

**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, 15 December 2014 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

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General Development Applications

1) Application No: CON/2014/0021

Mancetter Quarry, Quarry Lane, Mancetter

Lateral extension of the existing quarry; the creation of permanent landform features, the consolidation and regularisation of existing operations and associated ancillary development for

Lafarge Trading Ltd

Introduction

This application has been submitted to the Warwickshire County Council as Minerals Planning Authority. It will determine the application and as part of that process has invited this Council to comment on the proposals

The Site

This is a large long established stone quarry to the south-west of Mancetter accessed off Purley Chase Lane and Quarry Lane which run through Mancetter – including its Conservation Area - to the north and the A5, and south to the B4111 and Nuneaton. The quarry is in fact made up of the existing operational quarry known as Oldbury Quarry south of Purley Chase Lane; the restored Jubilee Quarry, also south of the Lane and the partially restored Purely Quarry which is on the other side of the Lane. The overall area is some 96 hectares with 73 constituting the existing quarry. The overall site is shown at Appendix A.

The Proposals

It is proposed to extend Oldbury Quarry to the south-west by a further 23 hectares. This would be undertaken in a series of phases commencing at the southern end and working north. The general area of the extension is shown at Appendix B.

Background

Stone quarrying here has continued since at least 1887. The current extant planning permissions date from 2002 and 2011 and enable quarrying up to 2025.

Mineral extraction is undertaken by drilling, blasting, crushing and screening rock into graded aggregate sizes. Blasted rock is transported by dump truck to the processing plant within the north east corner of the site which has access onto Purley Chase Lane. The plant area consists mainly of metal clad structures which houses the crushing plant. This basic process would continue. This part of the site also houses a tar-macadam coating plant for some of the aggregates.

The application in effect seeks to extend the geographic area for extraction. There are currently about three years supply in the existing quarry area and the extension would add a further eight years. This would therefore take the working life of the enlarged quarry up to 2025, which is the “end date” for the existing quarry, conditioned by the existing extant planning permission.

There are no proposals to amend the existing operational planning controls or the access and lorry routing conditions. The existing arrangements and rate of output would thus continue as now up to 2025.

The whole site would be then be restored. The Jubilee Quarry has largely been restored to grass and heathland with blocks of woodland planting. The Oldbury Quarry is to be re-instated to open water as a new lake feature together with extensive shallows and reed bed terraces. Much of the quarry walls would be allowed to naturally regenerate and there would be extensive woodland planting around the southern and eastern boundaries. The western boundary, the subject of this proposed extension would be restored to grass and heath land with a significant proportion of new woodland. Existing public footpaths would be reinstated to enable links to Hartshill Hayes and into Mancetter/Atherstone.

The existing working planning conditions are:

- Tip Removal, soli stripping and overburden removal
0800 to 1730 (Monday to Friday) and 0800 to 1200 (Saturdays)
- Blasting Operations
1000 to 1600 (Monday to Friday) and 1000 to 1200 (Saturdays)
- Operation of the Coating Plant
0400 to 1730 (Mondays to Fridays); 0400 to 1700 (Saturdays) and 0500 to 1700 on Sundays
- Vehicle Movements
0600 to 1730 (Mondays to Fridays) and 0600 to 1200 on Saturdays
- Vehicle Movements (Coated Stone)
1200 to 1700 (Saturdays) and 0600 to 1700 on Sundays.

In addition no more than five loads of coated stone per hour should leave the quarry between 1200 and 1700 on Saturdays and 0600 to 1700 on Sundays.

The current planning permission is accompanied by a HGV routing agreement – all unladen HGV's enter the site via Mancetter from Quarry Lane and they then exit the site via Purley Chase Lane and onto the B4114 Coleshill Road. This would not change and the applicant says that as the existing rate of extraction would continue, there would be no increase in traffic movements. There is also an annual road maintenance contribution within this Agreement.

The applicant has already undertaken a local consultation exercise in Mancetter which included exhibition material – in April and July 2014 - and it is to conduct a further exhibition in Mancetter in the next few days. It has also met the Mancetter Quarry Liaison Committee on two occasions.

Members may recall that this Council objected in 2011 to proposed revisions to the operating hours of the asphalt production and deliveries here on Saturday and Sunday afternoons. The County Council supported this objection, but an appeal lodged by the applicant was allowed thus enabling the afternoon weekend hours set out above.

Development Plan

The Saved Policies of Warwickshire Minerals Plan 1995 - M1 (Preferred Areas and Areas of Search); M5 (Safeguarding Minerals), M6 (Planning Considerations), M7 (Aftercare Conditions), M9 (Restoration).

The Saved Policies of the North Warwickshire Local Plan 2006 – ENV1 (Protection and Enhancement of the Natural Landscape); ENV3 (Nature Conservation), ENV9 (Air Quality), ENV11 (Neighbour Amenity), ENV14 (Access Design), ENV15 (Conservation) and TPT1 (Transport Considerations).

The North Warwickshire Core Strategy 2014 – NW8 (Sustainable Development) and NW 11 (Natural and Historic Development)

Other Material Planning Considerations

The National Planning Policy Framework 2012 - the NPPF

The National Planning Practice Guidance 2014 – the NPPG

The Warwickshire Minerals Plan based on the Warwickshire Minerals Core Strategy “Revised Spatial Options” 2009.

Observations

The saved policies of the Minerals Local Plan and the emerging replacement both acknowledge that because of the rarity of the type of stone being extracted here and its quality, that this existing resource should be safeguarded and extracted over time. As the Minerals Local Plan is out of date and the emerging replacement only has limited weight, the NPPF and NPPG will carry greater significance. These considerations are based on promoting growth and supporting economic and housing development where that is sustainable. The resource here will therefore be required to enable these objectives. As such the principle of further extension here is considered to be accepted. Indeed given that there is an extant permission for quarrying to continue to 2025, it is not considered that a refusal in principle could be sustained. The issue therefore for the Borough Council is whether that would lead to adverse impacts.

The continuing issues with the site are substantially all to do with traffic movements and their impacts on the roads; the amenity of occupiers along the agreed routes and the character and appearance of the Conservation Area. The Council has objected on several occasions because of these impacts particularly when operating hours or increased HGV movements are being proposed. Past decisions have too often appeared to show that the balance between the quarry being a good neighbour and the need to extract this resource has fallen on the developer’s side. That has resulted in the schedule of extant operating conditions which are now operative until 2025. As the current application does not seek any variation of these conditions or the routing agreement, there is regrettably very little opportunity here to further influence that balance.

Recommendation

That the County Council be informed that notwithstanding this Council's continued concerns about the traffic and amenity impacts arising from the operation of this quarry, this Council reluctantly has no objection to this proposal. However it formally requests the County Council to establish whether the applicant is prepared to review the existing operating conditions over time as the extraction period nears completion.

BACKGROUND PAPERS

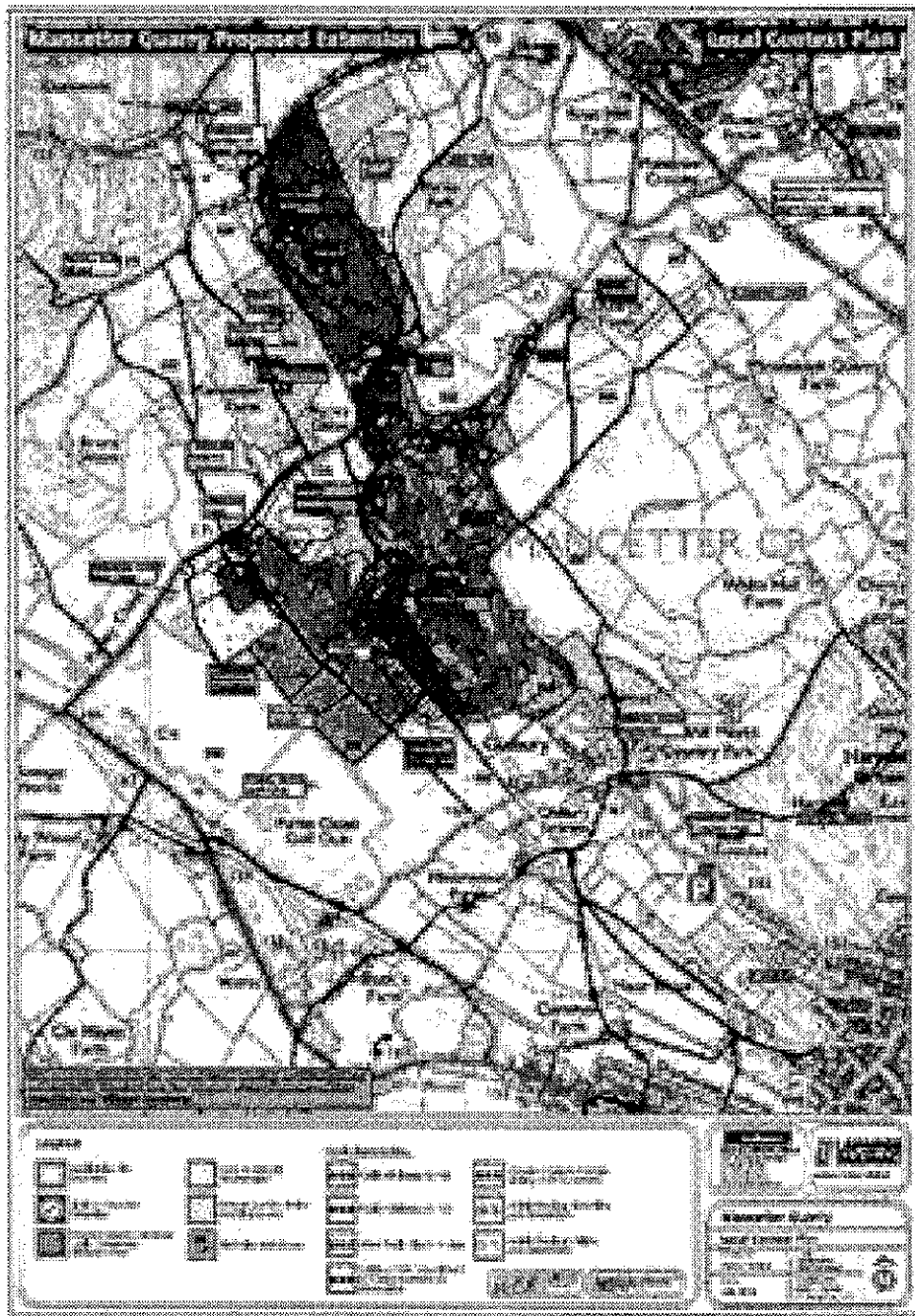
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2014/0021

Background Paper No	Author	Nature of Background Paper	Date
1	WCC	Letters	01/10/2014

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.





