

**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

1 November 2021

The Planning and Development Board will meet on Monday, 1 November 2021 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 719237.

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

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

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

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

- 4 **Minutes of the meeting of the Board held on 4 October 2021** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 5a **Application No: PAP/2021/0511 - 1 - 17, St Leonards Close, Dordon, B78 1RP**
Flat to pitch roof conversion.

- 5b Application No: CON/2021/0023 - Land north of Little Wigston, Appleby Magna, Derby**
Change of use of land for the parking of heavy good vehicles (HGV) including harstanding, boundary treatment, landscaping and widening of the unadopted road 'Little Wigston'
- 5c Application No: PAP/2020/0086 and PAP/2020/0087 Beech House, 19 Market Street, Atherstone, CV9 1ET**
Retrospective Planning and Listed Building applications for vehicle access to rear garden with removal of part wall
- 5d Application No: PAP/2017/0340 - Land Between, Rush Lane and Tamworth Road, Cliff**
Outline Application for up to 185 dwellings, public open space; landscaping; sustainable urban drainage; and associated infrastructure - all matters reserved except access
- 5e Application No: PAP/2019/0679 - Land Opposite Delves Field Stables, Boulters Lane, Wood End, CV9 2QF**
Outline application for erection of up to 9 dwellings.

The Contact Officer for this report is Jeff Brown (719410).

6 Appeal Update – Report of the Head of Development Control.

Summary

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

The Contact Officer for this report is Jeff Brown (719410).

7 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.

8 Confidential Extract of the minutes of the Planning and Development Board held on 4 September 2021.

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

4 October 2021

Present: Councillor T Clews in the Chair

Councillors D Clews, Dirveiks, Hancocks, D Humphreys, M Humphreys, Jarvis, Morson, Moss, H Phillips, Parker, Rose and S Smith.

Apologies for absence were received from Councillors Bell (Sub M Humphreys), Hayfield, Lees (Sub S Smith), Macdonald (Sub Parker), Parsons and Simpson (Sub D Clews)

18 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

19 Minutes

The minutes of the meeting of the Planning and Development Board held on 6 September 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

20 Planning Applications

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

Resolved:

- a In respect of Application No PAP/2021/0009 (The Folly – Sykes Barns, Church Lane, Corley, CV7 8BA) it was proposed by Councillor D Humphreys and Seconded by Councillor Rose that the application be deferred for a site visit.**

On being put to the vote, the amendment was lost.

It was proposed by Councillor Jarvis and seconded by Councillor H Phillips that the application be refused for the following reasons:

It is not considered that the development accords with policies LP31(6) of the North Warwickshire Local Plan 2021 as supported by paragraphs 110 and 111 of the National Planning Policy Framework 2021. This is because the

whole structure materially reduces the availability of useable car parking and turning space on the site and the height of the entrance feature further reduces access into the car park beyond. There is thus a significant risk of on-street car parking together with manoeuvring and turning in the highway. approved, subject to the conditions set out in the report of the Head of Development Control;

On being put to the vote the recommendation was approved.

It was proposed by Councillor H Phillips, Seconded by Councillor Morson and approved that:

An Enforcement Notice be served for the reasons outlined in the report of the Head of Development Control.

[Speaker: Tom Sykes]

- b That Application No PAP/2021/0412 (Rosne, Sandy Lane, Fillongley, Coventry, CV7 8DD) be refused for the reasons set out in the report of the Head of Development Control.**

21 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 items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

22 Blabers Hall Farm, Green End, Fillongley

The Head of Development Control provided an outline of enforcement issues at Blabers Hall Farm, Green End, Fillongley and recommended a way forward.

Resolved:

- a That the Solicitor to the Council be authorised to issue a Temporary Stop Notice under s 171E of the Town and Country Planning Act 1990 in respect of the unauthorised engineering operations taking place on the land namely:- The unauthorised engineering operations, including the formation of bunds, alterations to the levels of the land by a cut and fill operation and screening of materials, and the export of the inert materials (on land to the south of the farmhouse);**

- b To correspond with the expiry of the Temporary Stop Notice, that the Solicitor to the Council be authorised to issue two Enforcement Notices, (Notices number 1 & 2,) under s172 of the Town and Country Planning Act 1990 in respect of: -**
- c The first Enforcement Notice (Notice 1) unauthorised engineering operations, including the formation of bunds, alterations to the levels of the land, by a cut and fill operation and screening of materials, and export of inert materials extracted, on land at Blabers Hall Farm, Green End Road Fillongley (on land to the south of the farmhouse);**
- d The second Enforcement Notice (Notice 2) the unauthorised change of use of the land to a mixed use of agriculture and for the storage of civil engineering equipment, items of plant, associated materials, containers skips and other associated items.” (land to the south of the farmhouse);**
- e Notice 1 will require the cessation of all engineering operations, including the formation of bunds, alterations to the levels of the land by a cut and fill operation and screening of materials, and export of inert materials extracted, giving a 28-day period for compliance with terms of the Notice;**
- f Notice 2 will require the cessation of the unauthorised use of the land to a mixed use of agriculture and for the storage of civil engineering equipment, item of plant, associated materials, containers skips and other associated items, giving a four-month period for compliance;**
- g That the Solicitor to the Council be authorised to initiate prosecution proceedings under 179 of the Town and Country Planning Act 1990, should either or both Notices numbers 1 and 2 not be complied with;**
- h That recommendations h – j, as set out in the report of the Head of Development Control be approved.**

23 **The Bromford Tunnel and the Bromford Tunnel Portal**

The Head of Development Control set out changes which were proposed to the HS2 railway infrastructure and suggested an approach to this.

Resolved:

That recommendations a and b, as set out in the report of the Head of Development Control be approved.

Councillor Simpson
Chairman

Agenda Item No 5

Planning and Development Board

1 November 2021

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

3.1 Should there be any implications in respect of:

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

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site: www.northwarks.gov.uk.

