visibility looking left is short of the required distance. The visibility splay cannot physically be made better, but it is an improvement on the existing situation. The re-build to the barn would be set back marginally into the site, which has improved visibility to the left. Furthermore, the occupier of the existing farmhouse would have had to walk a fair distance from the existing parking area at the site in order to access the farmhouse and so this situation does not change. If anything, the new barn development benefits from parking on the doorstep without any undue walking distance. The occupiers of the farmhouse would walk the same distance.

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It is not perceived that the creation of two additional units, which in addition to the existing farmhouse would be detrimental to how the site operates or cause unacceptable levels of intensification in terms of vehicle use to the site. The site will benefit from six dedicated, off-road parking spaces and would not lead to a material increase in on-street parking to the detriment of highway safety or therefore prejudice the use of adjacent accesses. As such, it is not considered that the development, a development which provides for parking in accordance with adopted standards, would materially affect the use of the access or harm pedestrians using the footway given that vehicles from the site can enter the highway in a forward gear.

The overriding consideration here is very much considered to be that the site must be secured for re-occupation of the listed building otherwise the site will fall into further disrepair. Highway safety is important but equally the use of the access for parking is essential for the development to safeguard the future of the listed building, which is an important asset and would be considered to override a highway objection.

d) Design

Local Policy LP30 sets out general principles for new development, requiring harmony with the immediate and wider surroundings and reflection of characteristic architectural styles and predominant materials. This is in accordance with paragraph 130 of the NPPF which encourages well designed places.

The existing building is of a traditional construction characteristic of a timber framed building attached to a former historic farmhouse. The vernacular building is essentially a barn predominantly brick built with partial timber framing to its front elevation and attached to the farmhouse.

By its very nature the re-development of the barn will invariably produce a slight visual change in the street scene, given that the barn would be re-built. The new development would take on the same type of characteristics of the barn in terms of its scale and seeks to echo architectural features. However, it will have an overall greater massing than the existing barn to the rear, although that does replace the modern extensions to the barn which have been since been removed. In terms of design considerations - then the appreciable impact of such a change is considered to be acceptable for the following reasons:

- - The width of the existing barn would be reflected in the new build barn across its frontage and would be slightly set back from the edge of the public footway/highway.
 - The appearance would re-create the barn, which would continue to be 'read' as a barn – albeit with additional and re-configured openings. It retains the terrace run with the adjoining farmhouse.
- The access to the side of the site remains in the same location, but made slightly wider and it retains the sense of openness to the side of the site.
- The resulting development would be no taller than the existing barn and would retain existing materials where sound to be reused in the barn re-construction subject to a working methodology.
- The development will be no taller than the existing or adjoining dwellings.

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5d/57

Notwithstanding the issue about dis-mantling the barn, it is considered that the design presented in the revised plan for the re-build of the barn does assimilate with its immediate and wider setting and retains the terrace row with the farmhouse. Any re-construction of the barn should be agrarian in character because it should re-create the barn in the context of the farmhouse using all of its sound materials that would be retrieved from dismantling. The local character would not be unduly altered in terms of the design proposed by the revised plan and it assists in preserving the local character attributed to the restoration of the farmhouse according with policy LP30 of the North Warwickshire Local Plan.

e) Amenity

Local Plan Policy LP29(9) seeks to avoid unnecessary impact of development upon the neighbouring amenities. As the site is already built then the like for like impact on new build such as the barn does not impact upon the amenity of the nearby occupiers of the site. No objections have been made to the proposal regarding loss of light or loss of privacy. The layout of the site provides private amenity space for future occupiers of the site and there are long separation distances to the site at the rear.

Revised plans have indicated parking provision to the side of the site for six vehicles. The siting of the access is historical but should not cause undue general disturbance from vehicle movements to the nearest house at 96 Main Road, beyond how the existing site would have operated with traffic movement. The separation from the parking area to the neighbour is well screened with existing landscaping.

The one and a half storey rear projections proposed to the barn re-build are not considered to breach any 45-degree guidance to habitable rooms within adjacent dwellings, preserving the passage of light. The re-built barn would not lead to any shadowing and loss of sunlight, given the development remains as a terrace row and is well separated from the immediate neighbours at Numbers 80 and 96 Main Road.

The amenity space provided for the re-built barn – which comprises two residential units - is acceptable given garden spaces are provided. Overall therefore, the proposal does accord with policy LP29(9) of the North Warwickshire Local Plan.

f) The barn and its current condition

The survival of the barn and in particular its supporting structure is fragile. The corrugated roof sheeting has been removed and the structure has been covered with sheeting. However, the condition of the barn is very poor with years of neglect. The elevations to the barn and the interior are a mis-match of materials and harmful interventions dating from the 1980's. There is evidence of cement having been used which has contributed to damp ground conditions and spalled brickwork on the interior of the walls.

The gable end of the barn element to the building is of timber framing with panels of infill brickwork all of which is of considerable age and in poor condition. The gable appears to lean outwards and there are cracks in the masonry at the rear wall return. The front elevation of the barn was inspected and again this elevation is in part of timber framing with infill panels of brickwork the remainder being brickwork built off a stone base at the right-hand section and brickwork down to ground level at the left-hand section.

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6C/40

5d/58

Some areas of brickwork show signs of lateral movement to the right-hand side of the stable type door where there appears to be a horizontal projection of the upper brick courses over the lower section. The area of masonry to the right-hand side of the doorway appears to have moved to the right. A fabricated steel bracket had been fixed between the timber roof purlin and the gable rafter.

