

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Hancocks, Hayfield, D Humphreys, Jarvis, Lees, 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

11 APRIL 2022

The Planning and Development Board will meet on Monday, 11 April 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 will need to attend the meeting in person at the Council Chamber.

Usually those who register to speak may join remotely via Teams however, due to some recent technical difficulties, that option will not be available for this meeting. It is hoped that these problems will be resolved shortly and any person who registers to speak will be informed of any changes.

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 if a high number of people attend you may be asked to wait in another room until the application you are attending for is considered.

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 7 March 2022** – copy herewith, to be approved and signed by the Chairman.
- 5 **Minutes of the meeting of the Planning Sub-Committee held on 25 February 2022** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

6a Application No: PAP/2022/0077 – 41 Sheepy Road, Atherstone, CV9 3AD

Front Porch.

6b Application No PAP/2019/0621 – Land at Grimstock Hill, off Trajan Drive, Coleshill

Approval of reserved matters for appearance, landscaping, scale and layout relating to erection of 20 dwellings with vehicular access.

6c Application No: PAP/2021/0261 and PAP/2021/0265

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

7 Planning Sub-Committee – Listed Building Preservation - Report of the Head of Legal Services

Summary

The report recommends the expansion of the role of the Sub-Committee previously appointed to consider an issue relating to a listed building.

The Contact Officer for this report is Clive Tobin (719251).

8 Appeal Update - Report of the Head of Development Control

Summary

The report brings Members up to date with recent appeal decisions.

The Contact Officer for this report is Jeff Brown (01827 719310).

9 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.

10 Confidential Extract of the Minutes of the meeting of the Planning and Development Board held on 7 March 2022 – copy herewith, to be approved and signed by the Chairman.

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

7 March 2022

Present: Councillor Simpson in the Chair

Councillors Bell, T Clews, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, M Humphreys, Jarvis, Jordan, Morson, Moss, Parsons, H Phillips and Rose

Apologies for absence were received from Councillors Deakin (Substitute Gosling), Lees (Substitute M Humphreys) and Macdonald (Substitute Jordan)

50 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

51 **Minutes**

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

52 **Minutes**

The minutes of the meeting of the Planning Sub-Committee held on 11 February 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

53 **Planning Applications**

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

Resolved:

- a **That in respect of Application No PRE/2021/0214 (Fillongley Cricket Club, Black Hall Lane, Fillongley, Coventry, Warwickshire, CV7 8EG) the Public Path Order be confirmed as set out in the report of the Head of Development Control;**
- b **That Application No PRE/2021/0184 (Arc School, Ansley Lane, Ansley) Public Path Order be confirmed as set out in the report of the Head of Development Control;**

- c That Application No PAP/2021/0562 (Environment Agency Lea Marston Depot, Coton Road, Lea Marston, B76 0DN) be granted subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Luke Coffey]

- d That Application No PAP/2021/0663 (Land On The North East of J10 M42, Dordon/A5, Polesworth) be noted and that Members considered how a visit to site might be arranged;

- e That in respect of Application No CON/2022/0006 (Land at Langley bound by Lindridge Road, A38, Walmley Ash Lane, Webster Way, Thimble End Road and Springfield Road, Sutton Coldfield, Birmingham) the recommendation as set out in the report of the Head of Development Control be approved;

- f That in respect of Application No CON/2022/0005 (Hinckley National Rail Freight Interchange, South of Emesthorpe, between Leicester & Hinckley, Railway and M69) the Council submits an objection to the Secretary of State requesting that he does not grant a Development Consent Order unless he is satisfied with the evidence in respect of the three matters raised in Appendix A, to the report of the Head of Development Control, together with the one raised in this report;

- g That in respect of Application No PAP/2021/0359 (Land south of Gardners Cottage, Pooley Lane, Polesworth);

- a) That the Council is minded to support the plans as submitted, but that
- b) An additional condition is attached to the grant of planning permission reading that no development shall commence on site until a proposed affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority.
- c) Additionally, the applicant is invited to meet a group of Members as soon as possible in order to discuss the content of that scheme along with a review of the conditions as recommended in the officer's report. That in respect of Application No PAP/2021/0350 (Land South Of Gardeners Cottage, Pooley Lane, Polesworth) the Council is minded to support the application as set out in the recommendation to the report of the Head of Development Control;

[Speaker: Mark Mann]

- h That in respect of Application No's CON/2022/0010 and CON/2022/0011 (Barwell Sustainable Urban Extension, Land west of Ashby Road Barwell and Earl Shilton Sustainable Urban Extension, Mill Lane, Earl Shilton) the Hinckley and Bosworth Borough Council be informed that this Council has no comments to make in respect of these proposals unless the Board considers otherwise.**

54 Infrastructure Funding Statement 2021

The head of Development Control reported on the current position in respect of the contributions made to the Council within Section 106 Agreements.

Resolved:

That the Statement be published.

Recommendation to Council:

That the s106 group be re-constituted and new membership be agreed by the Chairman, Opposition Spokesperson and Councillor Rose.

55 Water Orton Conservation Area boundary extension

The Chief Executive sought the authority to consult on an extension to the Water Orton Conservation Area and, if there are no representation made during the consultation process, ask that it be approved.

Resolved:

- a That Members approve for consultation the draft boundary extension to the Water Orton Conservation Area boundary;**
- b That a Draft Appraisal be approved for consultation by the Chairman, Opposition Spokesperson and local Ward Members;**
- c That a consultation be carried out and any representations brought back to Board for consideration; and**
- d That, if in the event of there being no representations, the extension to the Water Orton Conservation Area Boundary be approved.**

56 Submission of Water Orton Neighbourhood Plan for Referendum

The Chief Executive informed Members of the progress of the Water Orton Neighbourhood Plan and sought approval for a formal referendum, in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012, to be carried out.

Resolved:

That the Water Orton Neighbourhood Plan be taken forward to referendum.

57 HS2 Bromford Tunnel Portal Update

On 4 October 2021 Members considered a report concerning the Bromford Tunnel and the Bromford Tunnel Portal. The report set out the changes to the scheme to extend a tunnel, the legal advice that the Council had received in respect of the lawfulness of those changes and suggested an approach to addressing the matter of planning enforcement for the works deemed to be unauthorised. Members deemed that it was not, at that time, expedient to commence enforcement action. It resolved to keep the matter under review and that it would receive future reports on the matter as developments occurred.

The Head of Development Control set out the up to date position and detailed changes in circumstance. The report identified matters for consideration in re-examining the expediency of taking enforcement action.

Resolved:

- a That Members noted the report and concluded that, the issue of formal enforcement action be kept under review; and**
- b That delegated authority to initiate appropriate formal enforcement action is given to the Chief Executive, in consultation with the Chair, Opposition Spokesman, Councillor Rose and Local Ward Members.**

58 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.

59 **Land at New Arley**

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

Resolved:

That recommendations (a) to (e), as set out in the report of the Head of Development, be approved.

60 **Land at Kingsbury**

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

Resolved:

That the report be noted and that the need for any further action be reviewed in light of further site inspections that will occur after publication of the report.