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, -6 December 2021- at 6.30pm via Teams.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2021/0511	1	1-17 St Leonards Close, Dordon. Flat to pitch roof conversion	General
5/b	CON/2021/0023	8	Land north of Little Wigston, Appleby Magna Change of use of land for the parking of HGV's including hardstanding, boundary treatment, landscaping and widening of the unadopted road "Little Wigston:.	General
5/c	PAP/2020/0086 and PAP/2020/0087	12	Beech House, 19 Market Street, Atherstone Retrospective planning and listed building applications for retention of a vehicular access to rear garden with partial removal of wall	
5/d	PAP/2017/0340	21	Land between Rush Lane and Tamworth Road, Dosthill Outline application for up to 185 dwellings, public open space, landscaping, sustainable urban drainage and associated infrastructure.	
5/e	PAP/2019/0679	88	Land opposite Delves Field Stables, Boulters Lane, Wood End Outline application for erection of up to 9 dwellings	

General Development Applications

(5/a) Application No: PAP/2021/0511

1 - 17, St Leonards Close, Dordon, B78 1RP

Flat to pitch roof conversion, for

North Warwickshire Borough

Introduction

This application is brought the Planning and Development Board in line with the Council's adopted Scheme of Delegation because the application has been presented by North Warwickshire Borough Council as the applicant.

The Site

There are two blocks on the site, a three-storey residential block at 1-10 St Leonards Close and a single storey block at 11-17 St Leonards Close. Both buildings are flats with flat roofs and cladded concrete frames. The site is located in the Dordon Development Boundary.

A site Location plan is at Appendix A

The Proposal

This is to add a pitched roof to the buildings.

Appendix B illustrates the existing elevations with the proposed at Appendix C.

Development Plan

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

Other Material Planning Considerations

The National Planning Policy Framework

Representations

None have been received.

Observations

The site is in the built-up area of Dordon. Whilst the proposal will not increase the size of the footprint to the buildings, there will be a 2 metre increase in height with the addition of the 22.5 degrees shallow pitch roofs to both blocks.

The proposed development is intended to improve the appearance of the existing residences; to reduce maintenance costs and to improve the energy efficiency and efficacy of the existing housing stock. This is to be achieved by the installation of a new lightweight pitched roof.

The proposed pitched roof will be fixed to the existing flat roof structure, with a pre-engineered metal trussed roof over-clad with lightweight roofing tiles to minimise the additional loading on the existing structure. The roof tiles are to be a Brindle colour. The roof is to be hipped at each end, minimising the impact on the adjacent residential dwellings. No neighbours have objected to the proposal. No neighbours are considered to be significantly adversely affected by the proposal.

The materials for the proposed pitched roof here are similar to those used at Alder Court and Heather Court, Friary Road, Atherstone. There are no other changes proposed to the structures.

Recommendation

That planning permission be GRANTED subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 19123-ACL-SL-1000-P01, 19123-ACL-SL-1003-P01, 19123-ACL-SL-1004-P01, 19123-ACL-SL-1005-P01, 19123-ACL-SL-1006-P01, 19123-ACL-SL-1007-P01, and the Planning Statement 19123-ACL-SL-RP-1000, received by the Local Planning Authority on 25 August 2021.

REASON

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

Notes

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

without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
4. 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.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0511

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement	25/08/21

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.

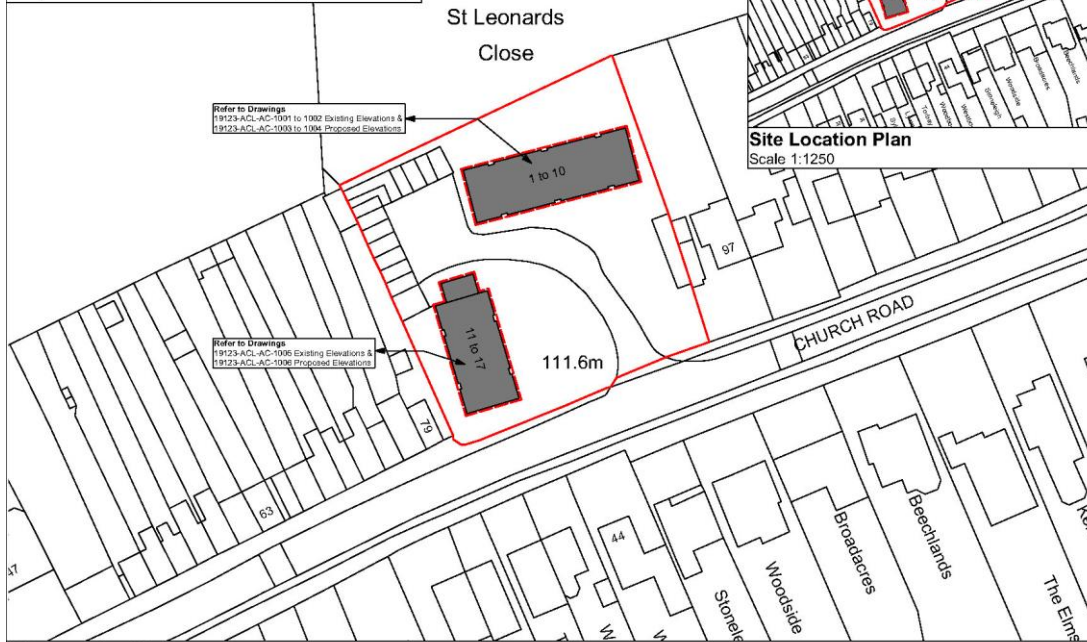
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Reference Key	
Application Site Boundary	
Area of Proposed Work	
Existing Felt Roof	
Proposed Roof (Bramble Brown)	

PAP/2021/0511

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
25/08/2021
PLANNING & DEVELOPMENT
DIVISION