The vertical propping supporting the timber purlins is considered inadequate and is lacking in overall stability there being no bracing of any description to the roof structure. The roof structure to the barn could fail at any time and so in the very least - intervention to the elevations, gable end and roof will be required to secure the remains of the barn.

Overall, the existing roof is in a very unstable condition and the timbers contribute very little to the strength of the roof. Some elements of the original roof structure were in evidence although these have been altered. Surveys have identified that the barn is likely to fail in the near future.

The significance of the barn is important and in the context of the farmhouse is a good example of 17th century architecture, albeit harmful intervention has occurred over the years. Both the Barn and the Farmhouse were originally constructed with thatched roofs and both subsequently replaced in the 20th Century with a tiled roof in the case of the Farmhouse and asbestos sheeting with the Barn. The two roofs were also raised significantly from their original ridge line in an unorthodox fashion. Exactly how this was achieved is not completely clear in respect of the farmhouse without closer inspection from a scaffold.

Experience of previous works to these buildings has given cause for concern as to the adequacy of any of the roof or other works undertaken. Indeed, there have been a number of instances where the original frame has been cut through, and structural members replaced with an assortment of dubious solutions (eg. scaffold boards as purlins, trusses removed and propped with tree branches as well as upper floor loadbearing walls without support), thought to have been carried out in the 1980's.

The Barn is a multi-bay timber frame structure with only one real original truss and almost no lateral restraint at the upper level. Whilst access could be afforded to repair the truss from the lower level, the issue here is accessing the upper part of the gable to the southern end of the farmhouse where the roof has been artificially raised in a form not yet known and needs to be addressed to ensure the safe re-instatement of the existing plain clay tiling and construction work required to the gable.

The matters relating to the general condition of the farmhouse and the barn are covered in the Historic Building Survey which forms part of the application submission documents.

A full schedule of the works and methodology for dismantling the barn would be required by condition or further evidence provided during the application process through a conservation accredited structural surveyor to justify the dismantling of the barn. It would also be worthwhile justifying the enabling development here, such as balancing the future conservation of the asset, or in this case part of the asset as a result of departing from conflicting planning policies. The poor state of the barn is illustrated in the photographs at Appendix F.

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6C/41

5d/59

The significance of the Heritage Asset needs to be assessed to understand whether the works are harmful and whether that harm is considered substantial harm or less than substantial harm and whether any public benefit is identified.

g) Significance

The barn has interesting elements of original features and fabric which have and will be compromised by the existing and proposed works. The building as a whole appears to have been constructed in several phases most of which are of historic interest. Some original trusses and earlier purlins survive (all of which appear to date from at least the 18th Century). The significance of the building lies in a number of factors including its historic, aesthetic and evidential value with some elements date from 17th Century. The barn has been altered throughout time, though the timberwork that remains to some sections of the barn is worthy of continued preservation.

The building holds potential physical evidence of many past configurations. Whilst modern interventions over the last 30 years are viewed as being harmful to those of previous alterations, they do have value in terms of understanding the evolution of the present buildings on site (farmhouse and barn). Significant physical elements of the building include its surviving timber framed elements such as walls and trusses and its historic planform which is evidential in regard to past uses. Historic alterations and adaptations evident in brickwork within the walls are also of high significance.

h) Impact of proposed works on significance

The barn has not fared well after the corrugated roof (asbestos covering) had been removed, though there were many phases of intervention evident and some modern blockworks and brickwork with cementitious pointing having occurred. The key feature is that the farmhouse needs to be completed and restored and urgent works finished to enable the building to be watertight over winter. It would be harmful for the building to remain without a roof or without further action for another winter. In summary all the principal elements of the Barn are in such a poor state they would have to be completely replaced.

- The roof is only capable of supporting lightweight corrugated sheeting
- The walls comprise multiple types and sizes of bricks without any lateral restraint and suffering from settlement
- Foundations are inadequate and impacted by tree roots contributing to settlement
- The only remaining window is of an inappropriate 20th Century style and size

The present owner is committed to finalising the restoration of the farmhouse, though it is becoming more apparent that this must be financed through the re-development of the barn. Considerable investment would be required to finalise the repairs to the farmhouse and to address the issues associated with the barn. However there has already been a level of refurbishment to the farmhouse subject to previous conservation informed repairs and approach to structural interventions.

The NPPF advises at paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight

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5d/60

should be. Furthermore paragraph 200 advises 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 total dismantling of the barn would remove half of the listed building which amounts to substantial harm on the significance of the heritage asset. The issue is whether this harm is sufficiently justified and can be outweighed by public benefits.

It is presently considered that further information is required to justify total loss of the barn, which might then accord with the NPPF and a further survey would be required from a conservation appointed surveyor with an expertise in this type of work. The requirement for additional information is required by Historic England and the Amenity Groups.

i) Balancing the Public benefit

The dwelling has been vacant for around eight years and it is unlikely that the dwelling with the barn would appeal as residential use to any potential buyer in the present circumstances with the elevated cost of materials and the need for continuing with a conservation-led approach to secure the future of the farmhouse element of the listed building.

Paragraph 201 of the NPPF advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, "unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

In this regard, it is acknowledged that the proposal would provide some economic benefits via supporting the construction industry, and local economy due to an increase in residents using the local services. It is also acknowledged that the proposal would add to the supply of market housing of two units in Austrey and the development of two houses would help to pay for the cost of restoration to that of the host farmhouse, which retains much of its historic fabric to the upper floor. The public benefit of bringing the site back into use, with the farmhouse fit for habitation and the provision of two dwellings within the settlement has the benefit of meeting the housing needs of the settlement as well as securing the future for the asset with a preferred use.

