

Delegated Report

Planning Ref: 25/00423/LBC
Applicant: Heidelberg Materials UK
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Stables and Kennels rear of Bradgate House, Bradgate Hill, Groby

Proposal: The removal and storage of the timber cupola on the courtyard tower and replacement with a temporary flat roof.

1. Recommendations

- 1.1. **Grant Listed Building Consent** subject to:
- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks Listed Building Consent for the removal and storage of the timber cupola structure on the courtyard tower of The Stables and Kennels to Bradgate House followed by replacement of the structure with a temporary flat roof.

3. Description of the site and historical context

- 3.1. The Stables and Kennels to the now demolished Bradgate House (from here on referred to as "Bradgate Stables") are an outstanding example of a mid-19th century hunting lodge and stable block, built in a Jacobean style. Although in a ruinous state, the building still holds much architectural and historical value from which its significance is derived. This significance is recognised by its Grade II* listing (National Heritage List England (NHLE) ref 1361383).
- 3.2. Due to its very bad condition and no long-term solution to resolve its at risk status the building is on Historic England's Heritage At Risk Register. Due to a lack of voluntary action from current owner the Council has exercised their statutory powers and served notices in both 2022 and 2023 under Section 54 the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that the urgent works necessary for the preservation of the building are undertaken. The owner has voluntarily undertaken some vegetation clearance and urgent works to the west range of the building during 2024. Further works are proposed by the owner for the southern range, and to facilitate these works it is proposed to remove the timber cupola structure on the south tower. The removal of this structure would affect the special interest of the listed building and therefore consent is sought for these works

4. Relevant planning history

- **03/00227/LBC** – Stabilisation works to the building including demolition of unsafe sections – listed Building Approval – 12.05.2003

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2 No responses have been received.

6. Consultation

6.1 Conservation Officer – no objection, comments integrated into this response.

6.2 Conservation Engineer –

The proposed removal and replacement with a temporary flat roof will mitigate the risk of collapse, protect the internal sections of the tower, and facilitate future maintenance. The Cupola will be documented, photographed, and stored on-site, with all records made available to the Council upon request.

This proposal is pursued in the best interests of the long-term conservation and preservation of Bradgate Stables. The Council has reviewed and conditionally agreed to this development, subject to the submission of this Listed Building Consent Application.

Approval is therefore sought to proceed with the proposed works to ensure the continued protection of Bradgate Stables.

6.3 Historic England –

Significance

The Stables and Kennels to the now demolished Bradgate House are an outstanding example of a mid-19th century hunting lodge and stable block, built in a Jacobean style. Although in a ruinous state, the building still holds much architectural and historical value from which its significance is derived. This significance is recognised by its Grade II listing, representing just 5.8% of all listed buildings nationally.*

Impact

The proposal is for the removal of the timber cupola on the south tower to facilitate the carrying out of maintenance works to the tower. The cupola is in a state of decay and is considered by the applicant to be passed the point of repair in situ. In order to mitigate against any further damage to the tower through collapse of the cupola, it is proposed to dismantle, remove, and store the cupola in a garage close to the site.

A temporary roof structure would then be installed over the south tower, allowing the internal fabric to dry out, thus improving protection of the tower and allowing future access for the removal of the now decayed scaffolding presently within the tower.

The submitted information makes clear that the cupola has been recorded and measured via laser scanning whilst in situ and these results have been made available to the LPA. The proposal includes the photographing and recording of the cupola prior to and during removal.

The works strategy in section 3.0 of the submitted statement outlines the process for removal and recording the timber structure. This seems reasonable and could be secured via condition. Paragraph 3.8 states that a simple timber deck with a waterproof membrane would be used as the temporary roof to protect the internal areas of the tower. The LPA should be satisfied that this is an adequate approach. The temporary roof structure will need to direct water away from the building fabric.

Policy

Historic England's advice is provided in line with the statutory requirement placed on local planning authorities by the Planning (Listed Buildings and Conservation Areas) Act, 1990, to have special regard to the desirability of preserving a listed building and its setting (Sections 16(2) and 66(1)).

The importance attached to significance and setting with respect to heritage assets is also recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG).

The NPPF sets out clear guidance for decision-makers, including chapter 16: Conserving and enhancing the historic environment and we would refer you to paragraphs 207, 208, 210, 212, 213, and 215.

In particular, Paragraph 212 which outlines: '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) ...'

And Paragraph 213 details 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.'

And Paragraph 215 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Position

We raise no objection to the proposal. However, in addition to appropriate recording conditions we suggest that a further condition be used to secure the reinstatement of the timber cupola once the maintenance works to the south tower have been completed. Given the condition of the timbers, it will be for the LPA and their specialist conservation advisors to determine how much of the existing cupola can be salvaged. Ideally the cupola will be repaired prior to its reinstatement retaining as much original fabric as possible.