61 **Confidential Minutes of the Planning and Development Board meeting held on 7 February 2022**

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

62 **Confidential Minutes of the Planning Sub-Committee meeting held on 7 February 2022**

That the confidential minutes of the Planning Sub-Committee meeting held on 11 February 2022 were received and noted.

Councillor Simpson
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING SUB-COMMITTEE

25 February 2022

Present: Councillor Simpson in the Chair

Councillors D Clews, Dirveiks, Jarvis, and H Phillips

Councillor M Humphreys was also in attendance and with the permission of the Chairman spoke on Minute No 7 (Urgent Works Notice)

5 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

6 **Apologies**

None received (Councillor Rose had written an e-mail giving his apologies however, this was not received in time to be passed on to the meeting).

7 **Urgent Works Notice**

The Head of Development Control provided an update on works taken following the Sub-committee's earlier decision to serve an Urgent Works Notice under Section 54 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) following the resolution of the Planning and Development Board to review the issue of such a Notice at this property and recommend a course of action.

It was reported that following the previous meeting Officers had written to the owners of the Homestead, Main Road, Austrey indicating that the Council had granted authority to serve a notice requiring urgent works to preserve the Cottage, although a formal notice had not yet been served. Officers explained that various inspections had been carried out following that letter, described the works undertaken and a produced a number of photographs showing the progress which the owners had made to date.

It was noted that the adjoining Barn was not fully protected, and that urgent action may also be needed to preserve it.

8 **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, namely that the Council is considering service of a notice under an enactment.

9 Members discussed the condition of the whole of the listed buildings on site and the action required to preserve them.

10 **Resolved:**

a That the report be noted and officers' previous authorisations remain in place to issue a notice and commence organising contractors to undertake the works covered by the Notice in the event of default by the owner, and that the previous authorisation is extended to include both the Cottage and adjoining Barn, should works become necessary at any time in the future; and

b The Sub-Committee will meet in four weeks' time to review the situation.

Note:

For ease of reference the authority given by the Sub-Committee on 11 February is set out below:

a That the Head of Legal Services be authorised to issue an Urgent Works Notice under Section 54 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 on the owners in the terms as set out in Appendix A (a) and (b) to the report;

b That notice be given to the owners of this action by the Head of Legal Services including the specification of those works;

c That under Section 55 of the same Act, the Head of Legal Services be authorised to recover the cost of the works specified in the Notice from the owner if necessary: and

d That additional protection be given to historic elements of the barn.

Councillor Simpson
Chairman

**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, 9 May 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
6/a	PAP/2022/0077	1	41 Sheepy Road, Atherstone Front porch.	General
6/b	PAP/2019/0621	11	Land at Grimstock Hill, off Trajan Drive, Coleshill, Approval of reserved matters for appearance, landscaping, scale and layout relating to erection of 20 dwellings with vehicular access	General
6/c	PAP/2021/0261 and PAP/2021/0265	30	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	

General Development Applications

(6a) Application No: PAP/2022/0077

41, Sheepy Road, Atherstone, CV9 3AD

Front Porch for

Lisa Carthy

Introduction

This application is reported to Planning and Development Board at the request of a local Member concerned about its design. Additionally, the case should now be treated as a retrospective application which may result in an assessment of the expediency of enforcement action.

The Site

This is a two-storey detached dwelling house, with a front garden facing onto Sheepy Road and parking to the side of the property. The property's façade is made up of red brick with dark brown wooden window frames. The surrounding street scene is made up of two-storey detached and semi-detached dwellinghouses of similar red brick design, with evenly spaced trees lining Sheepy Road. Sheepy Road itself is one of the main routes into the centre of Atherstone leading up to the market square.

A site location plan and block plan are attached at Appendix A and an image of the street scene is at Appendix B.

The Proposal

It is proposed to extend an existing front porch forward, but to retain its existing width (just over 2 metres) and the height of its tiled pitched roof (3.4 metres). The extension would be just over 1.5 metres so as to be 2.5m from the front house elevation and the floor area would be 5.5 square metres. The original porch had glazing to its side and front panels. The original submission showed similar glazing panels, but work commenced and these were replaced by facing brickwork. An amended plan was received to retain what has been constructed.

The submitted plan is at Appendix C and this too illustrates the original porch. The amended plan is at Appendix D.

Representations

Twelve letters of support have been received in respect of the amended plan showing what has been built. They refer to:

- Its high-quality design.
- It adding value to the property and the area.
- It being environmentally friendly because the brickwork will reduce heat loss

One letter of objection to the amended plan has been received referring to:

- The porch design has changed from one with side windows to one without.
- The porch is not in keeping with the neighbouring properties.
- The porch has an impact on the visual amenities of the street scene.
- The size of the porch is too large.

Atherstone Town Council – It objects to the amended plan on the grounds that the appearance is not in keeping with the neighbouring properties and because the building has proceeded without determination.

Development Plan

North Warwickshire Local Plan 2021 - LP29(Development Considerations) and LP30(Built Form)

Other Relevant Material Considerations

National Planning Policy Framework 2021 – (the “NPPF”)

Supplementary Planning Guidance: - A Guide to the Design of Householder Developments, adopted September 2003.

Observations

All of the issues raised are about the design of the porch, that it is not in keeping with its locality. The main concerns are with how far out the porch extends from the existing property and the lack of windows, with the sides of the porch being brick walls.

Local Plan policy LP30 states that:

‘All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.’

There are two matters to raise here

Firstly, in terms of whether it is in-keeping with its locality, the new porch maintains the gable façade of the original one and is using materials that match those of the existing dwellinghouse. The porch is located at the centre of the principal elevation of the property meaning it is a significant distance from the boundary of the neighbours and the overall appearance of the house retains its existing symmetry. The site is visible to the public but given the variety in the overall character of the street scenes here, there is no material worsening or adverse impact. Moreover, the site is not in a Conservation Area, nor does it affect the setting of any Listed Building.

Secondly, there can be some degree of mitigation through soft landscaping such as climber plants on the side elevations of the porch.

Overall, although the design of this porch may not be considered to be ideal, it is not so out of keeping to warrant a refusal.

Members will be aware that it is not illegal to undertake works without the requisite planning permission and that planning legislation enables the submission of retrospective applications. Such applications are to be determined on their planning merits alone and not on the fact that they are retrospective.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with 41 Sheepy Road – Porch Rev A received by the Local Planning Authority on 11th March 2022.

REASON

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

2. Within two months of the completion of the development hereby approved a landscaping scheme shall be submitted to the Local Planning Authority. The approved scheme shall then be implemented within the next available planting season following that written approval

REASON

In the interests of the visual amenities of the area.