However, these benefits are not yet considered to outweigh the substantial harm brought about on the total loss of the barn and without further evidence the proposal cannot be supported in terms of the overall loss to half of the listed building. As such the proposal would be considered contrary to section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 and to section 16 of the NPPF and Policy LP15 of the North Warwickshire Local Plan.

j) Other matters

The site once formed a site for wildlife in the centre of the village including bats roosts and nests for several species of birds. The removal of the roof back in early 2019 has removed the potential for a roosting site for bats. It is therefore unlikely that any protected species remain within the farmhouse or within the barn at this present time, given the roof has been removed for some time.

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5d/61

Whilst the proposal does not provide for any renewable at this stage, it is possible that alternative sources of energy are possible such as a ground source heat pump. It is possible that these type of installations can be provided within the re-build of the barn.

The site will retain garden and hardstanding in its existing configuration and no loss of vegetation is known at this stage. Given the condition of the building then there are no known habitats within the building or within the grounds. There is no net gain to biodiversity here but at the same time there is no net loss and if a scheme were forthcoming then additional landscaping would be required that would assist in providing habitats.

k) Conclusion

Drawing the above factors together, the proposed works harm the significance of The Homestead as a listed building. The evidence provided during the application points to the matter that harm had already occurred to the listed building through 1970's and 1980's intervention on parts of the building. Whilst significant elements also remain that will continue to be preserved in the farmhouse itself.

Conflict arises with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, along with the National Planning Policy Framework. In addition, the scheme would fail to comply with Policy LP15 of the North Warwickshire Local Plan 2021, insofar as it seeks to conserve heritage assets.

It is clear that significant resources have already been put into the restoration and repair of the farmhouse, such that structural works are near to completion. The remainder of the works to be done here very largely await the outcome of the barn applications before further conservation works can be progressed on the farmhouse. This is because they essentially need to involve partial removal of the barn. A delay in the determination of the barn application could imply that the farm-house roof will not be installed soon and thus the site will never be completed. As explained above, officers together with Historic England cannot yet agree to the dismantling of the barn as essential information is still needed.

It is therefore proposed that that information is formally requested with an indication that if it is not, then the current applications be refused. In order to protect the farm-house, the Board should consider the issue of an Urgent Works Notice requiring at the very least, the covering of the farm house in an proper way so as to make it wind and water tight. The recommendation below allows the applicant a month in which to outline how he proposes to move forward. At that time the Board would then receive a full report explaining the need, if appropriate, for an Urgent Work Notice together with the implications of any such service.

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6C/44

5d/62

Recommendation

- a) That the Board is minded to REFUSE both applications unless further information is submitted relating to the matters as outlined in the report. In this regard the applicant is requested to engage immediately with the Councils Heritage Officer and to provide a timetable for the submission of further information. A further report is to be prepared for the next Board meeting scheduled for 7 February 2022 outlining progress in this regard with further updates to be provided to subsequent Planning and Development Boards.
- b) That the applicant be notified that should no progress be made in respect of recommendation (a) the Planning and Development Board is minded to serve an "Urgent Works" Notice under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This will require scaffolding to be erected such that the building can be made watertight with a suitable cover.

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6C/45

5d/63

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2021/0261

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/4/21
2	WCC Archaeology	Consultation reply	9/9/21
3	Ancient Monuments Society	Consultation reply	16/9/21
4	SPAB	Consultation reply	22/9/21
5	Council for British Archaeology	Consultation reply	22/9/21
6	Historic England	Consultation reply	23/9/21
7	Austrey PC	Representation	27/9/21
8	Historic Buildings and Places	Consultation reply	03/12/21
9	WCC Highways	Consultation reply	8/12/21
10	WCC Highways	Consultation reply	28/10/21
11	STW	Consultation reply	2/12/21
12	Neighbour	Representation	6/9/21
13	Neighbour	Representation	10/9/21
14	Neighbour	Representation	10/9/21
15	Neighbour	Representation	13/9/21
16	Neighbour	Representation	21/9/21
17	Case Officer to Agent	E-mail Correspondence	27/9/21
18	Case Officer to Agent	E-mail Correspondence	23/9/21
19	Case Officer to Agent	E-mail Correspondence	13/10/21
20	Case Officer to Agent	E-mail Correspondence	28/10/21
21	Case Officer to Agent	E-mail Correspondence	28/10/21
22	Case Officer to Agent	E-mail Correspondence	1/11/21
23	Case Officer to Agent	E-mail Correspondence	2/11/21
24	Case Officer to Agent	E-mail Correspondence	10/11/21
25	Case Officer to Agent	E-mail Correspondence	11/11/21
26	Case Officer to Agent	E-mail Correspondence	16/11/21
27	Case Officer to Agent	E-mail Correspondence	17/11/21
28	Case Officer to Agent	E-mail Correspondence	22/11/21
29	Case Officer to Agent	E-mail Correspondence	22/11/21
30	Case Officer to Agent	E-mail Correspondence	22/11/21
31	Case Officer to Agent	E-mail Correspondence	2/12/21
32	Case Officer to Agent	E-mail Correspondence	8/12/21
33	Case Officer to Agent	E-mail Correspondence	17/12/21
34	Agent to Case Officer	E-mail Correspondence	23/9/21