2) Application No: CON/2014/0024

Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU

Variation of condition 1 (NWB.11CM019), for permission to extend the life of development by a further four years for

Traxx Aggregates Ltd

Introduction

This application has been submitted to the Warwickshire County Council as the Minerals Local Planning Authority. The Borough Council has been invited to submit comments as part of the application process.

The Site

This sand and gravel quarry is on the east side of Coleshill lying on the east side of the River Cole and the Station Road industrial site with vehicular access off Gorse Lane. Appendix A illustrates the general location.

The Proposals

Coleshill Quarry commenced operations in 1990 and the mineral reserve is now exhausted with restoration continuing. A material recycling facility was first granted permission here in 2003 and this is due to expire in late 2014.

This facility is centrally located in the site surrounded by earth bunding. Most of the waste managed by the facility comes from the nearby urban areas and arrives on site by road. The facility has "diverted" waste that would normally have been used in the restoration scheme here as recycled material has been used off-site. Additionally the economic downturn resulted in less waste arriving at the site. The combination of these two factors has meant that the final restoration of the site will take longer than anticipated. The application is submitted in order to allow a further four years in order to complete the restoration - to 2018. There is no anticipated intensification of lorry movements throughout this period as the facility itself has a capacity limit.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – ENV1 (Protection and Enhancement of Natural Landscape); ENV2 (Green Belt), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV14 (Access Design)

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development) and NW10 (Development Considerations)

The Warwickshire Waste Core Strategy 2013 – CS2 (Spatial Waste Planning Strategy), DM1 (Protecting and Enhancement of the Natural and Built Environment), DM2 (Managing Impacts)

Other Material Planning Considerations

The National Planning Performance Framework 2012

Observations

The site is in the Green Belt but it benefits from a lawful use as a minerals recycling facility, and the current proposal is to continue with this facility. Given the adoption of the Waste Core Strategy which supports waste recycling in line with Government guidance and identifies preferred locations where there is already a planning permission for waste recycling or mineral extraction, the presumption would be that this application would be supported. Additionally given the unfinished restoration at the site there is benefit in enabling a greater length of time in which to complete that work. The current operation has not led to any complaints. Given all of these circumstances there is no objection. The County Council however does need to satisfy itself that restoration is actually taking place and at a pace that is reasonable. Continual extensions of time will not return the area back to open land which is the purpose of the Green Belt.

Recommendation

That this Council has no objection but the County Council should satisfy itself that restoration of the quarry is continuing at a reasonable pace with a view to completion shortly after 2018.

BACKGROUND PAPERS

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

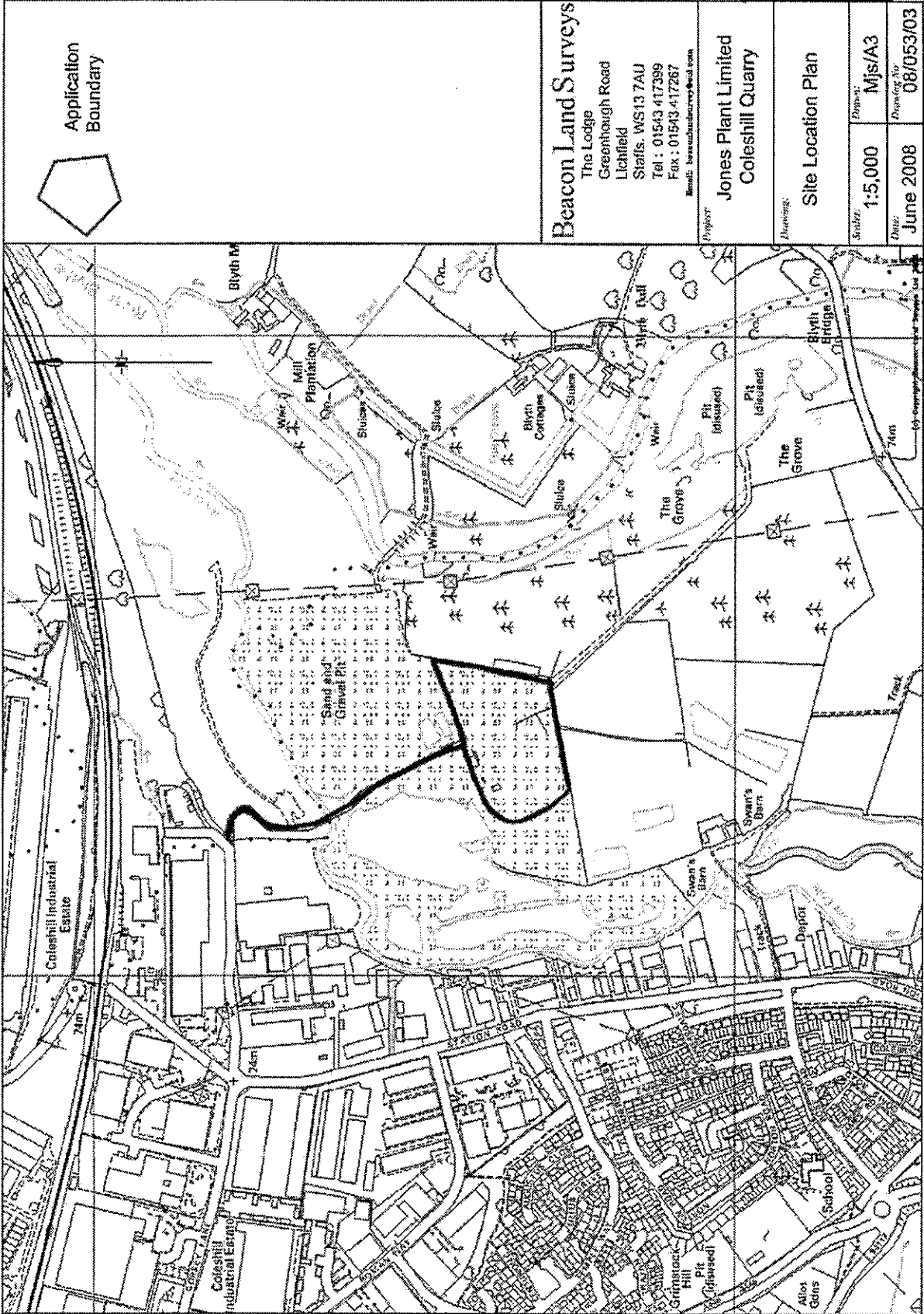
Planning Application No: CON/2014/0024

Background Paper No	Author	Nature of Background Paper	Date
1	WCC	Letter	09/10/2014

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



3) General Development Applications

- 1) PAP2010/0462 and PAP2011/0014
Beech House, Market Street, Atherstone**

Planning Application and Listed Building Applications for the proposed conversion into three dwellings including an associated rear extension and access to rear garden

- 2) PAP2012/0514
The Former Telephone Exchange, North Street, Atherstone**

Planning Application for the conversion into two cottages together with one new garage

- 3) PAP2012/ 0515 and PAP2012/0521
Land at Old Bank Gardens the rear of 94, 96 and 98 Long Street, Atherstone**

Planning and Listed Building Applications for the erection of three cottages

- 4) PAP2012/0517
Land at the rear of 108 Long Street, Atherstone**

Planning Application for the erection of two cottages

all for Arragon Properties Ltd

Introduction

Members will be aware that there are outstanding planning and listed building applications for the conversion of Beech House in Market Street into three dwellings. The last report to the Board was in December 2012 when the proposals were described in some detail. The Board resolved to note the applications at that time. Members also undertook a site visit.

Since then matters have moved on in terms of subsequent decisions; the evidence submitted by the applicant to support the proposals, and in terms of the planning policy background. Rather than append that earlier report, it is considered more appropriate to provide a full determination report such that Members have all of the relevant and up to date information at hand.

The original submissions here were for the sub-division of Beech House into three apartments. Planning permission was subsequently refused for the creation of a new access from North Street into the rear garden of Beech House, leaving the premises, as now, without private vehicular access or garaging. Given this, together with the lack of movement in the sale of the property as a single house and the cost of repairs and refurbishment, the applicants had to re-consider their proposals for the future of the property. The outcome of this was that they have now put together a "package" of development proposals which they say is designed to "enable" the repair, refurbishment and re-use of Beech House as three residential units. This has resulted in the

submission of the other applications referred to above for 108 Long Street, Old Bank Gardens and the former telephone exchange.

These applications will be dealt with together. The report below will describe the proposals for each of the properties the subject of the package of applications starting with Beech House itself. It will then outline the evidence and arguments that the applicant is putting forward to support the overall package that is to be considered. Development Plan policies and other material considerations will then be identified. These will include past planning decisions. Consultation responses will be recorded and a full assessment then made on the merits of the case.

For convenience, Appendix A illustrates the location of all the application sites referred to above.

Beech House

a) Introduction

Beech House at 19 Market Street is a Grade 2 star Listed Building fronting the Market Square in the centre of Atherstone. It is also on the register of buildings "At Risk" prepared by English Heritage. It is a three storey house constructed in 1708. It has a basement and a rear garden but no vehicular access. It lies within a street frontage of similarly proportioned buildings facing the square. These accommodate a variety of uses – restaurants, public houses, shops and offices, some with residential uses at the upper storeys. There is a substantial copper beech tree within the walled rear garden, which is protected by a Tree Preservation Order. The premises have been vacant for several years.

A more detailed description of the building is contained in a Historic Building Analysis submitted with the application by the applicant. This is available on the application website or copies can be obtained from officers if Members wish to see this document. It describes a significant and prominent 18th Century townhouse with substantive contemporaneous internal and external architectural features.

The site is wholly within the Atherstone Conservation Area. Other Listed Buildings within the Market Street frontage are numbers 9, 11, 13, 15, 17 and the adjoining public house at 21. All of these are Grade 2 Listed Buildings.

b) The Proposals

In short it is proposed to convert the building from a single dwelling house into three separate dwellings involving the construction of a rear extension to accommodate a new stair well to provide access to the upper floors, together with some internal sub-division to accommodate the three separate units.

The first of these dwellings would be located in the lower ground floor of Beech House. This would comprise a one bed room unit with access from the existing cellar steps and door at the rear of the house, and which would be incorporated into the new rear extension. These would be reached via the arched alley to the right hand side of Beech House when viewed from its front. There would be little by way of internal alteration proposed here as existing spaces would be re-used. One existing door opening would be closed and the room proposed for the bathroom would have a raised timber floor added. These proposals are illustrated at Appendix B.