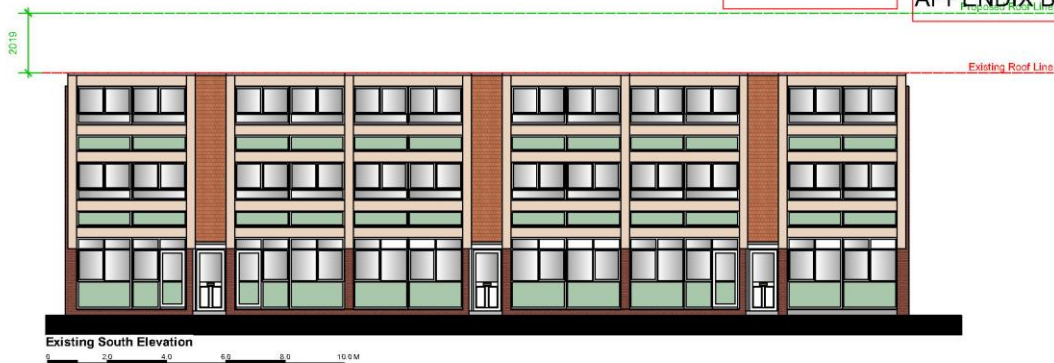
APPENDIX A



Site Location Plan
Scale 1:500

PAP/2021/0511

APPENDIX B



Existing South Elevation



Existing East Elevation

NORTH WARWICKSHIRE
BOROUGH COUNCIL
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25/08/2021
PLANNING & DEVELOPMENT
DIVISION

GENERAL NOTES		
NO.	DATE	DESCRIPTION

art

Art Contracts Limited
Cannon House, Overhorse Road
Banbury, Oxfordshire, United Kingdom
OX16 4TN
www.artcontracts.co.uk

Plot to Pitch Roof Conversion
1-10 & 11-17 St Leonards Close,
Banbury, Warwickshire, OX16 4TN

Existing Site Location B
Block Plan

REV	DATE	DESCRIPTION

REVISION HISTORY		
NO.	DESCRIPTION	DATE

art

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OX16 4TN
www.artcontracts.co.uk

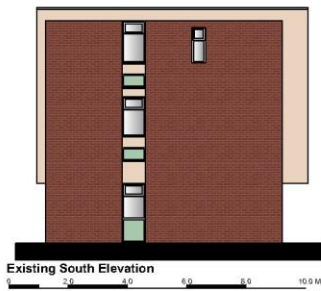
Plot to Pitch Roof Conversion
1-10 & 11-17 St Leonards Close,
Banbury, Warwickshire, OX16 4TN

Existing Elevations
1-10 & 11-17 St Leonards Close

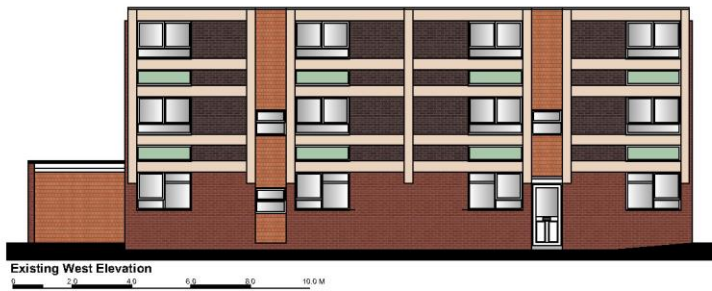
REV	DATE	DESCRIPTION

APPENDIX B

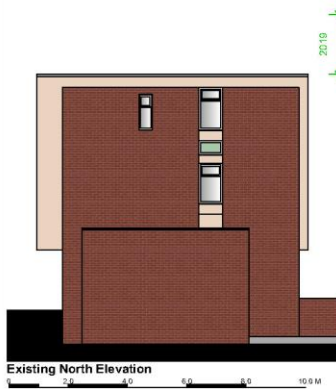
PAP/2021/0511



Existing South Elevation



Existing West Elevation



Existing North Elevation



Existing East Elevation

NORTH WARWICKSHIRE
BOROUGH COUNCIL
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25/08/2021
PLANNING & DEVELOPMENT
DIVISION

GENERAL NOTES	
NO.	DATE

REVISION HISTORY	
NO.	DATE



Art Contracts Limited
Cantor House, Overhorse Road
Banbury, Oxfordshire, United Kingdom
OX16 4TH
www.artcontracts.co.uk

Ref to Pitch Roof Conversion
1-10 & 11-17 St Leonards Close,
Stevenage, Hertfordshire, SG5 1AP

Existing Elevations
1 to 10 St Leonards Close

APPENDIX C

PAP/2021/0511



Existing South Elevation



Existing East Elevation

- ART Lightweight Vitallite, Bramble Brown, 22.5° Pitch
- Extruded aluminium rainwater goods with a polyester powder coated finish to all surfaces, finish back. RWT position to suit existing drainage
- ART roofline aluminium vented fascia and soffit system - 3mm thick polyester powder coated aluminium one piece fascia & soffit finishing, colour: White

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DIVISION



GENERAL NOTES	
NO.	DATE

REVISION HISTORY	
NO.	DATE



Art Contracts Limited
Cantor House, Overhorse Road
Banbury, Oxfordshire, United Kingdom
OX16 4TH
www.artcontracts.co.uk

Ref to Pitch Roof Conversion
1-10 & 11-17 St Leonards Close,
Stevenage, Hertfordshire, SG5 1AP

Proposed Elevations
1 to 10 St Leonards Close



Proposed South Elevation

Extruded aluminum rainwater goods with a polyester powder coated finish to all surfaces, finish black. RWP position to suit existing drainage



Proposed North Elevation



Proposed West Elevation



Proposed East Elevation

ART Lightweight Vitaflo, Bramble Brown, 22.5° Pitch

ART roofline aluminum vented fascia and soffit system - 3mm thick polyester powder coated aluminum one piece fascia & soffit flashing, colour: White

Proposed Roof Line

Existing Roof Line

NORTH WARWICKSHIRE
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25/08/2021
PLANNING & DEVELOPMENT
DIVISION



GENERAL NOTES		
NO.	DATE	DESCRIPTION

REVISION HISTORY		
NO.	DATE	DESCRIPTION



Art Contracts Limited
Cantor House, Overhorse Road
Berkhampstead, Hertfordshire, United Kingdom
SG12 4TN
www.artcontracts.co.uk

File to High Roof Conversion
1-10 & 11-17 St. Leonards Close,
St Leonards, TW20 1BP

Proposed Elevations
11 to 17, St Leonards Close

NO.	DATE	DESCRIPTION

General Development Applications

(5/b) Application No: CON/2021/0023

Land north of Little Wigston, Appleby Magna, Derby,

Change of use of land for the parking of heavy good vehicles (HGV) including harstanding, boundary treatment, landscaping and widening of the unadopted road 'Little Wigston', for

North West Leicestershire District Council

Introduction

This application has been submitted to the North West Leicestershire District Council (“NWDC”) and North Warwickshire has been invited to make representations to NWDC as part of its determination of the application.