Notes

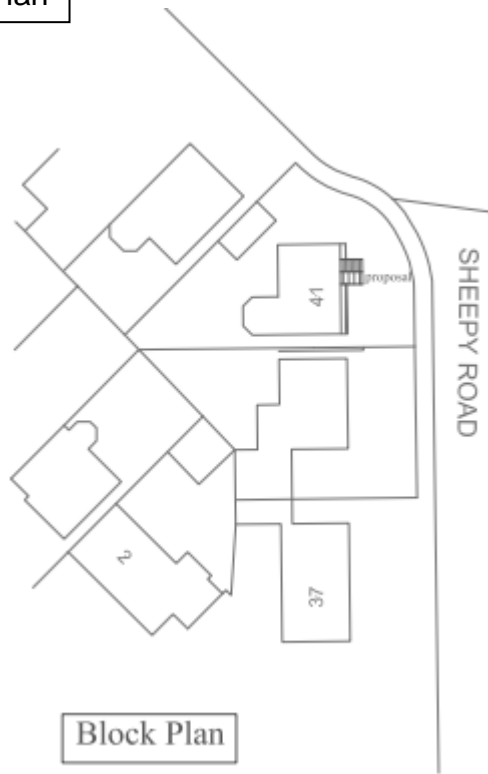
1. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
2. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and 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>

3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

Appendix A



Site Location Plan



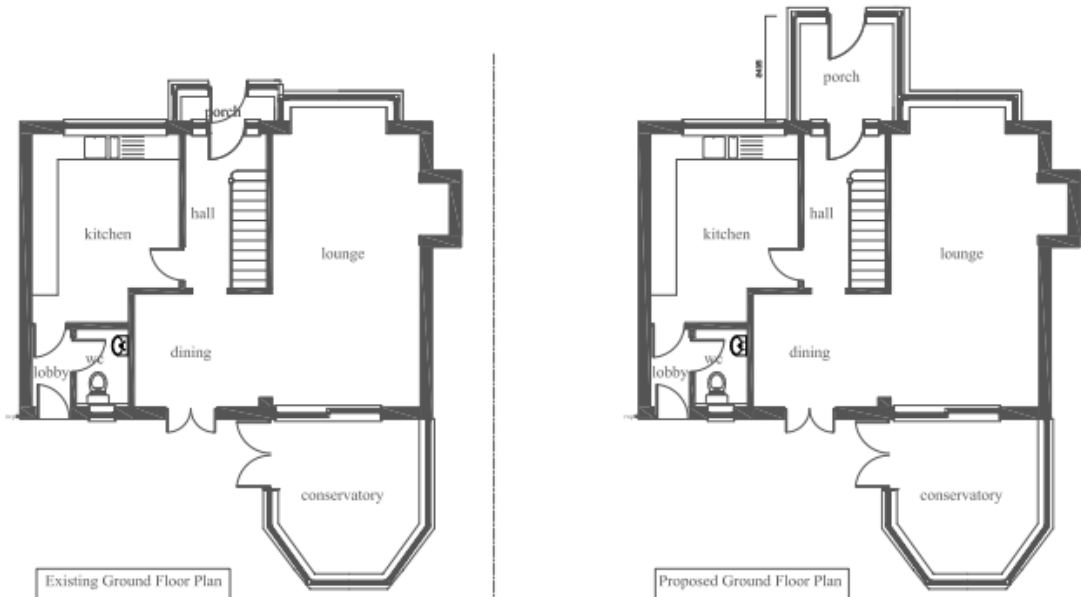
Block Plan

Appendix B

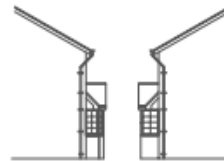




Appendix C



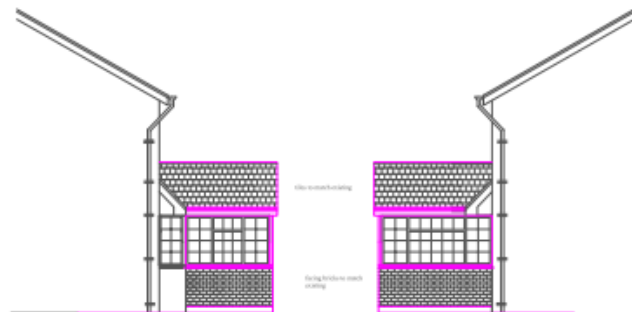
Existing Front Elevation



Existing Side Elevations

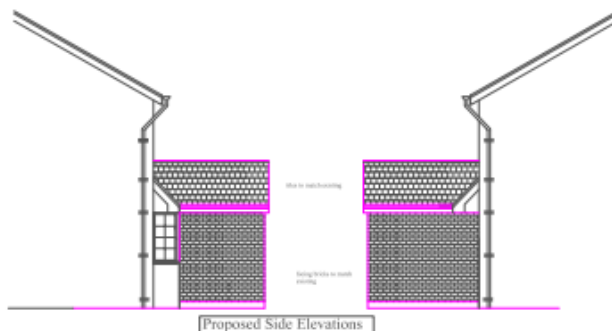
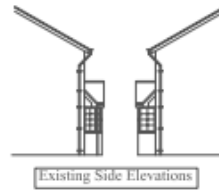
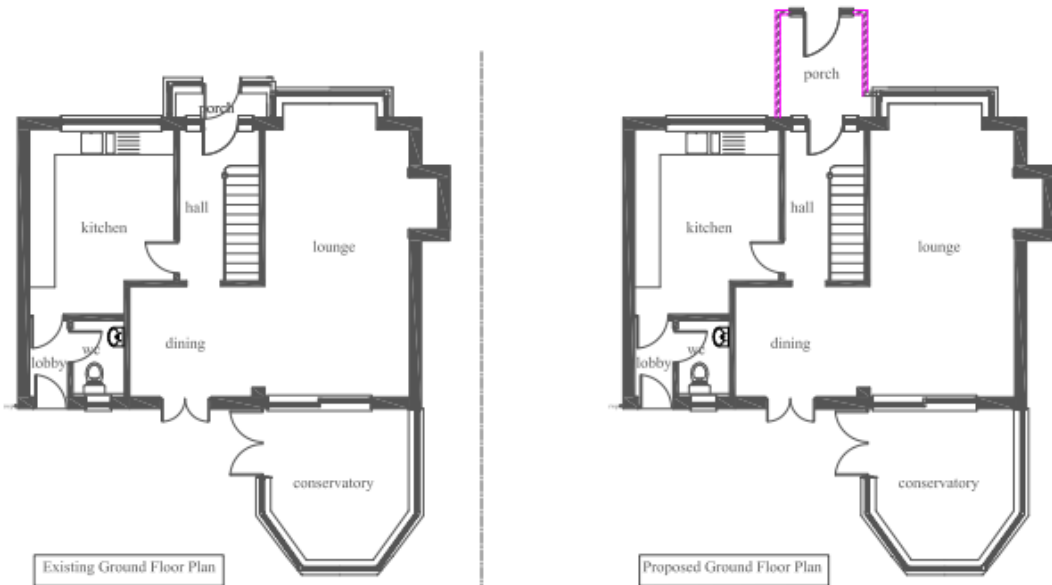


Proposed Front Elevation



Proposed Side Elevations

Appendix D



BACKGROUND PAPERS

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

Planning Application No: PAP/2022/0077

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Original Application Forms, Plans and Statement(s)	07/02/2022
2	The Agent	Revised Application Forms, Plans and Statement(s)	11/03/2022
3	Local Resident	Support	11/03/2022
4	Local Resident	Support	11/03/2022
5	Local Resident	Support	13/03/2022
6	Local Resident	Support	13/03/2022
7	Local Resident	Support	13/03/2022
8	Local Resident	Support	13/03/2022
9	Local Resident	Support	13/03/2022
10	Local Resident	Support	13/03/2022
11	Local Resident	Support	14/03/2022
12	Local Resident	Support	14/03/2022
13	Local Resident	Support	15/03/2022
14	Local Resident	Support	16/03/2022
15	Local Resident	Objection	16/03/2022
16	Atherstone Town Council	Objection	16/03/2022

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 Assessment

General Development Applications

(6b) Application No: PAP/2019/0621

Land at Grimstock Hill, off Trajan Drive, Coleshill,

Approval of reserved matters for appearance, landscaping, scale and layout relating to erection of 20 dwellings with vehicular access for

Jessups

Introduction

This application is reported to the Board in light of its previous involvement with the case at its outline stage.