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35	Agent to Case Officer	E-mail Correspondence	27/9/21
36	Agent to Case Officer	Revised site plan	28/9/21
37	Agent to Case Officer	Revised plans	13/10/21
38	Agent to Case Officer	E-mail Correspondence	13/10/21
39	Agent to Case Officer	E-mail Correspondence	28/10/21
40	Agent to Case Officer	Revised site plan	29/10/21
41	Agent to Case Officer	E-mail Correspondence	10/11/21
42	Agent to Case Officer	Dismantling plans and Supporting Document	10/11/21
43	Agent to Case Officer	Revised site plan	17/11/21
44	Agent to Case Officer	E-mail Correspondence	22/11/21
45	Agent to Case Officer	E-mail Correspondence	22/11/21
46	Agent to Case Officer	E-mail Correspondence	22/11/21
47	Agent to Case Officer	Revised site plan	14/11/21
48	Agent to Case Officer	E-mail Correspondence	2/12/21

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

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BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2021/0265

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27/4/21
2	Ancient Monuments Society	Consultation reply	22/9/21
3	SPAB	Consultation reply	22/9/21
4	Council for British Archaeology	Consultation reply	22/9/21
5	Historic England	Consultation reply	27/9/21
6	Council for British Archaeology	Consultation reply	30/11/21
7	SPAB	Consultation reply	10/12/21
8	Historic England	Consultation reply	13/12/21
9	Neighbour	Representation	16/9/21
10	Historic Buildings and place (working name for AMS)	Consultation reply	3/12/21

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

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5d/66

APPENDIX A



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APPENDIX B

Proposed Elevations



Proposed Front Elevation
[Scale 1:100]

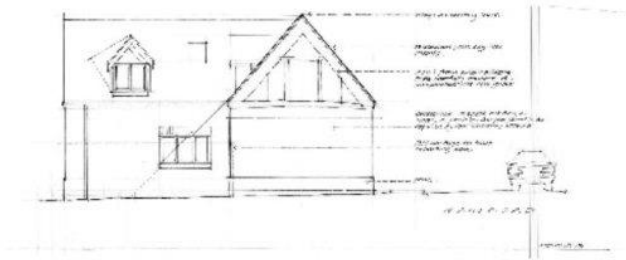


Proposed Rear Elevation
[Scale 1:100]

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Proposed Side Elevation
(Scale 1:100)

Existing Elevations



Existing Front Elevation

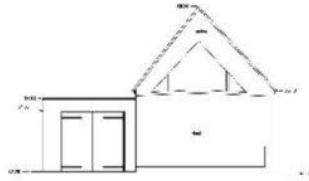


Existing Rear Elevation

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Existing Side Elevation
[Scale 1:100]

APPENDIX C

Proposed floor plans

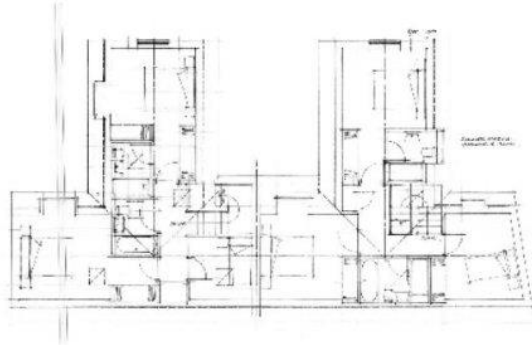


Proposed Ground Floor Plan
[Scale 1:100]

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Proposed First Floor Plan
[Scale 1:100]

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6C/53

5d/71

APPENDIX D



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5d/72

APPENDIX E

Responses from Historic England and Amenity Groups:

Historic England Consultation Replies:

THE HOMESTEAD, 82 MAIN ROAD, AUSTREY, CV9 3EG Application No. PAP/2021/0265

Thank you for your letter of 10 September 2021 regarding the above application for listed building consent. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance

The Homestead is listed at Grade II, as a brick cottage with attached outbuilding which contains substantial remnants of a timber frame which is probably 17th century, or possibly 16th century in part from the information available.

Impact

We wrote recently concerning the planning application for this scheme and would refer you to that letter which lays out our concerns regarding this scheme.

We remain concerned that despite the reference in the Heritage Statement to a building survey undertaken in March 2021 that does not appear to be a part of the documentation included on your authority's web site.

We remain at puzzled at the inadequacy of the Heritage Statement with respect to the understanding of the development of the building and the understanding of the list entry, and hence the level of harm. We cannot agree with the conclusion in that report as to the very low impact in heritage terms of the current application.

The survey referred to (of which have seen a copy) is disappointing in not being very thorough in terms of understanding the history of the site or the building.

No adequate measured survey has been undertaken of significant elements of the

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6C/55

5d/73

existing building (see the letter re the planning application).

We understand that there is an unfortunate planning history here and that there is a desire on the part of the local authority to ensure that the historic character of the site should be retained as far as that is possible.

There are no detailed drawings to understand how the proposed demolition will be undertaken and the making good of the Cottage. There is reference in the Heritage Statement to the need to rebuild the gable end of the Cottage but there is no clarity of the nature the demolition required, or of the new end elevation of the Cottage.

Policy

There is a requirement in the NPPF to understand the building and to justify the proposals when they are as extensive as this. If the barn is a part of the listed building as appears to be the case then that justification will need to be robust and realistic.

Position

There is no objection in principle to the conversion of the barn to residential accommodation but the scheme needs to pay more attention to the existing historic structure, and to retain some of it if at all possible.

There is as yet insufficient information to permit this scheme to proceed. Even if you consider that it is not part of the listed building (which is unlikely) the demolition of this structure will clearly require works to the remaining listed building which will require listed building consent. Further and better supporting documents are required, including a proper survey of the building as it now stands, accompanied by an understanding of the historic development of the structure.