The Site

This is a rectangular piece of land located between the B5493 Tamworth Road and the M42 Motorway immediately south of Junction 11. The redevelopment of land for an IM Properties employment site is underway on the opposite side of the B5493. This is known as Mercia Park. There is also a haulage yard immediately to the south. A location plan is at Appendix A.

The Proposal

This is as described in the application header above. A proposed layout is attached at Appendix B and Appendix C places the development in context with the IM site referred to above as well as the haulage yard.

Background

The applicant states that the site is “previously developed land” by virtue of the grant of a Certificate of Lawfulness by NWDC for use as a haulage yard and motocross track.

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

Policy LP1 of the new Local Plan says that infrastructure is to be sought where necessary so that it is directly related to new development. Policy LP34 says that in light of the Borough’s strategic location and the demand for lorry parking, weight will be given

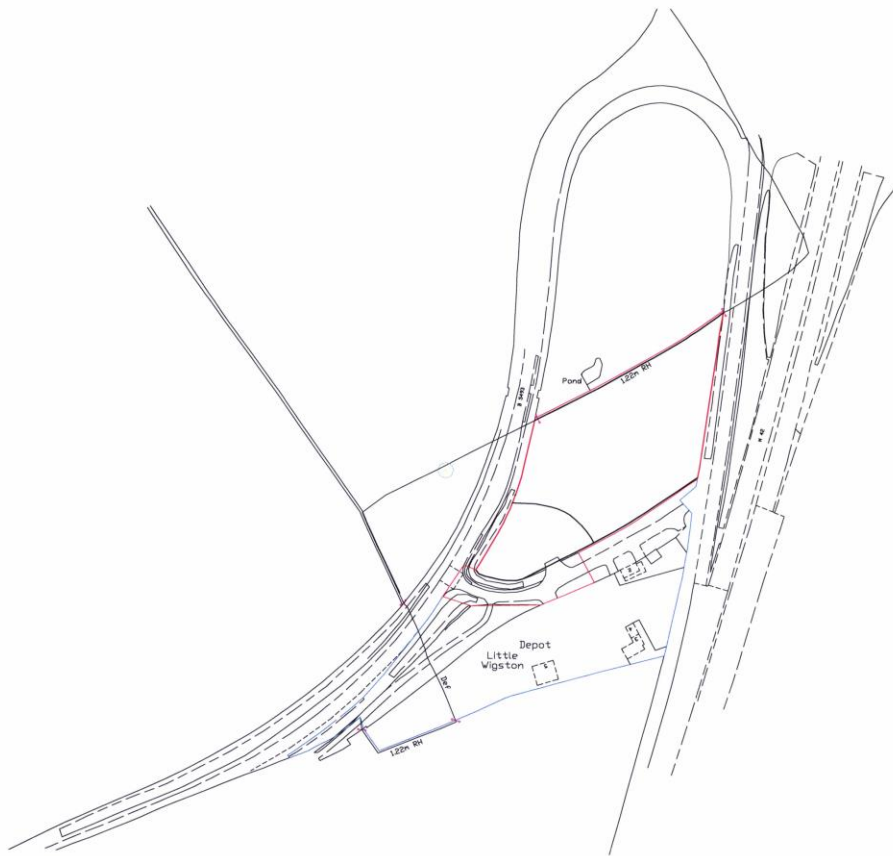
to lorry parking provision and facilities. Policy LP29 says that new development should make effective use of brownfield land in appropriate locations. In all of these circumstances, the Council's Local Plan would lend support to this proposal given the background and setting as described above. It would thus appear to be an appropriate site for the proposed use. Detailed and technical considerations are a matter for NWDC to assess, but the key issue for this Council is to reduce HGV usage on the A444 as it joins Junction 11 and passes south through North Warwickshire, as well as other minor roads that pass through local villages.

Recommendation

That the Council raises no objection to this proposal but requests that consideration be given to the best means to restrict the use of HGV's on the surrounding highway in North Warwickshire.