The Site

This is a roughly rectangular area of heavily wooded land amounting to some 1.2 hectares bounded to the west by the A446 Lichfield Road; to the north and east by existing residential development at Trajan Hill, Tiberius Close and Norton Road and to the south by the Grimscote Manor Hotel. There are residential and commercial uses on the opposite side of the A446. The site is more particularly shown at Appendix A.

Its' use as a quarry ceased back in the 1960's and since then it has regenerated into an un-managed and overgrown area of woodland. There is a substantial roadside hedge alongside the A446. The quarry was however partially filled with inert materials.

Because of this history there is a distinct difference in levels between the eastern perimeter and the A446 to the west. The former quarry slopes are particularly prevalent along the eastern and southern boundaries.

The application site also includes one of the existing dwellings on the southern side of this cul-de-sac known as Trajan Hill – number 1. It is proposed to demolish this house in order to gain access into the site.

Background

The site benefits from an outline planning permission for up to 24 dwellings under reference PAP/2015/0584 which as at Appendix C. Access provision was considered as part of this proposal and the outline permission includes details of this access by way of the demolition of number 1 Trajan Hill.

The site is partially covered by three Woodland Tree Preservation Orders dating from 1980

The Proposals

This is an application for the approval of the remaining matters reserved under the outline permission – layout, scale, appearance and landscaping. The proposed layout shows a cul-de-sac with the housing concentrated at the northern end of the site. This is

attached at Appendix B. Appendices D and E illustrate the appearance of the new housing.

The northern half of the site would be cleared of trees and there would be some in-filling in order to achieve a development plateau to accommodate the whole of the proposed development. Trees to the south would be thinned and managed and the remaining slopes landscaped. A footpath would be provided linking the site to the A446 in its south-western corner. The remaining “floor” of the former quarry would become an area of open space which would also contain a balancing pond for the collection of surface water.

The development includes a mix of houses and flats - 8 one bedroomed flats, 10 two bedroomed houses and 2 three bedroomed houses. These are all to be provided through the Stonewater Housing Association and thus would be affordable houses. The final mix of tenures is not yet known but the applicant is indicating that between 6 and 14 would be for affordable rent, with the balance being for shared ownership.

An appraisal of levels on site has been undertaken by Waldeck Consulting as part of their design of the drainage and by limiting development to the northern part of the site it has been established that 20 dwellings can be constructed without the need to import material to fill the void.

Development Plan

The North Warwickshire Local Plan - LP1 (Sustainable Development); LP9 (Affordable Housing Provision), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Coleshill Neighbourhood Plan – HNP2 (Integrate New Housing in Coleshill) and HNP3 (Affordable Housing)

Other Relevant Material Considerations

National Planning Policy Framework – (the ‘NPPF’)

Consultations

Warwickshire County Council (Rights of Way) – There is no record of public rights of way crossing or immediately abutting the application site and so there is no objection to the scheme

Police Architectural Liaison Officer – No objections subject to conditions

Warwickshire County Council as Lead Local Flood Authority - It initially objected to the proposal, but details have been provided of the layout and size for the attenuation basin which are now considered to be acceptable. There are conditions on the outline planning permission that safeguard this issue.

Warwickshire County Council as Highway Authority – It had initial concerns about the proposal but there is no objection in principle to the proposal. However, there are a number of minor detailed points to be resolved – i.e. the gradient of the junctions, the lack of turning area between plots 2 and 5, and the width of the parking area between plots 14 and 15.

Environmental Health Officer – No objections

NWBC Refuse and Waste – No objections to the scheme

NWBC Trees – No objections to the scheme

Severn Trent Water Ltd – No objection subject to details

NWBC Housing Officer – No objections in principle

Representations

Coleshill Town Council – There is no objection if the Highway Authority has no objection.

Twenty eight letters of objection have been received in respect of the scheme, referring to the following points:

- Concerned with the environmental impact due to dust, road, contamination and noise levels.
- Loss of privacy to the rear of the property.
- Impact of construction relates vehicles causing obstructions.
- The estate is already congested.
- The proposal is likely to lead to an accident.
- Extra dwellings will have a negative impact on the environment.
- The houses will dominate and overshadow the existing properties.
- There is already a huge parking problem in the area.
- Trees should not be cut down for new housing.
- Road to rear of properties will lead to an increase in noise.
- Restricted access for emergency vehicles.
- Wildlife will be lost through the scheme.
- Existing infrastructure is limited in terms of doctors, schools, public transport
- Archaeological potential on the site
- With HS2 in the vicinity this will reduce open space.
- Recent James Munday Drive development has led to huge amount of noise, as will this.
- Will access to rear of properties still be retained.
- Hazardous material is under the landfill and development which needs to be investigated.
- Access should be off the A446.
- Is it safe to build here so close to a quarry?
- Trees should be retained to protect the privacy of existing properties.

Observations

a) Introduction

The principle of implementing this residential development is already established by virtue of the grant of the outline planning permission in November 2016. This also means that the access to the site has already been granted via Trajan Hill under that same permission.

That outline permission also contains a significant number of pre-commencement and pre-occupation conditions. These will all have to be discharged under separate planning applications before work can commence on site. As Members can see from Appendix C, they cover significant matters such as noise and air quality attenuation, construction management and open space management. Members will have seen from the representations summarised above that they raise many matters that are to be covered by these pre-commencement and pre-occupation conditions. They are not therefore matters which can be considered as part of the determination of this current application. They will be dealt with separately and local residents will be consulted once these applications are submitted.

The remit of the Board in this case is solely to review the “reserved matters” – that is the layout, scale and appearance of the residential development and to consider whether that detail accords with the relevant Development Plan policies and in particular, whether there are any significant adverse impacts.

b) Design and Layout

The design and layout of the proposal is of a good standard. The layout has been designed so as to balance the impacts on the existing properties and the provision of a layout which itself is of interest – eg. dual fronted properties fronting the road on corner plots, the creation of a sense of place and satisfactory building materials. The proposal also includes public access into the open space to the south of the site. It is therefore considered that the proposal fully accords with Local Plan policies LP1 and LP30.

c) Trees and Ecological Management

A Woodland and Open Space Management Scheme is required through conditions on the outline permission. The evidence at that time was that the site had low ecological value and concluded that ecological management would be best addressed through the imposition of conditions. It is not in the remit of this reserved matters application to consider this issue again.

An Arboricultural report is submitted with the application which further assesses the trees on the site in relation to the proposed development, in order to assess their quality and value and to categorise them according to their contribution. Whilst the site is heavily wooded most of the trees are ‘self-seeded’ and have not been managed. Due to the level of tree cover, there will inevitably be a number of trees removed to facilitate development. Some of these are subject to Tree Preservation Orders, but these are historic in nature. The Borough’s Tree officer has assessed this and has no objection to the loss trees as indicated in the application.