The second dwelling would have its "living" accommodation within the existing rooms at ground floor level. Access would be via the existing front door onto Market Street, and there would be no alterations apart from closing up two windows in the rear elevation in order to provide the new external extension/stair well. The existing stair would then lead up to the first floor where two bedrooms and a bathroom would be provided. These would take up the left hand side of the first floor as viewed from the front. The existing spaces would be re-used but one would be sub-divided with a new stud partition wall to provide the bathroom, and the existing first floor cross corridor would be closed off in order to accommodate the separation of this unit from the third as described below. The existing stair would then be used to gain access to a third bedroom with an en-suite on the second floor. This would be provided at the rear of that floor within an existing space which would require sub-division by a further stud wall partition to accommodate the en-suite facility. A partition would be added at the turn at the top of the stair so as to provide separation from the third unit as described below. These proposals for the second unit can be seen at Appendices B and C.

The third unit would have its access from the ground floor within the new rear extension. This would lead to a new stair well within that extension leading to "living" accommodation within the right hand side of the divided first floor. A small bathroom would be provided here within the new rear extension. Existing spaces in the main building would be re-used but the kitchen would be provided by means of sub-division of one of these. The new stair would then lead up to the second floor where existing spaces would accommodate two bedrooms at the front of the divided floor, and the top of the new stairwell would then accommodate a further bathroom. These proposals are shown on Appendix C.

The new rear extension would fit into a corner of the existing rear elevation. Its width would be narrower than the existing gable at the rear, and its ridge would be lower. Its rear elevation would be fenestrated. It is best seen in Appendix D which illustrates both the existing and proposed rear elevations.

At the rear, the garden would remain, but the plans show a central division into two plots with a two metre boundary fence. A pedestrian access would be opened through the rear garden wall in the form of a new door, so as to provide access to a two car garage which would be formed within the central part of the former telephone exchange building. This is the subject of a separate application as referred to above at (ii) above. This part of that building would be extended back to join that rear wall in order to accommodate the depth required for cars to be garaged here. Appendix E illustrates the layout. This parking provision would provide two spaces for one of the three proposed units.

The Former Telephone Exchange

a) Introduction

This is a single storey brick and slate roof building – 6.5 metres by 16.5 metres in footprint - which is at right angles to North Street. It has a ridge height of 6.5 metres. It is located immediately at the rear of the walled garden to Beech House. Between it and North Street are two recently constructed houses that front North Street. The land falls away to Long Street and this lower level land provides access and parking for residential property in Long Street and to its immediate rear. The building fronts this

access – some 4.5 metres wide. Opposite are the single storey offices of the Town Council.

The building is not listed, but the site is within the Atherstone Conservation Area.

b) The Proposals

It is proposed to convert this building into two residential units which would be located at either end. The central portion would be converted and extended at the rear to provide a two car garage for one of the units proposed for Beech House as described above. The conversion works would entail removing the existing roof structure and replacing it to the same height and pitch in order to provide the first floor accommodation.

Each of the two residential units would accommodate a single bedroom in the roof space. This would require the addition of two small two-light dormers and two roof lights (above the stair wells) into the east facing roof slope. There would be two roof light openings in the rear elevation – that facing west and towards the rear garden wall of Beech House – for the bathrooms. The front would be completely re-designed so as to provide openings for the two units.

The central portion would have a wider opening provided so as to accommodate a double garage door. The rear of this section of the building is proposed for extension in order to accommodate the depth for a parked car. This would entail a new gable being added with a height of 5 metres so as to join the rear garden wall to Beech House. A rear door would then lead straight into the Beech House garden. The additional depth to provide this garage would be two metres.

No car parking is proposed.

Appendices F and G illustrate these proposals.

Old Bank Gardens

a) Introduction

This is walled garden at the rear of numbers 94/96 Long Street. These properties are presently occupied by Lloyd's Bank and a café. They are three storey buildings within the northern frontage of Long Street, and are listed as Grade 2 buildings. They both have rear ranges extending back from their respective Long Street frontages. Number 96 (Lloyd's Bank) has a two storey range to its rear, but this falls short of reaching the rear boundary of the premises, beyond which is the application site. To the rear of number 94 (the café) is a longer two storey range, and this extends back to the application site boundary. The walled Old Bank Gardens to the rear has a stepped pedestrian access through to the Beech House garden. Adjoining this walled garden and to the east is the former telephone exchange building. Vehicular access is obtained from North Street to a parking and access yard at the rear of numbers 98 and 100 Long Street for a small number of cottages and also residential conversions of these frontage properties. At the rear of 98 Long Street there is a small one and a half storey rear range giving way to a more recent two storey range. At the rear of 100 is a wide large single storey range. There are one and a half storey cottages tucked in behind this. Numbers 98, 100, 102 and 108 Long Street are all Grade 2 Listed Buildings. The ground level of the Long Street properties is at a lower level than that of North Street

and hence the land rises in a series of different levels. The overall height difference is about 1.3 metres.

This site is wholly within the Atherstone Conservation Area.

b) The Proposals

In short this is to construct three cottages within this rear walled garden. One, a two bedroom property, would adjoin the end of the existing range at the rear of the Bank. It would measure 5.5 by 8.5 metres and be 7.1 metres to its ridge. It would be single aspect facing west with only roof lights in its eastern elevation. Its northern gable would also provide fenestration at both ground and first floor levels. The other two, again both with two bedrooms, would each measure 5 by 10 metres and be 7 metres tall. One of these two would abut the end of the existing range at the rear of Bakers Croft, but the second would be detached situated 5 metres to the north of the other cottage.

The cottages would be accessed on foot from the yard to the east at the rear of the Post Office which has access onto North Street passing the former telephone exchange building. This will necessitate breaching the garden wall with a new opening – there would be no gate or door. The whole wall would also be lowered to be one metre high – it is presently around 2.3 metres tall. The former walled garden would become a shared garden/amenity space for the residents. The applicant has indicated that it would also be available to the public. The existing gated and stepped access into the rear garden of Beech House would be closed off.

No car parking is proposed. The parking spaces shown on the plans in the adjoining yard are for existing users of accommodation at the rear of the Post Office.

The applicant has submitted a statement explaining his arguments as to why the proposed development here would not cause significant harm to the appearance and character of the Conservation Area hereabouts. The reasons for this are that by opening the garden up to both private and public use there would be the opportunity for greater and wider appreciation of the buildings that surround the site – particularly the rear elevations of the listed buildings fronting Market Street. It therefore would become a public amenity space which is said to be a feature still lacking in Atherstone town centre. If left, the garden would become inaccessible and thus overgrown and unused – thus harming the appearance of the Conservation Area.

Appendices H and I illustrate the proposals.

108 Long Street

a) Introduction

This is three storey listed building that fronts Long Street close to its junction with Ratcliffe Street. It lies between the buildings presently occupied by TNT and the former WCC offices. It has rear ranges extending back into a long rear yard. A more recent two storey residential block – containing two units - sits at the immediate rear of the premises, beyond which is the rear yard from where vehicular access is gained from North Street. The offices of the Town Council are immediately adjacent to this rear access. The car park to the offices is located between the site and Ratcliffe Road. The main building has a shop at the ground floor frontage with Long Street and its upper floors together with the recent block are now in residential use - 9 apartments. The site slopes down from North Street to the more recent block at the rear of Long Street – a drop of around 1.3 metres.

The site is also wholly within the Atherstone Conservation Area.

b) The Proposals

Two new dwellings are proposed – one would be two storey and accommodate two bedrooms, such that it adjoins the recent block and have a height ridge of 6.6 metres, being 0.8 metres less than that new block. A smaller single storey one bedroom bungalow would then be added. This would have a ridge height of 4.3 metres. The width of the proposal would match that of the new block – 5.3 metres – but reduce to 3.7 with the smaller single storey unit at the rear. The total length of the proposal is 26.5 metres back from the recently constructed block. The larger of the two proposed buildings would have three first floor openings facing east towards Ratcliffe Street – obscurely glazed as they would be to landings and bathrooms - whereas the bungalow would be wholly single aspect facing west. The remainder of the rear yard would provide amenity space; a refuse collection area and pedestrian access. Gates would be sited across the access with keys only available to the landlord. The ground levels of the proposals would have the same level as that of the recent block and thus “sit” in the sloping ground here. There is a rear wall along the eastern boundary with the offices. The boundary on the western side is presently an open mesh fence. This is owned by TNT and there is an extant consent to reconstruct a wall here - the original form of boundary treatment.

No car parking provision is to be made.

The applicant argues that the design is sympathetic to the Conservation Area in that it reflects the principle of the traditional rear range with descending ridge heights. Moreover it would enhance the area by reducing the poor visual impact of the rear elevations to existing Long Street frontages.

The proposals are illustrated in Appendices J and K.

Summary of the Combined Proposals

The combined proposals add up to ten new dwellings. This is through the construction of five new dwellings – at 108 and in the Bank Gardens – together with five new dwellings created through conversion – Beech House and the Former Exchange building. These would comprise 2 three bedroom units; 4 two bed units and 4 single bed units. In total two additional car parking spaces are proposed – the two for one of the Beech House units. No new vehicular access would be created and the Old Bank Gardens area would be made publically accessible at times for pedestrians.

The Proposed “Package”

In short, the applicant argues that the cost of repair and refurbishment of Beech House is substantial, and because of the lack of interest in its disposal as a single dwelling house, it has to be subdivided in order to create that interest and to achieve the kind of values that are needed in order to finance the necessary repairs and refurbishment. It is argued that the internal proposals to divide Beech House are sensitive to its status and that they could be “reversed”. The extension is said to have insubstantial impact on the historic and architectural merit of the building. As such the proposals, taken as a whole, would cause the minimum amount of intervention but provide the best viable and only realistic opportunity to bring the building back into a habitable condition with an appropriate use.

In this case, however the applicant is saying that even with these proposals for Beech House the financial appraisal will still not “stack up” due to the repair and refurbishment costs. As such there remains a deficit. In order to take this up, other development is required in order to create “value” which can then be added into the overall appraisal. In other words, the new development “enables” the Beech House proposals. As a consequence the applicant has submitted the “package” as summarised above and outlined in a little more detail earlier in this report.

