

**To: The Chairman and Members of the Planning Sub-Committee
Councillors Simpson, D Clews, Dirveiks, Jarvis, H Phillips and Rose.**

For the information of other Members of the Council

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PLANNING SUB-COMMITTEE AGENDA

25 FEBRUARY 2022

The Planning Sub-Committee will meet on Friday, 25 February 2022 at 2.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

AGENDA

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

4 **Urgent Works Notice: The Homestead, 82 Main Road, Austrey -**
Report of the Head of Development Control

Summary

This is a progress report for the Committee since its resolution to serve a Notice.

The Contact Officer for this report is Fiona Wallace (719475).

STEVE MAXEY
Chief Executive

Agenda Item No 5

Planning Sub-Committee

25 February 2022

**Report of the
Head of Development Control**

**Urgent Works Notice: The
Homestead, 82 Main Road,
Austrey**

1 Summary

- 1.1 This is a progress report for the Committee since its resolution to serve this Notice.

Recommendation to the Sub-Committee

That the report be noted and officers are authorised to commence organising contractors to undertake the works covered by the Notice in the event of default by the owner.

2 Background

- 2.1 The last meeting of the Sub-Committee authorised the issue of an Urgent Works Notice at this address.
- 2.2 Additionally, it received a letter from the Conservation Architect indicating that the protective works would be commenced in the week commencing the 14 February 2022.
- 2.3 Officer visits up to the date of preparing this report (the 17 February 2022) indicate that no works have commenced.
- 2.4 At the time of preparing this report it is intended that the notice will be issued and served on 18 February 2022 if the works are still not commenced and completed.
- 2.5 A verbal update will be given to the Committee at its meeting.

3 Observations

- 3.1 Clearly the situation is very dis-appointing but with the service of the Notice, officers would be able to commence organising contractors to undertake the works by default if the notice is not complied with.

3.2 The implications arising from the report remain as set out in Appendix A and are further set out below.

4 Report Implications

4.1 Financial and Value for Money Implications

4.1.1 Outside contractors would be needed to carry out the work on behalf of the Council, in the event of default by the owner in not completing the repairs identified in the Notice. Those costs will be incurred but can be recouped directly from the owner or through a Land Charge against the property when it is sold.

4.1.2 Estimates have been sought through an internal source to date, but the cost could be between £3,000 - £6,000 for an effective waterproof tarpaulin, installed correctly to prevent wind lift, including the cost of scaffolding for the duration of installing the tarpaulin only. A contingency of 20 percent would be sensible given the cost of materials and the shortage of labour. This would cover the cost of making the roof water-tight, though the tarpaulin might well need to extend to the exposed gable in order that the entire roof and its gable are covered to ensure it is water-tight through the roof. The works would be temporary and if installed correctly would last for the duration of 12 – 24 months.

4.1.3 The cost of boarding up openings and any other openings made through repair works to the building is estimated at £200 per opening, though the cost of materials and labour could see a contingency of 20 per cent added onto this estimate. There are ten such openings. These works are required to prevent water ingress through driving rain and the effects of the environment and to prevent trespassers.

4.1.4 The costs are therefore in the range of £6000 to £10,000.

4.1.5 If a more semi-permanent cover is required then corrugated sheeting or a tin “hat” may be possible, though this should be attached correctly to prevent water ingress. The cost of a semi-permanent roof covering would require a similar cost estimate at around £3,000 to £6,000 depending on the availability of materials and labour with the cost of scaffolding. Again, a contingency of 20% is practical.

4.1.6 Section 55 of the Listed Buildings Act 1990 allows the costs of the works to be recovered from the owner by the authority who carried out the works. The owner must be served a Notice requiring him to pay the expenses of the works. Within 28 days of the service of the Notice, the owner may appeal to the Secretary of State by making representations, including that the works are unnecessary or that the amount specified in the Notice is unreasonable.

4.2 Legal and Human Rights Implications

4.2.1 Appropriate action is being recommended in line with the applicable legislation and that does enable a challenge to be made if the Authority undertakes direct action in lieu of the owner or, as stated above, in relation to the recovery of the costs of doing so. The steps proposed are considered a proportionate means of protecting a listed building with minimal 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 Fiona Wallace (719475).

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