We understand the difficulty of the planning history, but it should be possible to assemble adequate of documentation to provide a proper justification for demolition and reconstruction.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the application might be able to meet the requirements of the NPPF, but the issues and safeguards outlined in our advice above need to be addressed in order for the application to be acceptable.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

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6C/56

5d/74

**THE HOMESTEAD, 82 MAIN ROAD, AUSTREY, CV9 3EG
Application Nos PAP/2021/0265 & PAP/2021/0261**

Thank you for your letters of 17 November 2021 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

Historic England Advice

Significance

The Homestead is listed at Grade II, as a brick cottage with attached outbuilding which contains substantial remnants of a timber frame which is probably 17th century, or possibly 16th century in part from the information available.

Impact

We wrote regarding the planning application on 22 September 2021 and the listed building consent application on 27 September. Since then two tranches of further information were added in November 2021.

We are puzzled at the inadequacy of the information supplied to date, particularly the lack of a detailed measured survey of the significant elements of the structure to be demolished, particularly the timber framed structure. At the bare minimum that should include a detailed measured survey to the wall framing and of the each of the trusses forming the remains of the timber framed structure. This should be accompanied by an appropriate analysis of what information that reveals about the development of the building.

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6C/57

5d/75

The survey does not provide an understanding of the building with no measured survey having been undertaken of significant elements. Drawings of the trusses drawings and a longitudinal section would considerably enhance that. There has been proper consideration of the construction taking note of such elements such as the upper faces of the trusses: a key to understanding any timber-framed structure. In addition, the framing of the barn seems to be associated with a very substantial stone plinth.

We understand that there is an unfortunate planning history here and that there is a desire on the part of the local authority to ensure that the historic character of the site should be retained as far as that is possible. However, although there a brief structural condition report survey indicating that the building is undoubtedly in poor condition, that does not demonstrate the state of the timbers.

There are no detailed drawings to understand how the proposed demolition will be undertaken. For example, the 'as-existing' shows that despite an identifiable truss line there is apparently solid masonry which extends beyond that line in the gable end of the house that will be left in situ following the proposed demolition.

How will the remaining building which was the house most recently be finished pending the rebuilding the structure being demolished as a part of this application?

Policy

There is a requirement in the NPPF to understand the building and to justify the proposals when they are as extensive as this. If the barn is a part of the listed building, as appears to be the case, then that justification will need to be robust and realistic.

Position

The is no change in our overall view of the proposals from September when wrote previously. We have no objection in principle to the conversion of the barn to residential accommodation but the scheme needs to pay more attention to the existing historic structure, and to retain some of it if at all possible.

There is as yet insufficient information to permit this scheme to proceed. The proposed necessitates to the remaining section which need to be resolved and included in an application.

Further and better supporting documents are needed, including a measured survey of the building as it now stands, accompanied by an understanding of the historic development of the structure. That will need an appropriately experienced consultant to deliver a more complete understanding of the historic fabric.

We that there is a difficult planning history, but it should be possible to assemble adequate of documentation to provide a justification for at least partial demolition. At

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6C/58

5d/76

the same time there needs to be a convincing scheme for the reconstruction of the section to be demolished. That could help to justify what is now being described as dismantling prior to a scheme for a new building incorporating some of the historic fabric.

Recommendation

Historic England has concerns regarding the applications on heritage grounds.

We consider that the application might be able to meet the requirements of the NPPF, but the issues and safeguards outlined in our advice above need to be addressed in order for the application to be acceptable.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

5/3/12

6C/59

5d/77

Consultation replies:

**Ancient Monument Society (working name is historic buildings and places)
consultation reply**

Re: The Homestead, 82 Main Road, Austrey, CV9 3EG
Application Ref: PAP/2021/0265

Thank you for consulting us on this application. The Ancient Monuments Society **objects** to this application for the demolition of the existing grade 2 listed barn attached to The Homestead, and construction of two new dwellings. We have objected to the associated full planning application (PAP/2021/0261).

The application fails to adequately recognise and consider the significance of the single storey barn element which is described in the [listing description](#) as “*Left range is of one storey. Stable and 2 plant: doors. Late C20 three-light casement on right. Left return side has timber-framed gable. Rear is irregular.*”

Given this is an integral part of a listed building, the AMS strongly disagrees with the assertion on p4 of the Heritage Statement that the complete loss of the barn would be ‘*less than substantial (lower end of range) harm to the heritage significance of the Homestead (Grade II) and its setting*’. Nor the claim that the ‘*existing barn does not currently positively contribute to the setting of the nearby listed building*’ – which we assume is referring to the other half of the building described in the listing description. We also dispute the claim in Section 2.4 – Historical Significance that the original external brickwork and timber framing of this C17 building are considered to be of low or neutral significance.

Clearly the loss of half a listed building would result in substantial harm. Photos available online show it is a characterful part of the overall building, with its exposed timber frame making quite a contribution to the streetscape. We also note that the barn end of the building has been allowed to fall into a poor state of repair since photos available on Google Streetview in 2012.

The justification for demolition is due to mid-C20 works which removed part of the structural timber framework at ground level within the cottage to provide for a bathroom and the need to rebuild the eastern end gable to the cottage to make it stable.

While a structural statement has been provided, there is no evidence the structural framework cannot be repaired/ reinstated without demolishing the half of this listed building, or if it can be repaired with only minor demolition, which is much more likely. It certainly has not been demonstrated that the barn itself is beyond repair and that it cannot be restored and adapted for a new viable use.

We also find that the application has failed to demonstrate that saving the domestic half of this listed building would result in a greater public benefit than repairing and restoring the whole listed building.