In support of this package the applicant has provided a schedule of works; a financial appraisal, a statement from the agent dealing with the marketing of Beech House and a statement which refers to English Heritage’s Best Practice Guide to enabling development. These are attached at Appendices L, M, N and O. Within this final statement the applicant says that the “the enabling development component of this proposal does not provide sufficient margin to take it out of deficit upon completion. This he says presents a significant loss to the developer as evidenced in the appraisal at Appendix M – a deficit of £570k. However the developer can not avail himself of any additional development in relation to this proposal. Comfort in the short term has to come from being secure in the knowledge that Beech House can again positively thrive under this proposal.

The applicant says that due to the size of the premises; its location next to a public house in a commercial area, with no private car parking or vehicular access, and there being repairs necessary, that there is no future beneficial use as a single dwelling. He says that he can provide marketing evidence to support the lack of interest as such. Moreover he says that there have been firm refusals by the Council in the past to consider an alternative use. As such, he considers that Beech House is in a "precarious" position. He suggests that any amount of maintenance carried out by him would "merely maintain its condition, whilst it remains in redundancy". He quotes the NPPF's definition of conservation as, "managing change to a heritage asset in a way that sustains and enhances its significance". Additionally he quotes English Heritage – "We understand that sometimes the best chance of survival comes from adapting historic buildings to economically viable new uses". He concludes that the time has now come for this to be the case in respect of Beech House, and therefore that this opportunity should be taken. He then runs through the criteria set out in English Heritage's Policy Guide to Enabling Development and concludes that the current proposals accord with them.

The applicant has also submitted the draft Heads for a Section 106 Agreement in order to provide the "links" between the various elements of this package. These are attached at Appendix P.

The information and arguments as set out above were circulated for consultation. English Heritage responded by indicating that it did not consider that the marketing evidence was sufficiently robust for an informed decision to be made on the key issue – that of retaining Beech House as a single dwelling. Moreover there was no evidence of the possible use of grant-aid funding for the repairs to Beech House. The applicant was thus invited to re-advertise Beech House in a manner which reflected the existing state of the building; to approach potential sources of grant aid funding, and to update the financial appraisal and the repairs schedule, bearing in mind the time lapse and the improving housing market. English Heritage and Council officers agreed the scope of the subsequent marketing campaign which was undertaken in the summer of 2013. The conclusions from that campaign are attached as Appendix Q. This shows two offers – one at £100k and the second at £125k. His update on the appraisal and commentary on the offers is at Appendix R. In this Appendix it can be seen that the applicant has responded to the two offers a consequence of the re-advertisement by saying that one was the subject of a "plethora of conditions" which suggested the need to re-negotiate the offer in the future, dependent on future repair costs. It was also conditional on the provision of on-site garaging. The second was contingent on the sale of other property and a number of other "unquantifiable conditions". These offers he considers to be unacceptable. His update on the appraisal in that same Appendix still records an overall deficit on the whole package - £547k. He has provided evidence to show that attempts and approaches to gain grant aid or funding from the Heritage Lottery Fund, the Landmark Trust and English Heritage all failed. His overall conclusion therefore is that notwithstanding the two offers to acquire the property as a single dwelling house, he does not consider that the campaign showed a reasonable prospect of retaining Beech House as the offers were "conditional" and thus unacceptable, and as such the package of proposals is still needed.

Upon receipt of the District Valuer's report as itemised below, the applicant considers that that report is "flawed" mainly in that the source and content of the two "offers" has not been thoroughly explored, thus affecting the valuation.

Consultations

Warwickshire County Council as Highway Authority – There is no objection to the provision of the garage at the telephone exchange provided it is retained as such at all times.

There is an objection to the proposed houses in the Old Bank Gardens as it has not been shown that the site can be adequately serviced and because the existing access is unsuitable for increased traffic use.

There is no objection to the proposals at 108 Long Street subject to standard conditions.

The Authority points out that the Borough Council is the parking authority and it should determine the adequacy of the parking provision.

Severn Trent Water Ltd – No objection to any of the applications

Warwickshire Fire Services – No objection to the proposed new buildings but access for emergency vehicles will need to be considered.

Warwickshire Museum – The Museum recommends inclusion of its standard condition requiring pre-commencement archaeological investigation in respect of the proposals at the telephone exchange; at Old Bank Gardens and at the rear of 108 Long Street.

The Council's Environmental Health Officer – Whilst there are no particular issues with the development at the Old Bank Gardens and at the rear of 108 Long Street, there are a number of unrecorded ground features that were once associated with the hatting industry and the proposed developments here might intercept something that needs to be dealt with. A watching brief is thus recommended at both sites.

The Council's former Heritage Officer – The Beech House proposals will have a major impact and thus harm to the significance of this building and its setting. The reasons are:

- The integrity of its original plan form will be compromised, divorcing principal rooms from each other and from the major circulation spaces, necessitating sub-division of internal spaces.
- Sub-division of rooms will create unsatisfactory proportioned spaces particularly at ground and first floor levels where ceilings are high.
- The insertion of a partition to achieve part wall separation between flats at first floor level will detract from the appearance of the stair case – the interior's most important feature.
- There will be extensive covering of walls and ceilings with plaster board and skim particularly at basement and attic levels.
- The impact of the building regulations for acoustic attenuation and fire separation has not been adequately covered.
- The proposals would radically alter the basement utility/servant's quarters, and ventilation details are missing.
- The rear stair case extension will obscure good original external rear elevations and their features.

The conversion of the whole of the Telephone Exchange to garages for Beech House is preferred, making for a more attractive offer to a prospective purchaser of Beech House. There is however doubt as to whether any conservation deficit for Beech House necessitates conversion to two flats. In design terms the proposed dormers are too large and the garage door lacks design quality.

A scheme involving new houses at Old Bank Gardens has previously been refused planning permission and an appeal dismissed. This current proposal will cause substantial harm to the conservation area and harm to the setting of Listed Buildings. The claimed public benefits arising from the scheme for Beech House as “enabling development” and public access to an amenity space here are unconvincing and far outweighed by the substantial harm that the proposals would cause.

The proposals at 108 Long Street would introduce a long linear development that erodes the openness and historic topography of the conservation area to an unacceptable degree, a conclusion agreed by the appeal decision. The claimed public benefits arising from this scheme as enabling development are unconvincing.

English Heritage – The initial response from English Heritage was that the overall scheme had not been justified within the terms of the NPPF – paragraph 133. It considered that there was a need for evidence to show that Beech House could not be sold as a single undivided entity. If this was shown, then the necessity and quantity of potential enabling development could be assessed.

Upon receipt of the outcome of the applicant’s 2013 re-advertisement campaign, English Heritage commented that, “it appears that two serious offers were made for the property. They appear to be informed and draw similar conclusions with regard to the end market value; the cost of repairs and the current market value of Beech House”. The Council was advised to seek independent advice on the valuation conclusions drawn by these two potential purchasers to confirm whether these offers do reflect the market value of the property. Subject to this advice, it seems to English Heritage that Beech House does have the potential to remain in use as a single dwelling and therefore the requirement for enabling development has not been met.

Upon receipt of the District Valuer’s report, English Heritage advises that the report “confirms the view I had taken of the marketing undertaken by the applicants, namely that there is a market for the building at a reasonable figure”.

District Valuation Office – Following the comments of English Heritage, the District Valuation Office was requested to review the conclusions from the 2013 re-marketing campaign and advise on the content of the two offers made. The report concludes that, “In an excellent state of repair, given its constraints, Beech House would be valued somewhere in the region of £400k to £425k without parking”, and that the “estimated cost of repairs is £340k excluding VAT”. It concludes that the “Market Value of the freehold in Beech House in its current condition is £125k as at 29 May 2014”.

Warwickshire Forestry Officer – The change of use to the telephone exchange could be achieved with little material impact on the protected Tree. However, once converted, there would be likely to be continuous complaints about its proximity to the building. The tree overtops that building and it could succumb to disease and the effects of extreme weather. Conversion of the building to wholly garages would be preferable. The works in the adjoining Bank Gardens could affect a protected Sweet Chestnut but proper root protection should mitigate any adverse impacts.

Representations

Atherstone Town Council – There is an objection to all of the proposals as a group because of concern about the amount of traffic emerging onto North Street and on the grounds of over-development in the town centre.

Atherstone Civic Society – The Society objects to the proposals both individually and as a package and has submitted a substantive letter to evidence the objections outlining area where harm to heritage assets would result. Upon receipt of the 2013 re-advertisement campaign, it says that there appear to be two “substantial offers” (£100k and £125k). Now that the property market is picking up it is time to consider these offers seriously, and to look to providing garaging for Beech House through the conversion of the whole of the telephone exchange building. (Appendix S)

Local Residents – Two local residents express concern about increased on-street car parking if these proposals go ahead, particularly on North Street. A further resident says that the proposals would have a “severe negative” impact on the surroundings, whilst another considers that the design is sympathetic. One other resident queries the basis of the financial appraisal.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration); 2 (Development Distribution), 3 (Natural and Historic Environment), 8 (Affordable Housing) and 11 (Quality of Development) together with policies ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage and Conservation), ENV16 (Listed Buildings), HSG 2 (Affordable Housing) and TPT6 (Vehicle Parking)

The North Warwickshire Core Strategy 2014 – Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment) and NW18 (Atherstone).

Other Material Planning Considerations

a) The National Planning Policy Framework 2012 – (the “NPPF”)

Section 12 of the NPPF is particularly relevant as it deals with “Conserving and Enhancing the Historic Environment”. Paragraph 132 says 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 should be”. If that impact causes “substantial harm”, then paragraph 133 says that consent should be refused unless it can be demonstrated that such harm is necessary to achieve public benefits that outweigh the harm, or all four of the following criteria apply. Firstly, the nature of the asset prevents all reasonable uses of the site. Secondly, no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation. Thirdly that conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and finally that the harm is outweighed by the benefit of bringing the site back into use.

b) The Council's Draft Pre-Submission Site Allocations - July 2014

None of the sites covered by these applications is shown as preferred locations in this consultation document.

c) English Heritage Policy Statement on Enabling Development – 1999, and the Conservation of Heritage Assets and its Guidance on Enabling Development and the Conservation of Significant Assets – 2008.

The Policy Statement advocates a presumption against enabling development unless it meets specified criteria – the most important of which is that the benefits should clearly outweigh the dis-benefits. The 2008 Document provides detailed practical guidance about each of the seven identified criteria.

d) Recent Relevant Appeal Decisions

There are recent appeal decisions in respect of each of the three sites included in the current "package" of planning applications described above. In January 2012 an appeal was dismissed for the same development as now proposed at the rear of 108 Long Street on the grounds that that proposal would have a harmful effect on the character and appearance of the Conservation Area – see Appendix T.