Recommendation

Historic England raise no objection subject to the conditions referenced above.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016):

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)

- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

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

- Impact upon the Listed Building

Impact upon the Listed Building

- 8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. The Borough Council strives to protect, conserve, and enhance the historic environment throughout the borough in accordance with Policies DM11 and DM12.
- 8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when considering whether to grant Listed Building Consent to have special regard to the desirability of preserving the building or its setting or any special features of special architectural and historic interest which it possesses.
- 8.4 Section 16 of the Nation Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated historic asset, great weight should be given to the asset's conservation (Paragraph 212- 215).
- 8.5 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.6 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.7 Specifically, DM12 refers to Heritage Assets and development proposals affecting heritage assets and their settings. For Listed Buildings development will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.8 The proposal is for the removal of the timber cupola on the south tower to facilitate the carrying out of urgent works to the tower and its future maintenance. The cupola is in a state of decay and is considered by the applicant and the Conservation Accredited Structural Engineer appointed as Lead Advisor to the Borough Council to be past the point of repair in situ. In order to mitigate against any further damage

to the tower through collapse of the cupola and allow for a safe access to the interior of the tower to undertake the urgent works, it is proposed to dismantle, remove, and store the cupola in a garage unit on the wider site. A temporary roof structure would then be installed over the south tower, allowing the internal fabric to dry out, thus improving protection of the tower and allowing future access for the removal of the now decayed scaffolding presently within the tower and completion of the urgent works.

- 8.9 A Works Strategy (within sections 2.0 and 3.0 of Schedule 1 of the submitted document 'Application for the Removal and Storage of the Timber Cupola on the Courtyard Tower and Replacement with a Temporary Flat Roof') has been prepared by the applicant and sets out the methodology for the undertaking of this proposal. The methodology is considered to be generally acceptable, and a planning condition has been added to ensure that all works are undertaken in accordance with this Works Strategy.
- 8.10 As the cupola is a key feature of heritage significance upon the listed building it should be recorded prior to and during its proposed dismantling, removal and storage on site. As per section 3.02 of Schedule 1 of the Works Strategy, the cupola has been recorded and measured via laser scanning, with these outputs being satisfactorily deposited with the local planning authority. However further information in the form of record drawings with tagged members marked with accompanying photographs (as per sections 3.03 and 3.06 of Schedule 1 of the Works Strategy) are required to be issued to the local planning authority prior to the commencement of and during the dismantling of the cupola, as is practicable. This is also to be secured by a planning condition.
- 8.11 The proposed location for the storage of the cupola structure within a garage unit within the ownership of the applicant and close to the historic access drive to the Stables is appropriate.
- 8.12 Further details beyond the brief description in section 3.08 of Schedule 1 of the Works Strategy are required to ensure that the proposed temporary roof is appropriately specified. The details of the proposed roof will most likely be determined once the cupola has been removed and the area can be fully assessed, and a planning condition to secure these details is suggested.
- 8.13 The fundamental reasoning for this proposal is for the temporary removal of the cupola to allow for the undertaking of urgent works to the south tower, so once such works have been completed, it is the opinion of the local planning authority the conservation objective should be that the cupola is reinstated to the tower within a reasonable timeframe, suggested as six months, which could be secured by a planning condition. Assessment will be required as to whether this objective is viable and practicable. Should alternative proposals to the reinstatement of the cupola be considered by the applicant it is suggested that they must be submitted to and agreed with the local planning with six months of the completion of the urgent works, with this requirement incorporated as an alternative option within the above planning condition.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 For the above reasons and subject to conditions it is considered that the proposed works would be compatible with the significance of the grade II* listed building Stables and Kennels rear of Bradgate House and consequently the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF, and the statutory duty of Section 16 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

11. Recommendation

11.1 **Grant Listed Building Consent** subject to:

- Conditions outlined at the end of this report.

12. Conditions and Reasons

1. The works to which this consent relates shall be begun before the expiration of two months from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All works should be completed in accordance with the details contained within Sections 2.0 and 3.0 of Schedule 1 of the submitted Works Strategy, as contained within the document titled 'Application for the Removal and Storage of the Timber Cupola on the Courtyard Tower and Replacement with a Temporary Flat Roof'.

Reason: To preserve the special interest of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and

DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the dismantling of the cupola structure drawings of the elements of the cupola to be removed and practicably available for recording shall be produced to a recognised scale and submitted to and approved by the local planning authority in writing. Drawings of all elements of the cupola to be removed shall be produced to a recognised scale and submitted to and approved by the local planning authority in writing within 14 days of completion of the dismantling. This recording process shall include details of the logging and tagging of all elements of the cupola to be dismantled and any supplementary images.

Reason: To allow for the proper recording of the cupola as a feature of heritage significance upon the listed building in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

4. Prior to its installation details of the temporary roof to the south tower shall be submitted to and approved in writing by the local planning authority. Thereafter, the installation of the temporary roof shall be carried out in full accordance with the approved details which shall include:
 - A detailed drawing to a recognised scale of the temporary roof
 - A specification of the temporary roof
 - The method of temporary drainage from the temporary roof

Reason: To preserve the special interest of the listed building in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

5. Upon completion of the urgent works to the south tower, as summarised in Section 2.03 of the approved Works Strategy for the South Tower, the cupola structure should be reinstated upon the listed building to its state prior to commencement of its dismantling with the reinstatement completed within 6 months from the final date of the completion of the urgent works, or alternative proposals for the preservation of the cupola structure must be submitted to and approved by the local planning authority within 6 months from the final date of the completion of the urgent works.

Reason: To preserve the cupola as a feature of heritage significance upon the listed building in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).