The woodland is considered to be of moderate quality and individually the trees were considered to be of low quality. It is proposed to retain the best groups of trees in the most ecologically and visually important areas, supplemented by new planting within and around the developed area. This will allow for new housing to be provided whilst retaining much of the green character of the site. Existing and new tree planting will also provide screening to Lichfield Road and surrounding housing. The amenity of surrounding existing residents will be safeguarded with the design and location of the new housing as well as new planting ensuring privacy and amenity is not adversely affected. The remaining trees and foliage will also be strengthened with further planting.

At the outline stage it is was also agreed that the ecological value of the site was low because of the density of the woodland cover; that it is all of a similar age which didn't encourage diversity and that it was wholly unmanaged. The development therefore represented an opportunity for significantly improving this situation and allowing public access through the site through a public footpath. The development allows for a good proportion of the site to be retained and different habitats to be introduced. In the longer term this will be of benefit. Given the outline approval it is considered that the proposal provides an opportunity for ecological and arboricultural benefit and should thus be supported. An alternative conclusion would be that the proposal adds to its sustainable development credentials because it enhances longer term ecological and arboricultural benefits.

d) Impact on Residential Amenity (Light, Aspect and Privacy)

The Local Plan requires development to be in keeping and to respect the amenities of occupiers of established development. Paragraph 127 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

On this site the main issues will relate to where the development is positioned next to existing property on Trajan Hill, Tiberius Close and Norton Road. Some residents have indicated that the proposal will lead to detriment. However, the majority of development is sited at 90-degrees to the existing dwellings and therefore there is no direct overlooking to properties. Plots 1 and 2 overlook Tiberius Close but there is a sufficient distance between these dwellings. These two plots are also at 90-degrees to the existing dwellings in Norton Road which have large gardens and the existing dwellings are of sufficient distance away from these. Plots 19 and 20 are positioned at 90-degrees to existing properties in Trajan Hill which step out away from the development. The levels of the land and finished floor levels will be similar and as such dwellings will not cause detriment.

At present the layout is acceptable and would be in accordance with Local Plan policy. However, it will be necessary to restrict future extensions to plots 1, 2 and 20 as such additional works may lead to issues of light, privacy and overlooking.

e) Flooding

Surface water drainage is provided through an attenuation pond at the lowest point of the scheme. In principle the details of this system can be provided on site and a suitably worded condition will ensure that this can be "reserved" for future approval and thus it is considered that the impact on drainage would be acceptable. This is any event is covered by the outline planning permission also through condition 16 of that permission.

f) Climate Change

North Warwickshire Borough Council has declared a climate emergency and is aspiring to becoming carbon neutral and climate resilient by 2030. Local Plan policies and the Air Quality SPD are thus material here and matters can be conditioned to help achieve their objectives.

g) Affordable Housing provision

The proposal proposes 100% affordable housing. The outline planning permission was granted subject to a requirement to submit a viability appraisal as it was considered that the development costs in implementing the development might restrict a full policy compliant provision – Condition 8 of Appendix C. However, the site has now been acquired by a Registered Provider and on-site provision will thus be in full. The Council's Housing Officer is fully supportive of the housing types proposed and will work with the provider in respect of the final tenure mix.

h) Highways

The principle of the position of the access has already been approved under the outline planning permission and therefore there is no objection in principle to the scheme or the position of the access by demolishing a property and providing the main access in its place.

The Highway Authority has concerns about some minor details, but these do not affect the appearance or design of the overall layout. The recommendation below takes this into account.

i) Construction

As members can see from the representations, comments have been received in respect of construction issues. These are not issues that are covered by this “reserved matters” application. This is because the outline permission covers this issue and requires submission of a construction management plan prior to development commencing on site – conditions 9 and 10 of Appendix C. The current applicant has suggested that there may be no need for a construction access off the A446. That suggestion and the evidence for it will have to be submitted under subsequent applications to discharge these two conditions, or to vary them. As indicated above, the applications will be the subject of notification to local residents and at that time their representations will have to be taken into account.

Conclusion

It is considered that the details of the mix, density, layout, landscaping, scale and appearance of the development accords with the Development Plan.

Recommendation

That subject to the receipt of amended plans to overcome the Highway Authority's detailed concerns, that planning permission be **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered

1 Location Plan
2F Site Plan received 09/08/2021
4F Site Layout received 09/08/2021
5A Plots 1 and 2 – received 19/04/2021
6A Plots 3, 5, 8, 10 – received 19/04/2021
7A Plots 4, 6, 7, 9 – received 19/04/2021
8A Plots 11 and 12 – received 19/04/2021
9B Houseplans 13 to 16 received 09/08/2021
10 - Plots 17 to 18 received 07/11/2019
11 - Plots 19 to 20 received 07/11/2019
12B Elevations 1 to 2 received 19/04/2021
13B Flat elevations 3-10 – 02/10/2021
15A Elevations 11 to 12 – 07/11/2019
16C Elevations 13 to 16 received 09/08/2021
17 Elevations Plots 17 to 18 received 07/11/2019
18 Elevations Plots 19 to 20 received 07/11/2019
21 Site sections received 19/04/2021
Contour levels and gradients – received 09/08/2021
ADL286 Schedule – Landscaping – received 19/04/2021
ADL28a Landscaping scheme – received 19/04/2021
Schedule of materials received 07/11/2019
Arboricultural report 07/02/2020

REASON

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

2. No development shall commence until an Arboricultural Method Statement and necessary remedial works plan including dead-wooding has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include detail of works required to the trees and hedgerows in and adjacent to the site prior to construction due to the position of the development and how they are to be carried out. The construction shall be carried out in accordance with the approved details.

REASON

To ensure the protection of the existing trees and hedgerows in the vicinity of the development.

3. Notwithstanding the submitted details no development above slab levels shall commence until details in respect energy efficiency mitigation indicating the production of 10% operational energy from on-site renewables across the whole site and its phasing has been submitted and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the approved details have been carried out and implemented in accordance with the approved details.

REASON

In the interests of achieving sustainable development and meeting development plan policy requirement LP35 of the adopted North Warwickshire Local Plan and the Air Quality SPD.

4. No development above slab level shall commence until detail in respect of information and communications technologies has been submitted and approved in writing. No dwelling hereby approved shall be occupied until the approved details have been carried out in accordance with the approved details.

REASON

In the interests of achieving sustainable development and meeting development plan policy requirement LP36 of the adopted North Warwickshire Local Plan.

5. Notwithstanding the submitted details no development above slab level shall commence until details of the boundary treatment including boundary features and retaining structures have been submitted and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that the development is of a high standard of design and visual appearance to accord with adopted North Warwickshire Local Plan 2021.

6. Notwithstanding the provisions of Classes A and B, of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no extensions or roof alterations shall be erected to plots 1, 2 and 20, except as authorised under the submitted application, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

REASON

In order to maintain and protect the privacy of neighbouring residential properties in accordance with policy LP29 and LP30 of the adopted North Warwickshire Local Plan.