In October 2010 an appeal was dismissed for the conversion of the former telephone exchange into three dwellings on the grounds that the development would not preserve or enhance the character and appearance of the Conservation Area and not preserve the setting of Beech House. Additionally there was concern about the standard of residential amenity for future occupiers and traffic concerns – see Appendix U.

In January 2009 appeals were dismissed for the construction of three cottages within Old Bank Gardens on the grounds that the scheme would not preserve nor enhance the character or appearance of the Conservation Area or the setting of nearby Listed Buildings, and because there were traffic concerns – see Appendix V. Appeals were also dismissed in September 2010 for two dwellings here – see Appendix W.

Observations

a) Introduction

There are a significant number of issues with this package of applications and Members will be familiar with many of them from previous applications and also similar "enabling" applications elsewhere in the Borough.

The prime reason for the applications is the future of Beech House, and the report below will start by looking at the proposals here. Members will have to establish what the significance is of this heritage asset and what historic and architectural attributes contribute to that significance. This will take account of its status as a Grade 2 star Listed Building as well as its location within the town's Conservation Area. The Board will then have to determine the level of harm, if any, on that significance, as a direct consequence of the current proposals.

The greater the level of harm, the greater the level of justification is needed to support those proposals. So if there is harm, the Board will need to examine the justification behind the proposals. Here that will necessitate examination of the condition of the building; attempts that have been made to market the premises as it is now – a single dwelling house, attempts that have been made to secure alternative funding for repairs, attempts made to dispose of the building to a Trust or other Agency who would repair and retain it as it is, and assessment of other options – different uses or different proposals (for example division into two).

The financial appraisal will have to be appraised in order to establish the size of any deficit in respect of undertaking repairs to retain the existing building as it is, and for any intervention works that might be proposed as here.

Enabling development is development that would normally be refused planning permission because it does not accord with the Development Plan, but that might be warranted exceptionally, in order to enable the greater public benefit of restoring and re-using a heritage asset in an appropriate way. In this case, the other proposals have all been refused permission and appeals have been dismissed. As such the applicant argues that they should now be treated exceptionally to the Development Plan as they can now be considered not in isolation, but as part of the proposal to restore Beech House. This overall package will therefore need to be assessed.

The Board will also need to explore the reasons for those previous refusals because they too are related to “damage” to heritage assets. The issue becomes whether that damage is still too great an exception to bear, notwithstanding the potential greater public interest in restoring and re-using Beech House.

Members will also have to address the usual considerations of access, parking provision and impact on neighbouring residential amenity.

b) Beech House – The Significance of the Heritage Asset

Beech House is a Grade 2 star listed building and is thus of national importance. Additionally it is arguably the most important historic building in the town and is located within the most significant part of the town’s Conservation Area. It is a prominent 18th Century townhouse with a large walled rear garden that faces the Market Place and is close by other Listed Buildings in the town Conservation Area. It retains not only its original plan form, but also a significant proportion of eighteenth and nineteenth century architectural features both inside and out. The walled garden too is intact and is a rare survival within a central commercial area. It is one of the finest and most intact buildings of its type because of its completeness and integrity of its historic and architectural interest. This is enhanced by its location within the most significant part of the town’s Conservation Area and its prominence in the street hereabouts as well as the townscape of the Market Place. In particular, the rear of the Market Street and Long Street properties in this part of the town’s Conservation Area is marked by a degree of openness not found elsewhere in the Area, reflecting its different historic background and character. Beech House thus enhances both the character and appearance of the Conservation Area, both in outlook over the Market Place and in the retention of its original walled rear garden. Additionally, there is a large Copper Beech tree within this garden. It is protected by Order and has substantial public amenity value not only by itself, because it enhances the character and appearance of the Conservation Area, but because of its historic association with Queen Victoria’s Diamond Jubilee.

It is against this description that the impact of the proposals needs to be assessed.

c) Beech House – The Impact of the Proposals on the Heritage Asset

The significance of the heritage asset here is one of an 18th Century single townhouse which remains intact with contemporaneous internal and external features together with its walled rear garden. It is immediately clear that the proposals would cause substantial harm as they involve sub-division of the house and the garden. Hence as a matter of principle, the integrity of its significance as a single dwelling house with its own garden would be wholly lost. The comments of the Council's former Heritage Officer above describe some of the more detailed consequential impacts of such a sub-division, to which can be added the division of the garden. It is considered that the proposals will thus cause substantial harm to the significance of the asset as a listed building. It is accepted that there would be less impact on the character and appearance of the Conservation Area, but the loss of the single open rear garden would still be significant. There would be little if no impact on the protected tree.

d) Beech House - Assessment against the NPPF

Given the substantial harm caused to the heritage asset through these proposals, the expectation is one of refusal. However before making such a recommendation, the Council has to consider the tests set out in the NPPF, as proposals can be supported in these circumstances if they are found to be "exceptional". As a background to this, the NPPF says that we should take account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation. There are four tests involved in making this judgement and these were outlined above in the section referring to the NPPF. These will now be explored in more detail.

i) The nature of the asset prevents all reasonable uses of the site.

The nature of the asset here has already been outlined above. Clearly the preferred use is to retain it as a single dwelling house. However in planning terms its built form and location does not rule out other uses which might be accommodated provided they are consistent with its conservation – eg for holiday letting as a single house; for hotel/bed and breakfast use or indeed as office accommodation. Subject to detailed matters these could be considered to be "reasonable" uses within a town centre setting. However the District Valuation report advises caution as to the whether a holiday let or other form of guest accommodation would make for a viable business use to recoup the high conversion costs and the imperative to retain the internal layout intact. Similarly for office conversion, the report says that a business case is unlikely to stack up. Hence under this test, the nature of the asset doesn't prevent other uses, but it does make for an uncertain business case for these alternatives. As such therefore there is weight to the case that unless the asset can be retained as a single unit, then an alternative form of residential use is an option.

ii) No viable use of the asset can be found in the medium term through appropriate marketing that will enable its conservation.

This is central to the assessment. The initial objection from English Heritage immediately raised this as the key issue and it was not prepared to consider detailed matters until such time as this was progressed. As a consequence the nature of 2013 marketing campaign was agreed and put into action. It resulted in two potential offers both of which have been dismissed by the applicant. The advice from the independent valuation undertaken by the District Valuation Office is of substantial weight here. It shows that both of these offers fall squarely within the range, considered to represent the current market value of the premises. This strongly suggests that there is potential here for the disposal of Beech House as a single dwelling house. The reasons put forward by the applicant are understood, but it appears that there is no prospect of him engaging in negotiation and as the Valuation report indicates a prospective purchaser may well have an inherent interest in acquiring this type of heritage premises notwithstanding the cost of repairs. English Heritage points out that the Valuation report confirms its view that there is a market for the building at a reasonable figure. These comments are supported. The other interesting matter here is that the applicant himself even with the proposed "package" is still likely to make a significant deficit. The disposal of the property to a purchaser likely to retain the integrity of the asset would relieve the applicant of that deficit. It is not considered that this particular "test", perhaps the most significant of the four, has been satisfied

iii) Conservation by grant-funding or some other form of charitable or public ownership is demonstrably not possible.

The applicant has forwarded evidence to show that there is little if any likelihood of other grant funding available for the conservation works here. As a consequence this test is satisfied

iv) The harm or loss is outweighed by the benefit of bringing the site back into use.

The harm here is substantial in that the integrity of the asset would be lost and thus the benefit of allowing the proposed sub-division should be of greater weight if the application is to be supported. It is not considered that this can be the case given the outcome of the marketing and the District Valuation report. This test is therefore not satisfied

In conclusion therefore as the most significant of these four tests is not satisfied - numbers (ii) and (iv) - then the opportunity to look at the proposals for Beech House as an exception to Government policy is not supported.

e) The English Heritage Guide to Enabling Development

In looking at the enabling development, then this guide offers seven criteria against which to assess the proposals. The applicant has looked at these and his assessments are in Appendix O.

The first of these is that, the enabling development would not harm the heritage values of the place or its setting. This is not accepted at all. The four recent appeal decisions set out as Appendices T to W relate to proposals that are identical to, or very similar to that now proposed. Moreover there has been little in the way of material change to planning policy in the time period since these decisions. Each causes harm to heritage assets in their own right and thus as a consequence the cumulative harm is concluded to be substantial. In light of this it is perhaps not necessary to explore the remaining criteria, but the Board nevertheless should undertake an analysis of them to see if these are matters that do have weight here.

The second criterion is to assess whether the enabling development would lead to detrimental fragmentation of heritage value and assets. In this case the whole case of the applicant is predicated on the physical sub-division of the heritage asset. Notwithstanding the property being held under a single freehold with leasehold arrangements, service charges and a "sinking fund" for repairs and maintenance, the proposals will physically divide the property and the garden. It is these sub-divisions that are harmful.

The third criterion is that the enabling development will secure the long term future of the heritage asset and its continued use for a sympathetic purpose. As discussed above this is not agreed. The purpose is unsympathetic and the long term future for a sympathetic use is a reasonable prospect.

The fourth criterion is that the enabling development is necessary to resolve problems arising from the inherent needs of the asset itself rather than the circumstances of the present owner or the purchase price paid. There are indeed problems here with the state of repair of the asset. However it appears that apart from limited repair and maintenance some of these problems have not been thoroughly addressed such that cost of repairs is now quite substantial – as recorded by the District Valuation report. The guidance makes it quite clear that no-one is obliged to sell their property, but the purpose of marketing is to demonstrate that no viable use for the asset can be found and thus show that it is in effect "redundant". Enabling development would therefore be the only way in which value in the asset can be restored. The aim of the 2013 marketing exercise here was thus to establish whether there were potential purchasers who would take on the asset. If there was, as happened here, then that does not mean that there is a need to sell, but it does show that redundancy has not been demonstrated, and thus the case for enabling development has not been made. Additionally in this case the developer's financial appraisal commences with a market value of £300k. This is questioned on the conclusions of the District Valuation report and thus again shows that there is considerable doubt over the overall package of enabling development.

The fifth criterion is that sufficient subsidy is not available from any other source. This is the case here and thus there is scope here for support of the overall package.

The sixth criterion is that the amount of enabling development is the minimum necessary to secure the future of the heritage asset and that its form minimises harm to other public interests. This is not accepted in this case. Not only does the developer himself agree through his appraisal that the package will result in an overall substantial deficit, but the appraisal itself is predicated on a questionable existing market value and the appeal decisions show just how damaging the enabling development would be to public interests.

The final criterion is that the public benefit of securing the future of the asset decisively outweighs the dis-benefits of breaching other planning policies. This is not accepted for all of the reasons outlined above.