Further, should the barn be demolished, the two replacement cottages are significantly larger than the existing barn, and this – on top of the impact caused by the loss of the barn – and this over dominance of

5/313

6C/60

5d/78

what is currently a subservient end of the building, would greatly harm the significance and setting of the remaining half of The Homestead, as a former small holder farm.

The NPPF (2021) at paragraph 199 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* Paragraph 201 states *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”*

We therefore recommend this application is refused for failing to meet the requirements of Section 16 of the NPPF (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

I would be grateful if the AMS could be informed of the outcome when this becomes available.

5/3/14

6C/61

5d/79

Re: The Homestead, 82 Main Road, Austrey, CV9 3EG
Application Ref: [PAP/2021/0261](#) (Amended plans November 2021)

Thank you for re-consulting Historic Buildings & Places. We objected to the initial application for this site in September 2021 under our former name - the Ancient Monuments Society. We have reviewed the amended documentation and continue to **object** to the application.

In our view, there still appears to be a fundamental lack of understanding in the additional documentation provided that this application involves the demolition of one half of a grade II listed building, which would result in substantial harm to a designated heritage asset.

The application continues to assert that the cottage that forms the northern half of the building is more important than the barn that forms the other half, with no clear justification for this statement.

Part of the public value of heritage assets is the contribution they make to our understanding and interpretation of the past. The structure as a whole is listed and it's architectural characteristics, historic building fabric, and the historic relationship and significance of the barn and cottage as part of a former agricultural smallholding are at the heart of it's overall significance as a heritage asset.

We note the brief two-page statement provided by civil engineers Diamond Wood and Shaw recommends demolition of the entire barn on structural grounds, despite the Design and Access Statement and accompanying plans identifying the compromised gable and truss between the barn and cottage and the barn as the primary reason for the structural issues in this building.

A full survey and structural assessment by a suitably qualified conservation specialist with accreditation for working on listed buildings is required, particularly given the recommendation provided will result in substantial harm.

We also reject the suggestion that demolishing the barn to construct two new dwellings is necessary as enabling development. This does not meet Historic England's guidance on enabling development, as the new housing doesn't seek to secure the conservation of the heritage asset, rather it seeks to replace half of it.

The NPPF (2021) at paragraph 199 states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*" Paragraph 201 states "*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...*"

We therefore recommend this application is refused for failing to meet the requirements of Section 16 of the NPPF (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

I would be grateful if we could be informed of the outcome when this becomes available.

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Consultation Reply:

Council for British Archaeology consultation reply

The Homestead, 82 Main Road, Austrey, Warwickshire, CV9 3EG. Application No. PAP/2021/0261 and PAP/2021/0265.

Thank you for consulting the Council for British Archaeology (CBA) on the above case. Based on the information supplied with this application, we offer the following observations and advice to assist your authority in determining the application.

Summary

The CBA object to this application which would result in a substantial level of harm to a Grade II Listed building without the requisite justification. This application fails to meet the requirements of Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 194, 195, 199, 200 and 201 of the NPPF. We strongly recommend that this application should be withdrawn and revised or otherwise refused.

Significance

The national importance of Homestead is established by its designation as a Grade II Listed building (NHLE List number 1365187). It dates from the 17th century and takes the form of a modest agricultural small holding with attached barn. The listed building has historical and evidential values relating to the development of agricultural holdings and the historical development of the village, to which it makes a positive contribution in terms of character.

The basis for any demolitions within a designated site should be an assessment of the significance of those aspects of the site which will be directly impacted on by the proposals, as well as any implications for the setting of other listed building from the proposal. Demolition equates to total loss, or substantial harm in the terms of the NPPF. This requires clear and convincing justification as well as the application evidencing that "great weight" is attributed to the conservation of the site's significance within any proposals.

Comments

The CBA note the detailed and authoritative comments made by the SPAB and the Ancient Monument Society (AMS) in regard to this application. As these tally closely with our own view of these proposals, we do not propose to comment separately in detail. However, we would like to

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add our support to the comments made by the SPAB and the AMS, in particular with reference to the fact that the barn proposed for demolition is an integral part of the Listed building. Its demolition would therefore amount to substantial harm, in the terms of the NPPF. Such demolition is not justified within the associated documentation and would in fact be contrary to paragraphs 199, 200 and 201 of the NPPF as well as Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. We further echo the SPAB's observation that paragraph 196 of the NPPF may be pertinent to this application.

A detailed structural survey should be sought to establish how minimum intervention into the historic fabric could stabilise the eastern gable of the domestic end of the listed building without the currently proposed level of demolition. An alternative scheme for the conjoined barn should seek to repair and adaptively reuse the existing structure in order to meet the requirements of planning legislation, policy and guidance for the appropriate management of listed buildings. Proposals should be set out in a level of detail that demonstrates a conservation led methodology towards the listed building, which looks to preferentially repair rather than replace historic fabric.

Recommendations

The CBA object to this application due to the substantial level of harm that would be caused to the grade II listed building. This stems from a lack of assessment of the significance of the conjoined barn as an integral component of the listed building. As such we believe this application to be contrary to the requirements of Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 194, 195, 199, 200 and 201 of the NPPF. We strongly recommend that this application should be withdrawn and revised. Failing that we believe your LPA should refuse this application.

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

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The Homestead, 82 Main Road, Austrey, CV9 3EG. PAP/2021/0265

Dear Ms Wallace,

Thank you for re-consulting the Council for British Archaeology (CBA) on the above application.