APPENDIX A

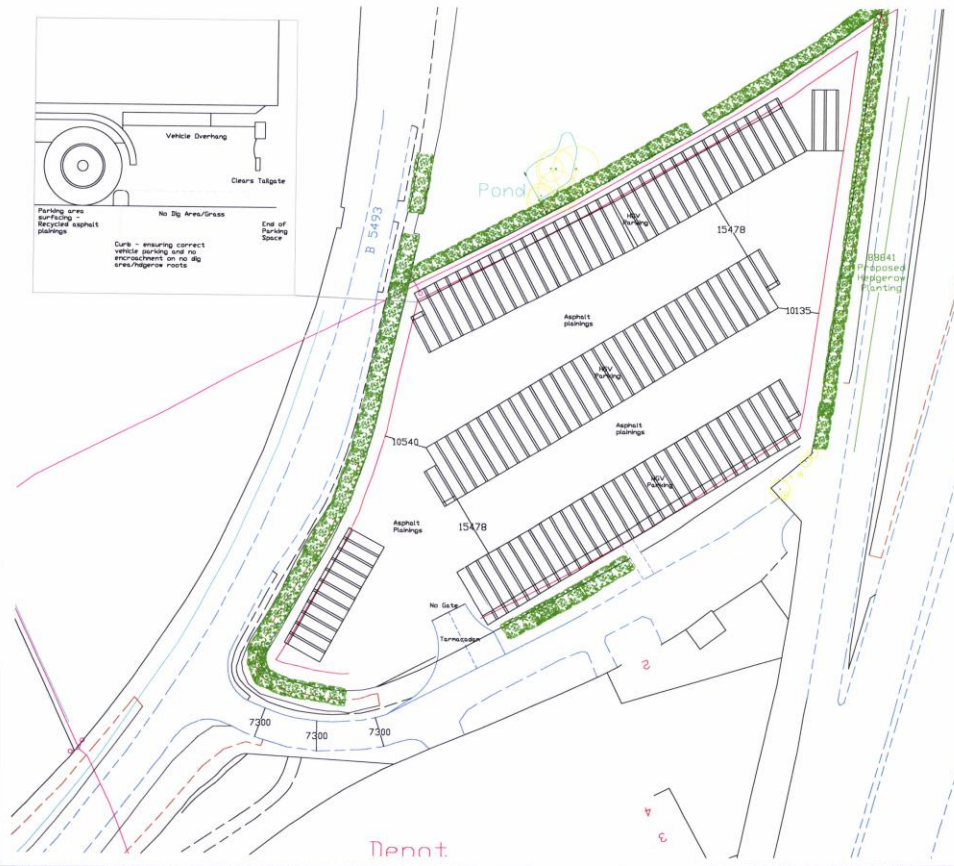
ALL DRAWINGS PREPARED BY ANDREW LARGE SURVEYORS LTD ARE TO BE UTILISED FOR PLANNING PURPOSES ONLY.



Andrew Large
surveyors LTD
LAND NORTH OF LITTLE WIGSTON, APPELBY MAGNA
SITE LOCATION PLAN
SCALE: 1:1250@A2

APPENDIX B

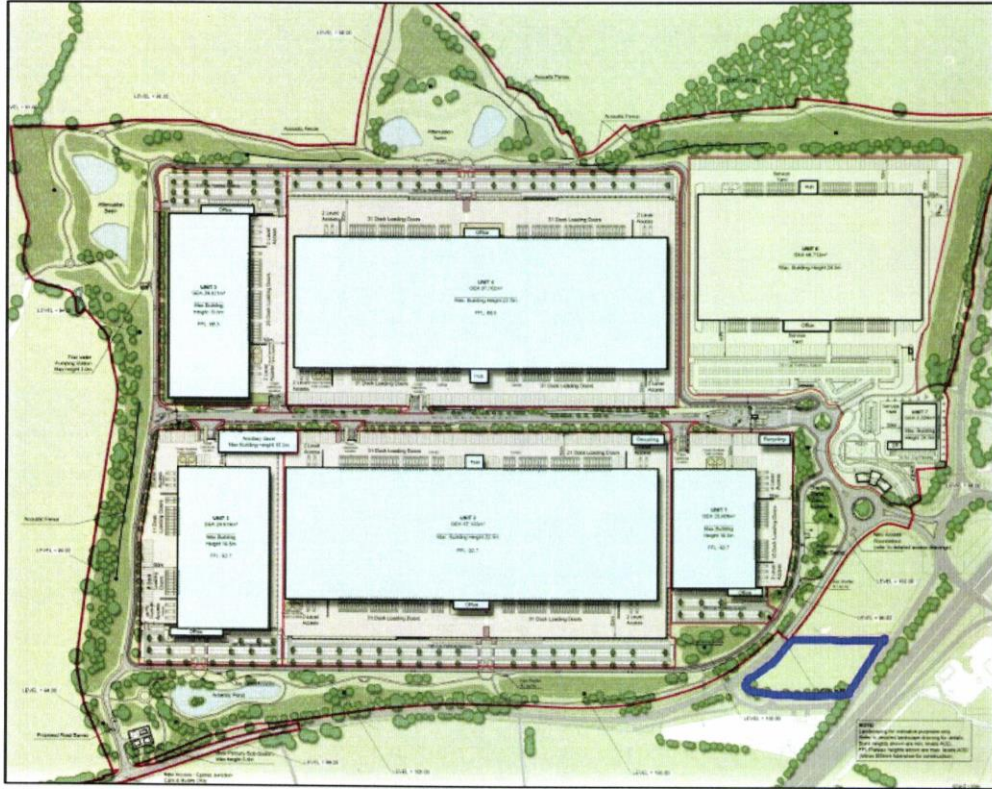
ALL DRAWINGS PREPARED BY ANDREW LARGE SURVEYORS LTD ARE TO BE UTILISED FOR PLANNING PURPOSES ONLY.



Andrew Large
surveyors LTD
LAND NORTH OF LITTLE WIGSTON, APPELBY MAGNA
PROPOSED SITE PLAN AND INDICATIVE PARKING LAYOUT
SCALE: 1:500@A2

Notes:
Red Line - Denotes hedge root protection area, amendment/ surfacing must be within the red line.
Access Details:
- 800 to be increased to 10m
- Access width to be increased to 7.5m
- Unpaved road to be increased in width to 7.5m
- Gates to be set 25m back
- Access upgrade as per recommendations in 505 of the L105
Proposed Hedge Specification
- 888 metres in length
- 4 white steel hedging plants per metre, 1.8m high
- 100% local bare root in protective tubes, species to be planted in a random mix
- Species mix:
- 50% Hawthorn (Crataegus monogyna)
- 20% Blackthorn (Prunus spinosa)
- 15% Hazel (Corylus avellana)
- 15% Guelder Rose (Viburnum opulus)
The proposed and existing hedges will be sited to grow to a height, ensuring the site and parked HDV's from both the A62 and the B5493.
Indicative Parking Layout
Tractor and Trailer Spaces - 15m x 3.5m with 25m either side as per L105 (Figure 10.16). (Spacing circle between facing rows are 25m. Access to the parking spaces to the eastern boundary is shown with a red line)
Tractor unit only/ rigid Body Spaces - 10m x 2.5m with 25m either side
Number of Tractor and Trailer Parking Spaces 17
Number of Tractor unit only spaces 13
Parking Spaces backing onto hedge root protection areas will include curb as per Figure 1, ensuring correct parking and no encroachment by wheels on hedge root.
Please note HDV spaces will not always be shown by both tractor and trailer unit.