When all of these conclusions are weighed up it is considered that the cumulative weight is substantially not in support of the enabling development.

f) Conclusions on Heritage Matters

The Borough Council has a statutory requirement, when considering proposals for a Listed Building to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest". In respect of proposals in its Conservation Areas, the Council has a statutory requirement to "pay special attention to the desirability of preserving or enhancing the character or appearance" of those Conservation Areas. These requirements are translated into the Council's own Development Plan policies; the guidance set out in the NPPF and to the guidance set out by English Heritage. It is not considered that the proposals for Beech House together with the enabling development accord with Development Plan policy; the NPPF or the relevant English Heritage guidance. As such the initial view that these applications should be refused is confirmed.

The relevant Development Plan policies here are saved policies ENV15 and ENV16 of the Local Plan and policies NW14, NW12 and NW10. It is neither considered that the proposals accord with the tenth core planning principle and Section 12 of the NPPF.

g) Other Matters

The only other matter of any weight, given the above, is to consider whether there are potentially other reasons for refusal. The only other issue is traffic generation and parking. The former relates to there being an additional six dwellings having to use the existing substandard access onto North Street by the former telephone exchange. The six are the three new cottages in Old Bank Gardens; the two in the former exchange and the use of part of the exchange for Beech House parking. The Highway Authority's concern, shared by the Town Council and some representations is agreed. The recent appeal decisions also reflect this matter. As such there is a case here to refuse the applications for the three new houses in the Bank Gardens and the former exchange on the basis of unsatisfactory access under saved Development Plan Local Plan policy ENV14 and Core Strategy Policy NW10.

The appeal decision relating to proposed three cottages in Old Bank Gardens also refers to poor amenity conditions such that the scheme did not accord with saved policy ENV11 of the Development Plan. This again be taken forward here to together with reference to policy NW10 of the Core Strategy.

Recommendations

a) Planning and Listed Building Applications for Beech House – PAP/2010/0462 and PAP/2011/0014

That Planning Permission and Listed Building Consent both be refused for the following reason:

1. "Beech House is a Grade 2 star Listed Building in the Atherstone Conservation Area. Its significance as a heritage asset is that it is an 18th Century townhouse with intact contemporaneous external and internal features set within the most important part of the Conservation Area. The proposals would substantially harm the integrity of this significance by virtue of the proposed sub-division of the interior and the rear garden together with the addition of a rear extension. It is not considered that the evidence submitted in support of the proposals outweighs the substantial harm done to the heritage asset particularly as it has not been shown that there is no reasonable prospect of the building being retained as a single dwelling house. The proposals thus do not accord with saved policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 together with policies NW10, NW12 and NW14 of the North Warwickshire Core Strategy 2014. These proposals neither accord with the tenth core planning principle of the NPPF, nor the approach set out in Section 12 of the NPPF".

Notes:

- i) The Local Planning Authority has worked positively in this case to address the issues arising from the proposals through pre-application discussion and on-going discussion as consultation responses have been received thus meeting the requirements of the NPPF.

b) Planning Application for the former Telephone Exchange – PAP/2012/0514

That Planning Permission be refused for the following reasons:

1. "The proposed development, by virtue of the small size of the accommodation, the lack of any amenity open space, the lack of storage space, the overshadowing, over dominance and threat from the adjacent protected tree, and the lack of aspect from the principal elevations would not produce satisfactory standards of amenity for the occupants of the proposed dwellings contrary to saved policy ENV11 of the North Warwickshire Local Plan 2006 and policies NW10 and NW12 of the North Warwickshire Core Strategy 2014."
2. "The proposed development would generate demand for off road vehicular parking, picking up and setting down. The proposed works would result in a narrowing of the vehicular access route. Combined with the existing users of the access, the development would result in a congested and unsafe vehicular environment. The development would be contrary to saved policy ENV14 of the North Warwickshire Local Plan 2006 and policy NW10 of the North Warwickshire Core Strategy 2014."

Notes:

i) The Local Planning Authority has worked positively in this case in order to address the planning issues arising from the proposals through pre-application discussion and on-going discussion thus meeting the requirements of the NPPF.

c) Planning Application for Old Bank Gardens – PAP/2012/0515

That Planning Permission be refused for the following reasons:

1. "The scale and intensity of the proposed building represents over-development of the site. This and the proposed design of the dwellings would be at odds with the historic pattern of development and the grain of this part of the Conservation Area. Furthermore, it results in the loss of gardens that are significant and important rare survivors on this urban context and detracts from the setting of neighbouring Listed Buildings by reason of its built form, particularly to the rear of 13-15 Market Street where it would be intrusive and would prejudice the openness of aspect currently enjoyed from that listed building. The enclosed nature of the site, the density of development and the single aspect design of the new dwellings would also be detrimental to the amenity of the occupiers of the proposed new dwellings. The proposals are thus contrary to saved policies ENV11, ENV12, ENV13, ENV15 and ENV16 of the North Warwickshire Local Plan 2006 together with policies NW10, NW12 and NW14 of the North Warwickshire Core Strategy 2014".
2. "The proposed development will generate demand for traffic movements and parking which cannot be accommodated on the site or on adjoining land. Moreover the existing vehicular access onto North Street is sub-standard. This would result in an unsafe and congested traffic and parking situation contrary to saved policy ENV14 of the North Warwickshire Local Plan 2006 together with policy Nw10 of the North Warwickshire Core Strategy 2014"

Notes:

i) The Local Planning Authority has worked positively in this case to address the planning issues through pre-application discussion and on-going discussion thus meeting the requirements of the NPPF.

d) Listed Building Application for Old Bank Gardens – PAP/2012/0521

That Listed Building Consent be refused for the same reason as set out at number one in (c) above.

Notes:

i) The Local Planning Authority has worked positively in this case addressing the planning issues through pre-application discussion and on-going discussion thus meeting the requirements of the NPPF.

e) Planning Application for 108 Long Street – PAP/2012/ 0517

Planning permission be refused for the following reason:

1. “The site lies in the Atherstone Conservation Area whose character and appearance in this location is marked by an openness that derives from the retention of historic rear gardens and yards. There are a number of rear elevations to Listed Buildings that overlook this space. It is considered that the built form, with its massing and extended footprint would have an adverse impact on then character and appearance of this part of the Conservation Area by enclosing the view over this open area; reducing the openness of the Area, also resulting in the loss of view of these rear elevations, and introducing a built form that is out of keeping. This proposal does not therefore accord with saved policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 together with policies NW14, NW 12 and NW10 of the North Warwickshire Core Strategy 2014”

Notes:

- i) The Local Planning Authority has worked positively in this case to address the planning issues arising through pre-application discussion and on-going discussion thus meeting the requirements of the NPPF.

BACKGROUND PAPERS

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

Planning Application No: PAP/2010/0462 and PAP/2011/0014

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement (2010/0462)	22/10/12
2	The Applicant or Agent	Application Forms, Plans and Statement (2011/0014)	12/1/11
3	Atherstone Town Council	Representation	2/2/11
4	Council Tree Officer	Consultation	1/2/11
5	Ms Froggatt	Representation	6/2/11
6	STW Ltd	Consultation	8/2/11
7	WCC Highways	Consultation	17/2/11
8	Heritage Officer	Consultation	2/2/11
9	Atherstone Civic Society	Objection	18/2/11
10	Applicant	Letter	22/2/11
11	Case Officer	Letter	23/2/11
12	English Heritage	Consultation	24/2/11
13	SEL Ltd	Letter	2/1/10
14	Case Officer	Letter	15/3/11
15	Applicant	E-mail	16/3/11
16	Case Officer	Letter	21/4/11
17	Case Officer	E-mail	16/3/11
18	Applicant	E-mail	14/7/11
19	Applicant	E-mail	13/6/12
20	Applicant	E-mail	18/9/12
21	Applicant	E-mail	19/9/12
22	Applicant	E-mail	1/10/12
23	Case Officer	E-mail	1/11/12
24	Case Officer	Letter	21/11/12
25	STW Ltd	Consultation	23/11/12
26	C Bursnell	Representation	28/11/12
27	L Watts	Objection	28/11/12
28	Heritage Officer	Consultation	10/12/12
29	Fire Services Authority	Consultation	29/11/12
30	Applicant	E-mail	28/11/12
31	Atherstone Town Council	Representation	5/12/12
32	WCC Forestry Officer	E-mail	11/11/12
33	English Heritage	Consultation	12/12/12
34	WCC Highways	Consultation	13/12/12
35	Applicant	E-mail	3/12/12
36	Council Valuation Officer	E-mail	6/12/12
37	Applicant	E-mail	11/12/12
38	Case Officer	E-mails	17/12/12
39	Applicant	E-mail	19/12/12
40	Applicant	Letter	2/1/13

41	WCC Highways	E-mail	2/1/13
42	Case Officer	E-mail	3/1/13
43	SEL Ltd	Letter	9/1/13
44	WCC Highways	Consultation	10/1/13
45	Applicant	Letter	28/1/13
46	Case Officer	E-mails	28/1/13
47	Council Valuation Officer	E-mail	31/1/13
48	English Heritage	Consultation	25/2/13
49	Case Officer	Letter	1/3/13
50	Applicant	Letter	22/3/13
51	Case Officer	E-mail	17/5/13
52	Case Officer	E-mail	20/5/13
53	Case Officer	E-mail	30/5/13
54	Applicant	E-mail	3/6/13
55	English Heritage	E-mail	5/6/13
56	Valuation Officer	E-mail	5/6/13
56	Valuation Officer	E-mail	10/6/13
57	Case Officer	E-mail	12/6/13
58	B Matthews	Representation	12/6/13
59	Valuation Officer	E-mail	25/6/13
60	Applicant	E-mail	3/7/13
61	Applicant	E-mail	10/7/13
62	Case Officer	E-mail	21/8/13
63	SEL Ltd	Letter	27/11/13
64	Case Officer	E-mail	13/1/14
65	Applicant	Letter	26/1/14
66	Case Officer	E-mails	31/1/14
67	Atherstone Civic Society	Objection	19/2/14
68	English Heritage	Consultation	19/2/14
69	Case Officer	E-mail	26/2/14
70	Applicant	Letter	25/3/14
71	District Valuation Office	Report	29/5/14
72	Case Officer	E-mail	4/6/14
73	English Heritage	Consultation	24/6/14

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/2012/0517

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/11/12
2	Case Officer	Letter	21/11/12
3	STW Ltd	Consultation	23/11/12
4	WCC Highways	Consultation	13/12/13
5	Warwickshire Museum	Consultation	27/11/12
6	C Bursnell	Representation	28/11/12
7	L Watts	Objection	28/11/12
8	Atherstone Town Council	Objection	5/12/13
9	Heritage Officer	Consultation	21/11/12
10	Environmental Health Officer	Consultation	11/11/12
11	Atherstone Civic Society	Objection	4/12/13

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.