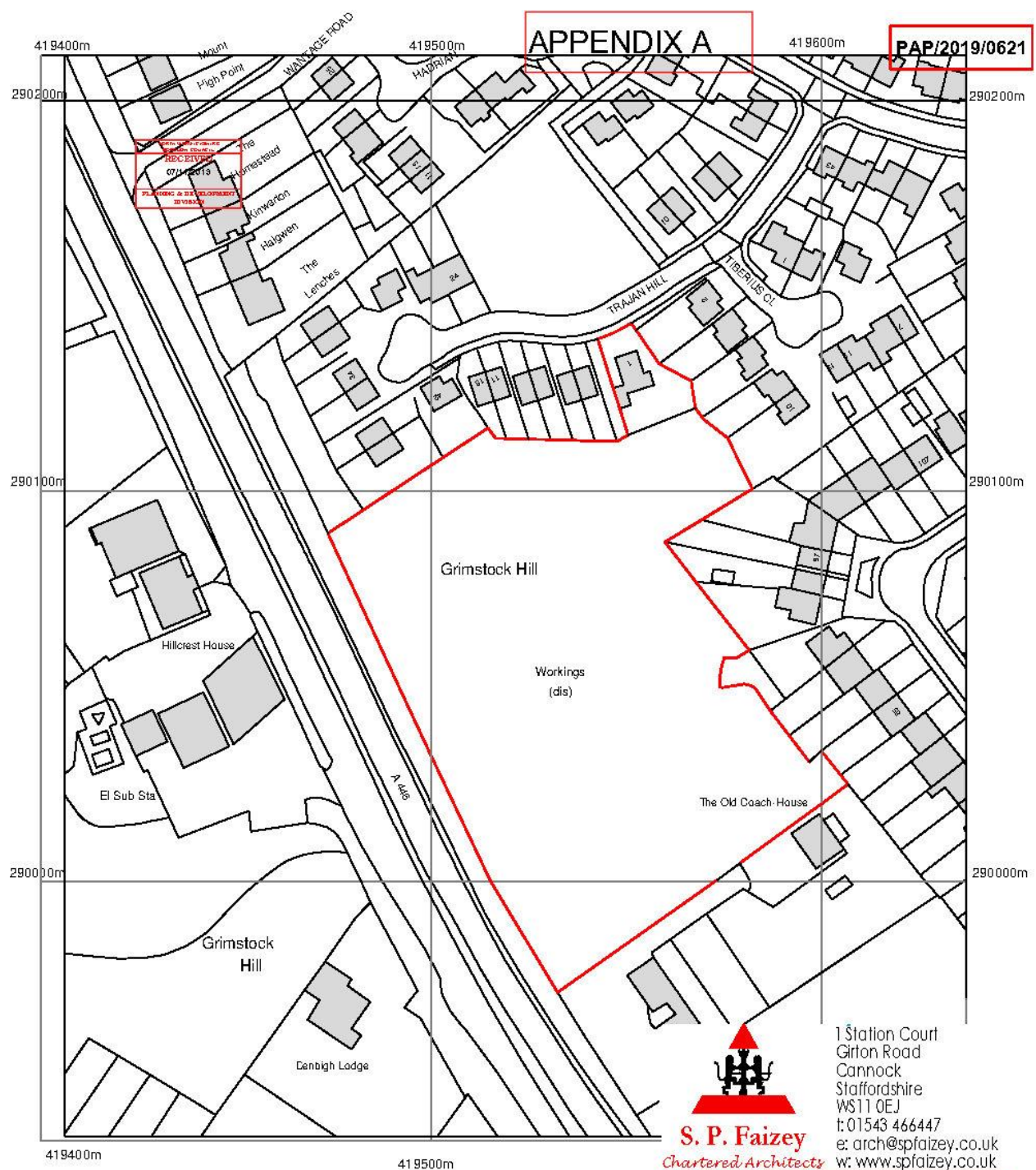
7. All windows bathroom, landing, toilet windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

In order to maintain and protect the privacy of neighbouring residential properties in accordance with policy LP29 and LP30 of the adopted North Warwickshire Local Plan.

APPENDIX A

PAP/2019/0621




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Scale 1:1250

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JESSUP/ STONEWATER			
RESIDENTIAL DEVELOPMENT			
TRAJAN HILL, COLESHILL			
LOCATION PLAN			
scale@A4	date	drawn	drawing
1:1250	OCT 19	SPF	17014/1

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APPENDIX B

PAP/2021/0621

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
 09/08/2021
 PLANNING & DEVELOPMENT DIVISION

1	2b 4p house	@	75.44 sq m
2	2b 4p house	@	74.53 sq m
3	1b 2p flat	@	49.00 sq m
4	1b 2p flat	@	53.18 sq m
5	1b 2p flat	@	52.41 sq m
6	1b 2p flat	@	63.50 sq m
7	1b 2p flat	@	53.98 sq m
8	1b 2p flat	@	53.25 sq m
9	1b 2p flat	@	53.18 sq m
10	1b 2p flat	@	49.00 sq m
11	2b 4p house	@	74.53 sq m
12	2b 4p house	@	74.53 sq m
13	2b 4p house	@	72.56 sq m
14	3b 5p house	@	87.43 sq m
15	3b 5p house	@	87.43 sq m
16	2b 4p house	@	72.56 sq m
17	2b 4p house	@	74.53 sq m
18	2b 4p house	@	75.44 sq m
19	2b 4p house	@	75.44 sq m
20	2b 4p house	@	74.53 sq m

F	UPDATED A6 SITE LAYOUT DRAWING	6/6/21
E	PLOT LEVELS ADJUSTED	7/4/21
D	PLOTS 1 AND 2 REPOSITIONED	6/1/21
C	ROAD ADJUSTED	29/12/20
B	LAYOUT REVISED	14/12/20
A	PLOT 14 & 15 AREA6 REVISED	5/11/19
	REVISIONS	DATE



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STONESTATER/JESSUP			
RESIDENTIAL DEVELOPMENT			
TRAJAN HILL, COLESHILL			
SITE PLAN			
scale@A3	date	drawn	drawing
1:500	OCT 19	SPF	17014/2F

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North Warwickshire
Borough Council

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Telephone: (01827) 715341
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E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 08 November 2016

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Major Outline Application

Application Ref: PAP/2015/0584

Site Address

Former Quarry & Land, Grimstock Hill, Lichfield Road, Coleshill,

Grid Ref: Easting 419530.86
Northing 290054.62

Description of Development

Outline application for the erection of up to 24 residential dwellings with all matters reserved except access

Applicant

Heyford Developments Limited

Your planning application was valid on 18 September 2015. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

Standard Conditions:

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

Authorised Officer: _____

Date: 8 November 2016



2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 17 May 2016, and plan number 1375-10D received by the Local Planning Authority on 31 May 2016.

REASON

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

Defining Conditions:

5. For the avoidance of doubt this permission is for no more than 24 dwellings.

REASON

In the interests of highway safety and visual and residential amenity.

6. The bell-mouth junction to the development shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.

REASON

In the interests of highway safety.

7. For the avoidance of doubt, this permission only authorises the import of material for the 'landfill' operations hereby permitted. It specifically does not authorise the site being used for any other purposes including the removal of imported material, its recycling or for waste transfer uses.