APPENDIX C



General Development Applications

(5/c) Application No: PAP/2020/0086 and PAP/2020/0087

Beech House, 19 Market Street, Atherstone, CV9 1ET

Retrospective Planning and Listed Building applications for vehicle access to rear garden with removal of part wall, for

Arragon Properties

Introduction

These applications are referred to the Board given its past interest in this building.

The Site

Beech House fronts the Market Square in Atherstone along its Market street frontage close to the arched junction with North Street. It is a three-storey residence, which comprises mixed uses at ground floor – commercial, offices and public houses – with residential above.

It has a walled rear garden which abuts garden land on either side.

Immediately to the rear is the former single storey telephone exchange building and a substantial Copper Beech tree.

The Old Post Office Yard beyond has a number of residential conversions including two cottages fronting North Street which abut the old exchange building.

The rear garden to the former Lloyds Bank premises which fronts Long Street adjoins the Beech House rear garden to its south.

Its location is illustrated at Appendix A

The Proposals

It is proposed to retain an opening in the corner of the rear garden wall in order to enable vehicular access into the rear garden. The opening is around three metres wide and the wall here is around two metres tall. This opening faces the former exchange building and the gap between that and the rear wall is presently filled by a pair of black wooden gates. Access to North Street is directly from these gates. Two car parking spaces are proposed in the rear garden.

The proposals in plan form and by photograph are at Appendix A

Background

Beech House was upgraded to a Grade 2-star Listed Building in 1995 and it now also appears on Historic England's "Buildings at Risk" Register. The list description for the building is at Appendix B.

Numbers 7, 9, 11 and 13 Market Street to the south of Beech House are Grade 2 Listed Buildings, as is the Public House next door to the north.

All of these properties are within the designated Atherstone Conservation Area

The Beech Tree referred to above is protected by a Tree Preservation Order.

In 2011, applications for Planning Permission and an associated Listed Building Consent were refused for a similar proposal to that now before the Board.

In 2017, a package of planning permissions and listed building consents was granted for the external and internal restoration and repair of Beech House together with the conversion of the former “exchange” building into three one-bedroom dwellings and the construction of three cottages in the rear garden of the former Lloyds Bank building which fronts Long Street. These consents were “bound together” through a Section 106 Agreement. This in essence provided a timetable for the implementation of the new construction which was to be triggered following the phased completion of the approved works to Beech House. The location of the three new cottages is shown at Appendix A.

Representations

Atherstone Town Council – No objection

Consultations

Historic England – It considers that a “house of this calibre would be expected to have some parking provision even in a town centre location” but notes that the breach in the wall has already been made. It therefore has concerns about the application, unless the Local Planning Authority is satisfied that this is the only reasonable manner in which to provide car parking.

Development Plan

The North Warwickshire Local Plan 2021 – LP15 (Historic Environment) and LP29 (Development Considerations)

Other Material Planning Considerations

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

The Atherstone Conservation Area Designation Report – 1994

The Draft Atherstone Conservation Area Appraisal – 2006

Observations

a) The Heritage Assets

As Members are aware, the Council has statutory duties when it has to deal with development proposals affecting heritage assets. In respect of Conservation Areas, it has to pay “special attention to the desirability of preserving or enhancing the character

and appearance of the Area". When considering Listed Buildings, the Council has to "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". It is thus necessary for the Board to fully understand the character and appearance of the Conservation Area and the special features and settings of the Listed Buildings. This is done by understanding the significance of the heritage assets.

The overall significance of the Conservation Area is that it covers a substantial area of the town centre reflecting the town's different architectural and historic development through many different time periods. This is portrayed in the retention of substantial contemporaneous built form; layout and open spaces depicting different uses from industrial through to residential and the service sector. Architectural character and attributes from these different periods and uses remain – the line of the Roman Watling Street, the medieval burghage plots, the Georgian appearance of Long Street and the Victorian industrial buildings. The significance is thus very much about the whole town's diverse history.

Being so large, it is possible to divide the Area into several distinct sub-areas. The Market Square and its environs has historic interest, as the original 13th Century market space has evolved into the 18th and 19th Century space that is seen today, with its current market, retail and industrial uses reflecting past activity. The architectural interest is that this is now the finest townscape in Atherstone. The buildings have a high degree of individual interest and integrity as well as substantial group value. They line the square with the Church providing the main focal point. Two or three large residences along the eastern side have large mature walled gardens, which although private, are rare green spaces within the town centre – Beech House being one of them. They reflect a significant type of 18th and 19th Century residential occupation not repeated elsewhere in the town.

The area between Long Street and North Street still reflects the development of the medieval burghage plots extending back from Long Street with their rear ranges and entrances. The area however remains relatively open due to the lack of later developments.

Beech House is a Grade 2 star listed building and is thus of national importance. Additionally, it is one of the most important historic buildings in the town within the most significant part of the town's Conservation Area where it has a strong presence. It is a prominent Queen Anne style town house that replaced a former timber framed Tudor building. It has two storeys, an attic and cellar and is a well-preserved building of dignified character and architectural quality both inside and out. It retains not only its original plan form, but also a significant proportion of eighteenth and nineteenth century architectural features both inside and out. Its significance as a heritage asset lies in its rarity value; its largely unaltered residential form and its documented social and domestic history. It is one of the finest and most intact buildings of its type because of its completeness and the integrity of its historic and architectural interest. The curtilage as a whole retains the grain of urban plots reflecting a pattern of land that has little changed since the 13th Century. This is enhanced by its location within the most important part of the town and its prominence in the street scene hereabouts.

The other Listed Buildings referred to above in the surrounding area are scattered along the frontages to Long Street, Church and Market Streets. These are three storey contemporaneous late 18th Century and early 19th Century buildings with original internal plan forms and features as well as external features typical of the period – fenestration details etc. Of particular note is the half-timbered rear elevation of the older – 16th Century- number 15 Market Street. Many retain their retail ground floor frontages and some retain their rear ranges reducing in height along historic plot boundaries. Apart from their significance in their own right, there is substantial group value in their contribution to the character and appearance of the Conservation Area.