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BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0515

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/11/12
2	Case Officer	Letter	21/11/12
3	STW Ltd	Consultation	23/11/12
4	Atherstone Civic Society	Objection	4/12/12
5	Environmental Health Officer	Consultation	11/12/13
6	Heritage Officer	Consultation	12/12/12
7	WCC Highways	Consultation	13/12/12
8	Warwickshire Museum	Consultation	27/11/12
9	C Bursnell	Representation	28/11/12
10	L Watts	Objection	28/11/12
11	Atherstone Town Council	Objection	5/12/12

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

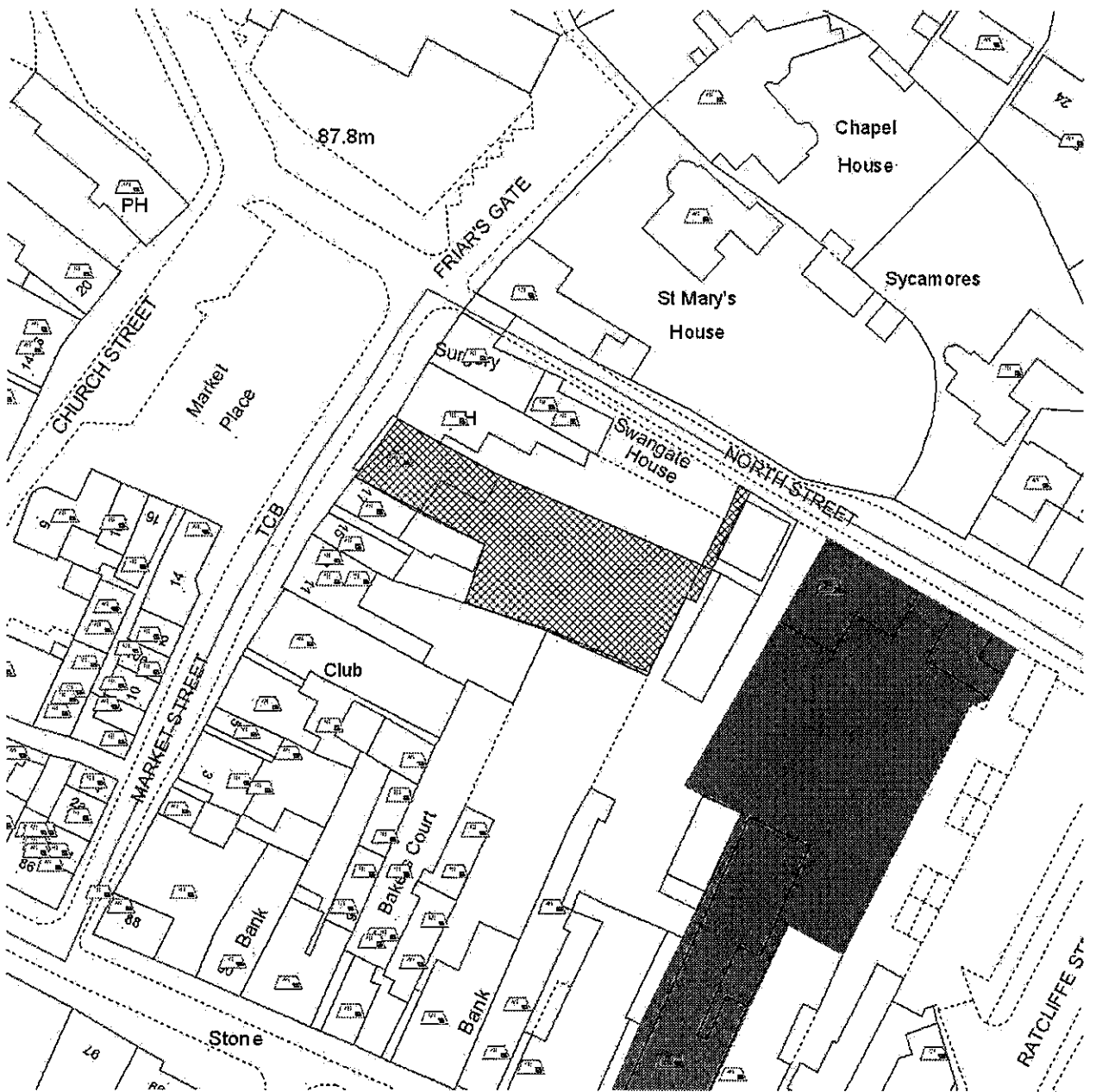
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

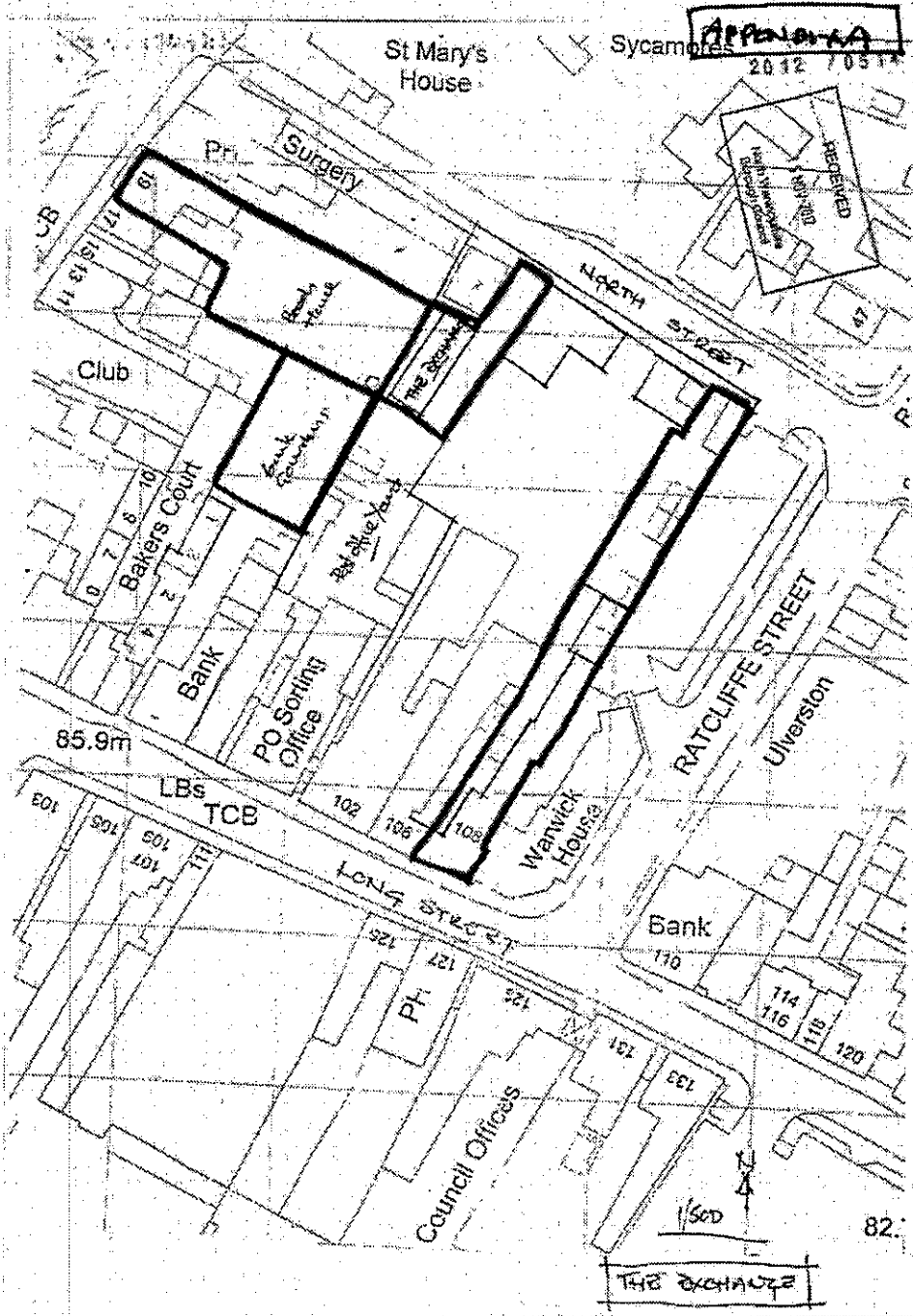
Planning Application No: PAP/2012/0521 and PAP/2012/0514

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/11/12
2	STW Ltd	Consultation	23/11/12
3	Warwickshire Museum	Consultation	27/11/12
4	Atherstone Town Council	Objection	5/12/12
5	Heritage Officer	Consultation	10/12/12
6	C Bursnell	Representation	28/11/12
7	L Watts	Objection	28/11/12
8	Atherstone Civic Society	Objection	4/12/12
9	WCC Highways	Consultation	13/12/12

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

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



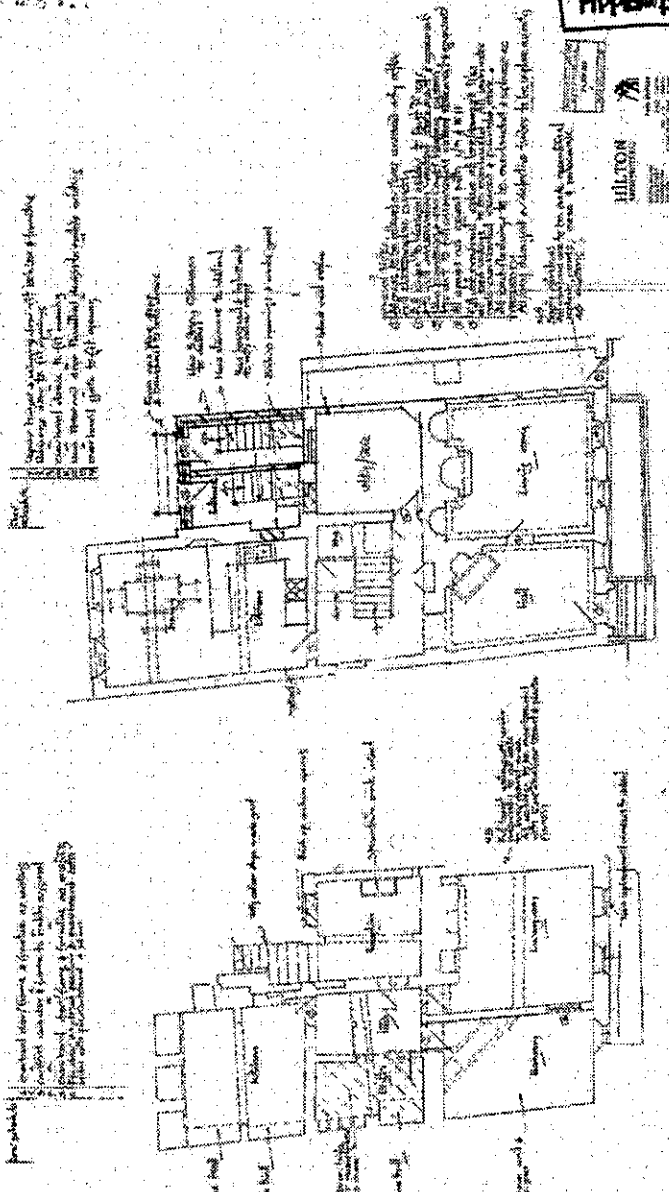


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Appendix B

HILTON
 UNIVERSITY

Project Name: [unclear]
 Location: [unclear]
 Date: [unclear]