The CBA have previously registered a strong objection to this application which entails the demolition of the conjoined barn at the Grade II Listed The Homestead. Whilst we acknowledge that revisions have attempted to reuse some elements of the historical building fabric from the barn within the proposed new build elements, it remains the case that Listed Building Consent is sought for the demolition of 50% of a listed building. The loss of the agricultural barn, which evidences The Homestead as a small holding dating from the 17th century, would amount to substantial harm in NPPF terms. The CBA fundamentally disagree with the associated Heritage Statement and maintain our strong objection to this application.

Proposals are led by a need to repair / rebuild a gable wall between the domestic and agricultural ends of the listed building, following harmful 20th century building works that have compromised its structural integrity. As we stated in our previous letter of 22/9/21 an alternative means of rectifying this damage should be explored. This should seek to repair the wall without requiring the demolition of the barn. A structural engineer with experience of historic buildings and conservation techniques for their repair is essential in assessing this work. It would also only be the informed opinion of a structural engineer with these specialisms that could justify the proposed quantity of demolition as being necessary and meet the requirements of paragraph 200 of the NPPF. This 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. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional."* At present a brief assessment of the barn structure has been carried out by Diamond Wood and Shaw, whose professional expertise and interest as structural and civil engineers is in "the behaviour of reinforced concrete and steel structures, multi-story construction, the development of public buildings, offices, schools and hotels on inner city and brownfield sites." [Text taken from their website].

To be clear, The Homestead's designation as a Grade II Listed building identifies it as nationally important. The statutory duty to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess is legislated in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The impact these proposals would have on the historic interest, and significance in NPPF

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terms, makes them unacceptable for a listed building. The structural integrity of the barn is clearly heavily compromised, however appropriate professional expertise has not demonstrated that the structure is beyond repair. As previously stated, the barn element constitutes 50% of the Listed building. Preferential repair of the structure represents a considerably less harmful alternative to its demolition and must be adequately explored. The photographic record of the building shows a marked deterioration in the site since 2017. The CBA therefore reiterate that paragraph 196 of the NPPF may be pertinent to this application, which states that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

In principal the CBA would support the adaptive reuse of this conjoined barn into a separate dwelling from the farmhouse. This could be justified as a means by which the structure's sustainable future would be secured. This adaptive reuse should be informed by an understanding of the barn's significance as a multi-phased agricultural unit and embrace the archaeological interest in its historical repair whilst adding a contemporary phase of repair and reuse. To minimise harm to the barn's significance a conservation led methodology should inform all works to the historical structure. The CBA would be sympathetic to the need for a modest extension in order to achieve a proportionate living space to the area of the plot. However, demolishing the extant listed 17th century barn for the construction of two new build dwellings is contrary to the requirements of the of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as multiple paragraphs in section 16 of the NPPF. We therefore strongly object to the proposed scheme and recommend that this application should be either withdrawn by the applicants or refused by your LPA.

The CBA believe that two new units would be an over development of the site. We also feel that the overtly domestic design of the proposed western elevation is inappropriate for a listed agricultural building. It would be at odds with the site's significance as a historic small holding.

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

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Consultation reply:

SPAB consultation reply

Re: Dismantling of the existing Grade II listed barn and re-build to form two new dwellings.

Dear Fiona

Thank you for consulting the SPAB regarding the proposed works to the Grade II listed property The Homestead in Austrey. This case was taken to our Casework Committee earlier today and we are now writing to convey their opinion.

The Proposals (taken from the Heritage Statement)

The assertion from the applicant is that the single storey barn attached to the cottage is not part of the listing nor is it curtilage listed. The intention is therefore to demolish the 'dilapidated' barn and to replace it with two new 'barn-style' terraced cottages.

The reasoning given is that in the mid-20th century the existing cottage was poorly converted to accommodate a new ground floor bathroom which is within the end of the barn attached to the cottage. These works included the removal of part of the structural timber framework at ground level to provide a larger bathroom. This part of the cottage now needs to be rebuilt to provide for a structurally sound eastern gable end. The dismantling of the barn will provide access to allow the eastern end of the cottage to be rebuilt to safely carry the weight of the cottage roof and be rebuilt as an end gable.

The extent of the listing

We strongly disagree with the assertion that the single storey barn is not listed. Not only is it physically attached to the listed cottage, sitting very comfortably as part of the group, but it is also quite clearly identified within the listing description. Therefore this application is actually for the demolition of a very significant part of a Grade II listed structure and consequently we assume that Historic England have also been consulted. This also means that the incorrect answers have been given by the applicant on the application form to the questions in sections 6 and 7.

The applicant may wish to look at Historic England's guidance on Listed and Curtilage Listed Buildings: <https://historicengland.org.uk/images-books/publications/listed-buildings-and-curtilage-advice-note-10/>

The current condition of the barn and cottage

Photographs of the property on Streetview in 2012 show the buildings in what appears to be reasonable condition, and it is also evident what an attractive property it is and how the group contributes to the local street scene. However, the Heritage Statement includes images taken in 2021 which show the barn's roof and much of the interior to now be

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missing, with a blue plastic sheet over parts of it and the whole structure appearing to be in a very sorry state of repair. There is no explanation as to what has happened or why the roof has been removed, but this has clearly contributed to the decay of the surviving timber frame as very little effort appears to have been made to protect it. We noticed applications in 2017 relating to repairs to the cottage and presumably the barn, so was the removal of the roof the start of these works which were never completed? With no other information, the Committee questioned whether paragraph 196 of the NPPF (July 2021) should be taken into account here?