Additionally, there is the large Copper Beech tree within the rear garden of Beech House. It is protected by Order and has substantial public amenity value not only in itself, but also because it enhances the character and appearance of the Conservation Area and the setting of Beech House. It also has historic and community value in that it was planted for the Diamond Jubilee of Queen Victoria.

b) The Impact of The Proposals

The significance of the heritage asset here is one of an 18th Century single townhouse which remains intact together with its walled rear garden. This feature is an intrinsic part of the domestic architectural and historic character of the property. Any proposals that move away from this description will detract from this significance. So as a matter of principle the current proposals are at an immediate disadvantage in that they do not preserve or enhance the significance of the asset. This is because a section of the wall would be breached thus reducing the visual, historic and architectural integrity of there being a complete rear walled garden; different surface materials would be introduced into the garden and cars would be parked here thus diminishing a key attribute of the significance of the house – its wholly domestic characteristic of it being an open rear garden. It is considered that the harm caused to the significance of the asset is substantial. This is because of the high calibre of the asset; the high intrinsic value of the garden to its significance and the group value of this and the neighbouring open rear gardens to its setting and to the character of the Conservation Area.

c) The Planning Balance

The NPPF says that where a proposed development would lead to substantial harm to a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The 2011 case referred to above led to a refusal because the Board did not fully consider that those benefits did outweigh the harm likely to be caused. The issue is thus whether this balance has changed.

It is considered that it has.

The central issue back in 2011 was that the future of Beech House was still in doubt. Moreover, the condition of the property was deteriorating as there had been no occupation for some time. It is a single dwelling house and that was and still is the preferred use. There were proposals being considered for its sub-division into apartments, but such works would be very likely to have had a substantial adverse impact on its significance as a retained, complete and unchanged 18th Century townhouse. In essence the provision of parking was putting the “cart before the horse” without works being done to first put the property into good order, so that it could indeed have the potential to be retained as a single dwelling house.

The package of permissions in 2017 changes this situation. The consent granted for the repair and restoration work to Beech House would prevent further deterioration and would allow its re-use as a single dwelling house. In order to “enable” this, additional new development was permitted elsewhere as indicated above. The Section 106 Agreement links all of these elements together and provides a timetable for a series of developments. Firstly, essential repair works to the roof and rainwater goods at Beech House had to be completed, together with the submission of a damp condition survey. Once these works and those agreed under the damp survey have been satisfactorily completed, work could begin on the replacement roof for the exchange building and on the foundations of the new cottages. Work on those cottages could continue only after satisfactory completion of agreed internal decoration and internal fittings for Beech House, with final occupation of the new cottages only after all kitchen and bathroom fittings for Beech House had been completed.

Work commenced on the first phases of the restoration and repair work well before the consequences of the impact of the situation in the last 18 months took effect. The roof has been fully repaired with all rainwater goods refixed or replaced. The windows to the front elevation have been replaced with timber sashes matching the historic profile with the front railings being repaired and the front elevation sanded and repaired. The building is now watertight. This work has visually preserved the appearance of the house in the street-scene and has enhanced the character of this part of the Conservation Area. The next step is to scope the damp condition survey. Officers have inspected the works and are satisfied with the outcome in that the building is considered to be in a far better state than previously, and that this situation will be far more likely to lead to its retention as a single dwelling. They will also be involved in the scoping of the damp survey and in assessing the options that arise. Overall, there has been a significant start made to the implementation of the terms of the Agreement.

The breaching of the rear wall was made in order to access the rear of the site with scaffolding and materials which quite simply could not have been undertaken from the front of the property. It also prevented a substantial amount of disruption to Market Street itself. There is also a likelihood of the breach having to be retained in order to gain reasonable access for the ongoing repairs to the rear elevation as well as for internal refurbishments.

Whilst the breach is there, the applicant has resurrected his proposal of retaining it as a new vehicular access. The reason for this has always been that there is no alternative car parking area for future occupiers of the property, other than on-street parking or use of public car parks. One of the main issues evidenced in past campaigns to market the property as a single dwelling house was the lack of any private and secure on-site car parking. This was the case, notwithstanding the very sustainable location in a town with regular bus and rail connections. The applicant therefore takes the view that in order to retain and re-use the property as a single dwelling house, some private onsite parking is essential.

This argument has always carried weight but has never to date been sufficient to warrant overriding the harms caused. The building has now been vacant for 16 years but yet it now remains well preserved and with the recent repairs and maintenance it is certainly far more viable as a single dwelling. Given the high significance of the building as expressed above, it should not be subdivided. It is considered that the 2017

“package” of permissions and the subsequent progress on their implementation has altered the balance. A greater public benefit is now in sight – the full restoration of Beech House which will enable its retention as a single dwelling house. The first part of achieving that objective is underway – the restoration – and the second part – its success - is likely to be enhanced through onsite parking provision, albeit limited. One of the obstacles preventing its re-occupation in the past as a large townhouse, has been the lack of secure private parking. The existing gap in the rear wall was made to facilitate access to carry out the essential maintenance work. There was no alternative solution because of the height of the building and the urgent need to carry out repairs. The gap needs to be retained in order to continue refurbishment of the rear elevation. Whilst there is indeed substantial harm to the significance of the asset, the visual harm is limited because the breach is in the rear wall, not the side wall; the legibility of the plot form is retained, the gap is less in width than that proposed in 2011 and the gates do not look out of place, being adjacent to two new cottages. Overall, therefore it is considered that the final balance here has altered.

As such the public benefit of increased confidence in retaining the building as a single dwelling; its continued refurbishment in line with an agreed phasing and that the building may well be removed from the Buildings at Risk Register as a consequence of the current work all suggest that the planning balance now lies in achieving an outcome that will match the significance of the heritage asset.