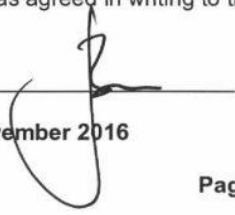
REASON

In the interests of highway safety and residential amenity.

Pre-Commencement Conditions:

8. No work whatsoever shall commence on site, including any site clearance and enabling works, until such time as a viability study has been submitted to the Local Planning Authority to evidence the provision of affordable housing on the site, or appropriate arrangements for off-site provision in lieu of on-site provision. Work shall then only commence on site when the Local Planning Authority has agreed in writing to that provision.

Authorised Officer: _____



Date:

8 November 2016

REASON

In the interests of supporting Development Plan policy, in respect of the provision of affordable housing.

9. No work whatsoever shall commence on site - including any site clearance or enabling work until full details of a temporary access arrangement off the A446 and the associated traffic management scheme, has first been submitted to and approved in writing by the Local Planning Authority. This access shall be used for the purposes of site clearance; site enabling work, construction plant and material delivery, the import of fill material, cut and fill operations, the delivery of bulk and heavy construction materials together with associated utility connections. The details submitted shall also include details of the final closure and re-instatement of the highway together with a full explanation of the programme for the use of this access and the timing of its closure and the transfer of access arrangements to Trajan Hill. Only the approved details shall then be implemented on site.

REASON

In the interests of highway safety.

10. No work whatsoever shall commence on site - including any site clearance or enabling work until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in place throughout the whole of the construction period and only be withdrawn on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The timing of the change in access arrangements from the A446 to Trajan Hill.
- b) The routes to be taken for construction traffic through the residential estate.
- c) The avoidance of conflict with parked vehicles along these routes.
- d) The parking and delivery arrangements for site operatives and all deliveries.
- e) Specification of HGV site entry and exit by hours of the day and week.
- f) The location of the site compound and how this might re-locate throughout the development.
- g) The location and detail of surrounding earth banks or bunds to protect adjoining residential occupiers particularly in Trajan Hill and Tiberius Close.
- h) The hours when construction is actually to take place by week day and weekend.
- i) The clearance of the local highway network of debris and material arising from the construction.
- j) Details of all site lighting.
- k) A system for dealing with goods vehicle weight limits in the area and traffic management.
- l) A clear system and arrangements for monitoring of the Construction Plan in terms of site manager contacts and emergency matters together with a clear outline of communication with local residents concerning parking, access and delivery arrangements.

REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

Authorised Officer: _____

Date:

8 November 2016

Page 3 of 7

11. No work whatsoever shall commence on site - including any site clearance or enabling works - until such time as a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in force throughout the whole of the landfill operations and shall only cease to have effect on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The submission of a plan showing existing and proposed ground levels.
- b) Details of the phasing of the operations including the location of site compounds and the location of haul roads.
- c) The scale of the import of material onto site.
- d) The hours of operation of all site clearance; site enabling, cut and fill, earth-moving and site enabling operations by week day and week end.
- e) The measures to be introduced to reduce waste being deposited onto the road network and the suppression of dust on site.
- f) Details of all site lighting.
- g) Details of how site operations are to be monitored in terms of site manager contacts and emergency matters throughout the length of the landfill operations.

REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

12. No work shall commence on the construction of any house hereby approved until such time as full details of earth banks or bunding together with their landscaping and the retention of existing trees and vegetation in the areas to the rear of existing houses in Trajan Hill and Tiberius Close, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented on site.

REASON

In the interests of the visual amenities of surrounding occupiers.

13. No work shall commence on the construction of any house hereby approved until such time as a Woodland and Open Space Management Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall address details for the maintenance of these areas including the balancing pond, in perpetuity and the details of how public access to these areas is to be provided and retained in perpetuity.

REASON

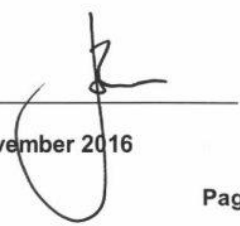
In the interests of the visual amenities of the area and the residential amenity of all neighbouring occupiers.

14. No work shall commence on the development hereby approved until a site investigation report base on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.

REASON

In order to reduce the risk of pollution.

Authorised Officer: _____



Date:

8 November 2016

15. No work shall commence on the development hereby approved until any remediation measures agreed under condition 14 have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.

REASON

In order to reduce the risk of pollution.

16. No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) Show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance.
- b) Demonstrate compliance with the SUDS Manual, CIRIA Reports C753, C697 and C687 together with the Nation SUDS Standards.
- c) Show how the discharge rate generation by all rainfall events up to and including the 100 years plus 30% critical rainstorm, will be limited to greenfield runoff rates.
- d) Demonstrate compliance with attenuation in accordance with Science Report SC030219.
- e) Include detailed designs and calculations for all details of the scheme and outfall arrangements, and
- f) Confirm how the scheme will be maintained in perpetuity.

REASON

In order to reduce the risk of flooding and to improve water quality.

17. No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In order to reduce the risk of noise pollution.

18. No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing pollution and risk of flooding.

Pre-Occupation Conditions:

19. No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossing have been laid out and constructed across the junction of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway and particularly pedestrian safety.

Authorised Officer: _____

Date: 8 November 2016

20. No dwelling hereby approved shall be occupied until such time as the details approved under conditions 12 and 17 have been fully completed on site to the written agreement of the Local Planning Authority.

REASON

In the interests of the residential amenity of occupiers of both existing and future dwellings.

21. No dwelling hereby approved shall be occupied until such time as written confirmation of the Local Planning Authority has been made in respect of the Plan referred to under condition 13 above has been agreed in full.

REASON

In the interests of the visual amenities of the area.

INFORMATIVES

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
2. Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
3. Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
4. Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pes.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Authorised Officer: _____

Date:

8 November 2016

Page 6 of 7

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____

Date:

8 November 2016

Page 7 of 7

APPENDIX D

PAP/2019/0621



APPENDIX E

PAP/2019/0621



Plots 1-10



Plots 11-16



Plots 17-20 CGI'S

TRAJAN HILL, COLESHILL



General Development Applications

(6c) 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

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.

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.

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

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 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.

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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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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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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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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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

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

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.

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.

APPENDIX A



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APPENDIX B

Proposed Elevations



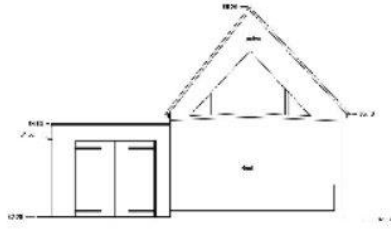
Proposed Front Elevation
[Scale 1:100]



Proposed Rear Elevation
[Scale 1:100]

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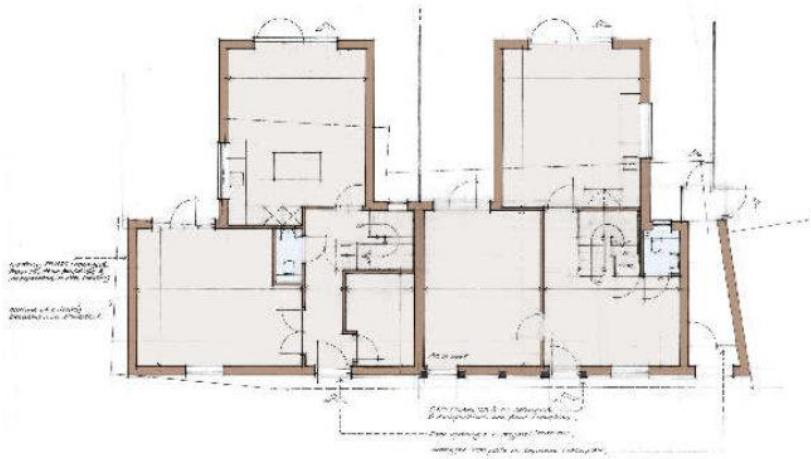
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Existing Side Elevation
[Scale 1:100]

APPENDIX C

Proposed floor plans



Proposed Ground Floor Plan
[Scale 1:100]

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APPENDIX D



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6c/54

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

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.