Although the proposals state that the gable end wall of the cottage needs to be rebuilt, no evidence is provided to show there are structural issues, nor that the demolition of the barn is the only way in which to address this. There are no plans / photographs of the cottages interior, and no specification for the proposed repairs.

The Heritage Statement

The Heritage Statement is a very poor document with a lot of information missing and it clearly does not meet the requirements of the NPPF, July 2021, paragraph 194. There are very few photographs (only one of the barn's interior), no statement of significance, no assessment of the historic fabric, and absolutely no justification for the proposals which goes against the NPPF, July 2021, paragraph 200. We would have expected the various options to have been clearly discussed, and if the structure is considered to be beyond repair, this needs to be fully justified by a comprehensive report from a conservation accredited structural engineer. No report has been provided apart from a brief two page letter, which is unsuitable.

Historic England have produced guidance on writing a Heritage Statement which can be found here: <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/>

On pg 4 of the Heritage Statement it says that the proposals '*will not significantly adversely affect the heritage significance of the Listed Building*' – how can this be the case if over half of the heritage asset is proposed to be demolished? We also utterly disagree with the comment, again on pg 4 of the Heritage Statement, that says '*it is accepted that the loss of the barn range is regrettable. However, the proposed works, therefore, whilst resulting in less than substantial (lower end of range) harm to the heritage significance of the Homestead (Grade II) and its setting, are balanced by the public benefit gained through the conservation of the key element of the heritage asset – the timber framed cottage.*' Unjustified demolition on this scale must be classed as substantial harm and has to be measured against the tests in the NPPF, July 2021, paragraph 201. A scheme of recording is not considered to be appropriate mitigation against the loss of a significant portion of a designated heritage asset.

From all the information available, there is absolutely nothing to suggest that this barn cannot be sensitively repaired and potentially converted into a single dwelling, subject to details. Therefore there is no justification for its total demolition.

Proposed replacement properties

We strongly disagree with the Heritage Statement (pg 4) that says '*the existing barn does not currently positively contribute to the setting of the nearby listed buildings and heritage assets and so the replacement of this barn range with the two terraced barn-style cottages will not adversely affect the settings of these heritage assets.*' The current arrangement of the cottage and attached barn is a very pleasing and positive addition to

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the streetscape. Although the proposals show some consideration has been given to retaining a semblance of a 'barn like' appearance to the front elevation, they would be a very poor replacement for the historic barn. The rear elevation is entirely unsuitable and would have a negative impact on the adjacent historic cottage. The scale of the proposed houses is far too large and the overall composition would be very detrimental to the street scape. It is very unlikely that we would support this scheme independently even if no demolition were involved.

Summary

We **very strongly object** to this application which contravenes many aspects of the NPPF, and recommend that it is **refused**. Should an application for the sensitive repair and conversion of the barn while retaining as much of the existing historic fabric as possible be submitted, accompanied by an appropriately detailed Heritage Statement and report from a conservation accredited structural engineer, we will be happy to look at it and provide further comments.

We hope these comments are helpful to you. We would appreciate it if you would inform us of the council's decision regarding this application.

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Re: Listed Building consent for dismantling of existing barn and construction of two dwellings and parking. Amended plans / amended description of development.

Dear Fiona

Thank you for re-consulting the SPAB regarding the proposed works to the Grade II listed property The Homestead in Austrey. We first commented on this application on the 21st September 2021 when our Casework Committee strongly objected to the proposals. The revised application was taken to our Casework Committee on Tuesday 7th December 2021 for further discussion and their comments are as follows:

The Proposals

We are pleased to see that the barn is now being recognised by the applicant as part of the listing but the documentation makes it clear that the applicant still considers it to be of very minimal significance when compared to the attached cottage, although no supporting evidence is provided. However, it is clear that the barn is considered to be of national significance by virtue of the fact that it is included in the listing description for The Homestead. Therefore, the application is still requesting consent to demolish half of a listed structure, although we note the intention to reuse some parts of the existing timber framing and roof structure.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

As opposed to the first application, this revision is very clear that the applicant considers the cottage to be of greater significance than the barn and is therefore repairing it, which is to be welcomed. However, the costs of doing this are higher than expected, and therefore the demolition of the barn and the redevelopment of the site into two cottages as an enabling development is considered necessary in order for the repairs to the cottage to be completed. The income from the enabling development would be used to cover the costs of the works to the cottage.

Enabling Development

The Committee noted that the test for enabling developments is high and that in their opinion it was very unlikely that these proposals would be able to meet them. In the NPPF, 2021, paragraph 201 notes that:

208. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which

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*ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

The structural engineers that are involved at present do not appear to have experience working with historic and in particular timber framed buildings. Therefore, it is imperative that a full structural report from a Conservation Accredited Structural Engineer should be provided giving their recommendations along with a detailed repair specification before any decisions can be made about the future of the barn.

Summary

The SPAB maintain their **very strong objection** to these proposals which are still to demolish half of a listed structure. Although some attempt has been made to incorporate parts of the salvaged barn into the new design for the cottages, we do not consider that the proposed demolition is justified nor has it met the tests laid out in the NPPF, 2021 regarding substantial harm or suitability as an enabling development.

The SPAB encourages the applicant to securely support the barn, protect it from the weather and to engage the services of a Conservation Accredited Structural Engineer to inspect it and provide a detailed repair specification. Consideration should be given to sensitively converting the barn into a single-storey dwelling, and we would be happy to consider a small extension to the rear, subject to details.

As it stands we are unable to support this application and strongly recommend that it is withdrawn or refused.

We hope these comments are helpful to you.

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Appendix F



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