Historic England ask that alternatives be looked at. The only realistic one is to have car parking in the former Bank’s garden to the south with a small pedestrian only gate made in the southern garden wall. However, this would also introduce cars to that open garden and it too would need a larger breach in the eastern much taller wall to that garden in order to gain access. It also would lead to pressure for additional parking here for the three new cottages. Overall, therefore it is considered that the harm caused by that alternative would be also be substantial and that it would probably have a greater adverse intervention on historic assets.

Recommendations

PAP/2020/0086 and 0087

That planning permission and Listed Building Consent be GRANTED subject to the following conditions:

1. Standard Plan numbers condition – plan number 1092/01A
2. The materials removed as a consequence of the works hereby approved shall be stored on site to the written satisfaction of the Local Planning Authority

Reason: In order to retain materials for re-use on the site in view of the heritage interest of the site.

3. Within three months of the date of this permission, details shall be submitted to the Local Planning Authority to show the two ends of the wall now exposed are to be finished in a watertight manner. The approved measures shall the be implemented in full within three months of the date of their approval

Reason: In the interests of the heritage value of the site.

4. Within three months of the date of this permission, full details of how the car parking and turning areas are to be laid out, surfaced and drained shall be submitted to the Local Planning Authority. The approved measures shall then be implemented in full within three months of the date of their approval.

Reason: In the interests of the heritage value of the site and in order to protect the Copper Beech tree.

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through active engagement with the applicant in order to achieve a positive outcome. It is considered that the proposal satisfies the requirements of Policy LP15 of the North Warwickshire Local Plan 2021 and that in respect of paragraph 201(d) of the NPPF, the harm is outweighed by the greater public benefit of enabling the opportunity for the site to be brought back into its preferred use.
2. Standard Party Wall Act Informatives



Photo C

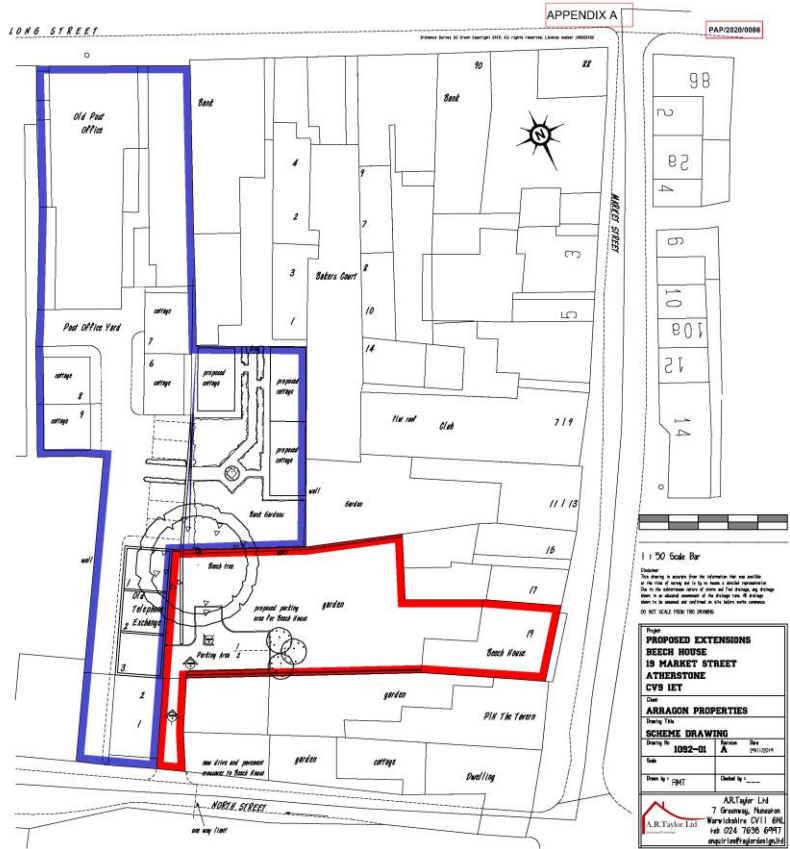


Photo B



Photo A

ARRAGON PROPERTIES
1052-01
10/20/2014



SP3097

ATHERSTONE

MARKET STREET

(South-east side)

Nos. 15 and 17 and Tudor
Solarium9/70
25/03/68

6V

II

House, now shops and solarium; part of row. C16 with C19 alterations. Roughcast, probably over timber-framing. Plain-tile roof has two gables; jettied to No.15 on right. Massive central stack of thin bricks has 2 square shafts with pilaster strips. Double-depth plan. 2 storeys; 3-window range. Central plank door in moulded wood surround. No.17 on left has central C20 half-glazed door but with old overlight and 2 early C19 canted shop windows with glazing bars. First floor has C20 cross window. No.15 has late C19 shop front with half-glazed 4-panelled door, shop window and cornice with brackets continued across central doorway. First floor has two 4-pane sashes. Interior has chamfered beams. No.17 has former open fireplace, with moulded cornice, towards rear.

(Buildings of England: Warwickshire: p77)

SP3097

ATHERSTONE

MARKET STREET

(South-east side)

No.19 (Beech House) and
attached railings9/71
25/03/68

6V

II

House, now partly doctor's surgery; part of row. Dated 1708 on a later stone above basement. Flemish bond brick with painted stone dressings; old plain-tile tiled roof; C19 brick internal stacks to left and right. L-plan with wing on right to rear. Queen Anne style. 2 storeys, basement and attic; 3 bays. Regular front has stone basement. Rusticated quoin strips, moulded string course and moulded and dentil cornices. 3 wood and iron 2-light casements have glazing bars. Ground floor has steps to entrance on left. Late C18 six-panelled door and fanlight with panelled reveals; stucco Tuscan doorcase of half columns and open pediment has paterae above capitals. 18-pane sashes have thick glazing bars and brick flat arches with moulded keystones interrupting string course; on first floor keystones abut cornice. Fifth bay has flush 6-panelled door at street level, with stucco panel above and flat arch with keystone. 2 box roof dormers have windows with glazing bars. Interior not inspected.

(Buildings of England: Warwickshire: p77)