51/309

6c/56

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.

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

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.

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

51/313

6c/60

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

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.

5/315

6c/62

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

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.

51/317

6c/64

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

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.

51/319

6c/66

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

51/320

6c/67

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

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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6c/69

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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6c/70

*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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6c/71

Appendix F



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6c/72



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6c/73



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6c/74

Agenda Item No 7

Planning and Development Board

11 April 2022

**Report of the
Head of Legal Services**

**Planning Sub-Committee – Listed
Building Preservation**

1 Summary

- 1.1 This report recommends the expansion of the role of the Sub-Committee previously appointed to consider an issue relating to a listed building.

Recommendation to the Board

That the Board delegates 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.

2 Background

- 2.1 At its meeting on 10 January 2022, the Board resolved to appoint a Sub-Committee to consider whether urgent action should be taken to preserve a listed building in respect of which it was considering an application for listed building consent. That application had been ongoing for a considerable time and due to the applicant's delay in progressing matters, the building concerned had deteriorated to the extent that the characteristics which justified its listed status were at risk of irreversible harm.
- 2.2 Standing Orders allow a Board Member to move a motion without notice to appoint a Sub-Committee when its proposed functions relate directly to a matter which is on the agenda. This was the approach which Board took in January, allowing a Sub-Committee to be appointed to consider the steps necessary in relation to that building, consisting of Councillors Simpson, D Clews, Dirveiks, Jarvis, Phillips and Rose. The Sub-Committee has now met several times and has agreed a course of action in relation to that building.
- 2.3 Following the Sub-Committee's meetings, its Members have drawn officers' attention to several other listed buildings in the Borough which could be at risk of similar deterioration and may require urgent works to preserve them. Those Members have also recognised certain benefits of allowing a Sub-Committee to consider such matters, for example, allowing decisions to be made expeditiously without requiring all Members of this Board to be available.

- 2.4 It is now proposed that the Board expands the role of the Sub-Committee to allow it to consider whether urgent action is required in relation to any listed building in the Borough. This can be done by formally delegating all of the Board's powers in relation to protecting listed buildings. The Board would continue to consider applications for listed building consent.

3 Observations

- 3.1 The Local Government Act 1972 (the 1972 Act) allows the Council to appoint Committees and Sub-Committees and delegate powers to them. This Council has done so by appointing the Planning and Development Board and giving it powers to determine planning applications and take enforcement action. When a Committee is appointed under the 1972 Act, that Committee may also appoint Sub-Committees and delegate powers to it. As mentioned above, the Council's Constitution allows Sub-Committees to be appointed without notice if the purpose relates to a matter which is already on the agenda. Since it is now sought to extend the role of the Sub-Committee to consider potential works to preserve any listed building at any time, it is necessary to prepare a report recommending such action.
- 3.2 Members should note that the 1972 Act states that, where powers are delegated to a Sub-Committee, the Committee which appointed it may still exercise those functions. Therefore, should Board be considering an application for listed building consent in the future and it becomes apparent that urgent preservation works are required, the Board could still authorise those works without referring the matter to the Sub-Committee.
- 3.3 Whilst the main power to preserve listed buildings is contained in the Planning (Listed Buildings and Conservation) Act 1990, it is recommended that, rather than list particular legislation, the Board simply delegates all its powers relating to preservation of listed buildings to the Sub-Committee. Members should also note that certain other powers to protect buildings generally and take action relating to dangerous buildings are delegated to officers and, should those powers apply in any particular case, the Sub-Committee will be informed so that the most effective approach can be taken.
- 3.4 As for any Council meeting, the Sub-Committee will meet in public unless a resolution is passed on the basis that exempt information may be revealed to and it is in the public interest to exclude them. Appropriate advice will be given in relation to any particular application.

4 Report Implications

4.1 Financial and Value for Money Implications

4.1.1 Officer time spent preparing reports for the Sub-Committee will come from existing budgets. The costs of taking action in relation to any specific listed building will be reported to the Sub-Committee along with all other implications on a case by case basis. Those costs which are incurred can be recouped directly from the owner or through a Land Charge against the property when it is sold. If recouped through a Land Charge, the Council will need to fund any costs from its general balances until the property is sold.

4.2 Legal and Human Rights Implications

4.2.1 The legal implications are set out in the body of the report. Any action which is recommended to the Sub-Committee in relation to a specific listed building will comply with the applicable legislation and be a necessary and proportionate means of protecting a listed building with the minimal possible impact on the owner.

4.3 Environment and Sustainability Implications

4.3.1 The preservation of the Borough's heritage is one of the objectives of the Development Plan.

4.4 Human Resources Implications

4.4.1 Staff time will be needed to organise the undertaking of this work in terms of enforcing the notice, but this will be taken from existing budgets.

4.5 Risk Management Implications

4.5.1 The risks are set out in the body of the report. There are financial and resource implications with tackling listed buildings, but these are managed on a case by case basis. The risks are mitigated as far as possible and are subject to formal approval and authorisation. The reputational risk associated with not taking action is also a significant consideration.

The Contact Officer for this report is Clive Tobin (719251).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 8

Planning and Development Board

11 April 2022

**Report of the Head of
Development Control**

Appeal Update

1 Summary

1.1 The report brings Members up to date with recent appeal decisions.

<p>Recommendation to the Board</p> <p>That the report be noted</p>
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2 Consultation

2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

Rush Lane, Dosthill

3.1 This appeal has been withdrawn. The case relates to the refusal of outline planning permission for up to 185 houses on land between Rush Lane and the Kingsbury Road south of Dosthill. The refusal essentially referred to the adverse noise impacts arising from neighbouring established general industrial uses on the residential amenity of the occupiers of the proposed houses. The appeal was to be heard by way of a Planning Inquiry but was withdrawn after the exchange of Statements of Case.

3.2 Officers consider that the noise evidence that was being collected to defend the refusal played a significant role in the subsequent withdrawal of the appeal and that experience will be helpful in the future.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The Council reached an agreement with the appellant in respect of costs being awarded to the Council.

4.2 Environment, Sustainability and Health Implications

4.2.1 The case is significant in that it shows that the Council's Development Plan policies on noise pollution and its adverse impacts carry full weight.

4.3 Links to Council's Priorities

4.3.1 The decision accords with the priority of improving the environmental quality of the Borough.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 9

Planning and Development Board

11 April 2022

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

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

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph 6 – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Amanda Tonks (719221)