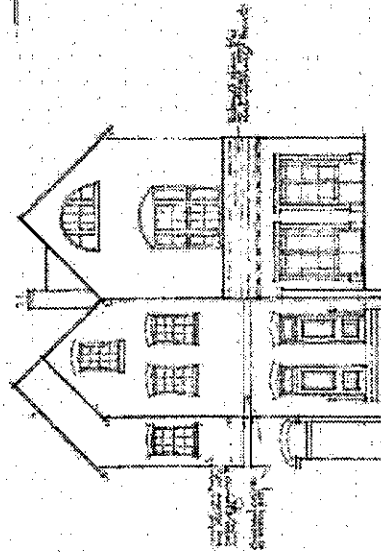
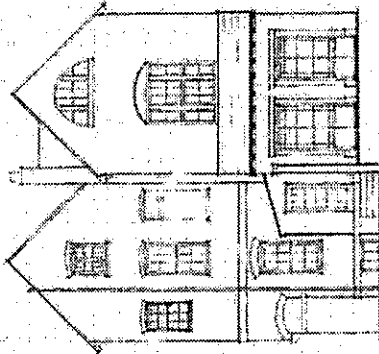
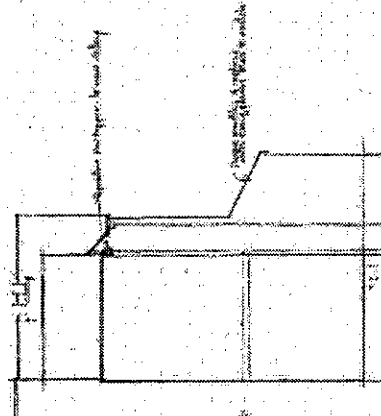
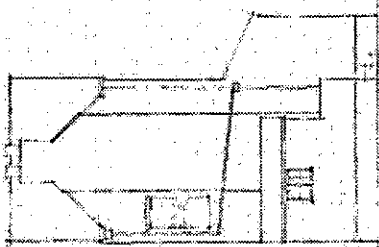


2017.03.16

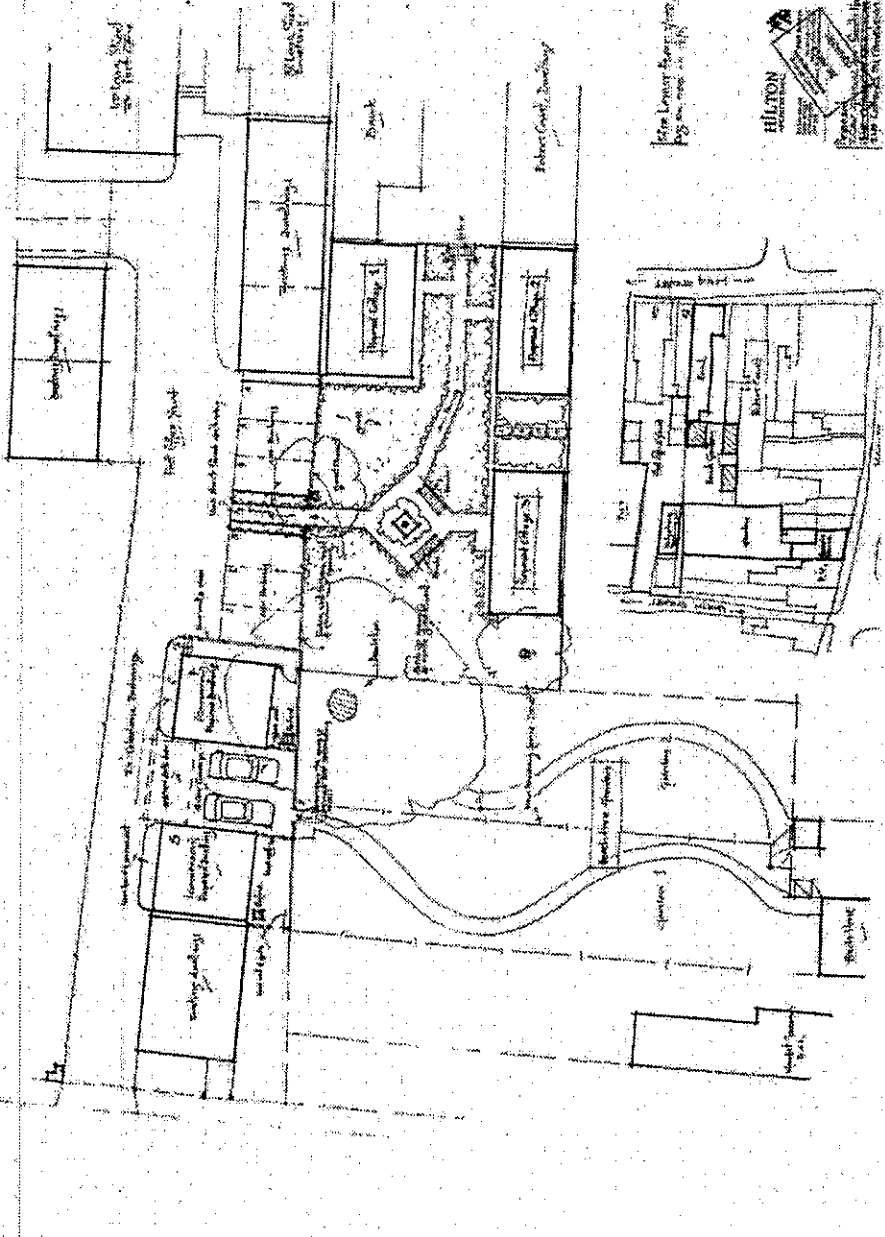
APPENDIX D

ILLINOIS

Architect: [Redacted]
 15 Market Street, Wheeling
 (609) 392-1111
 11/15/16 10:00 AM
 11/15/16 10:00 AM



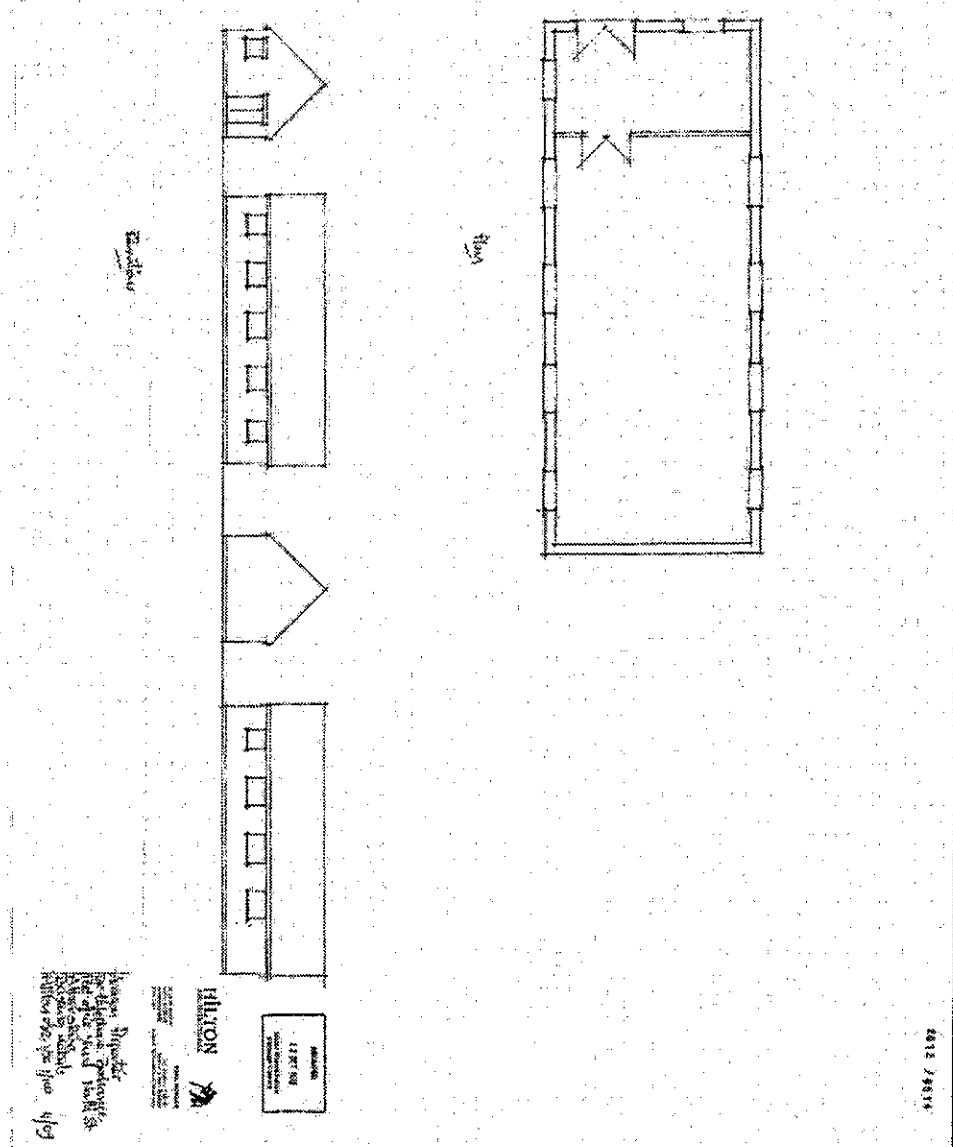
APPENDIX E



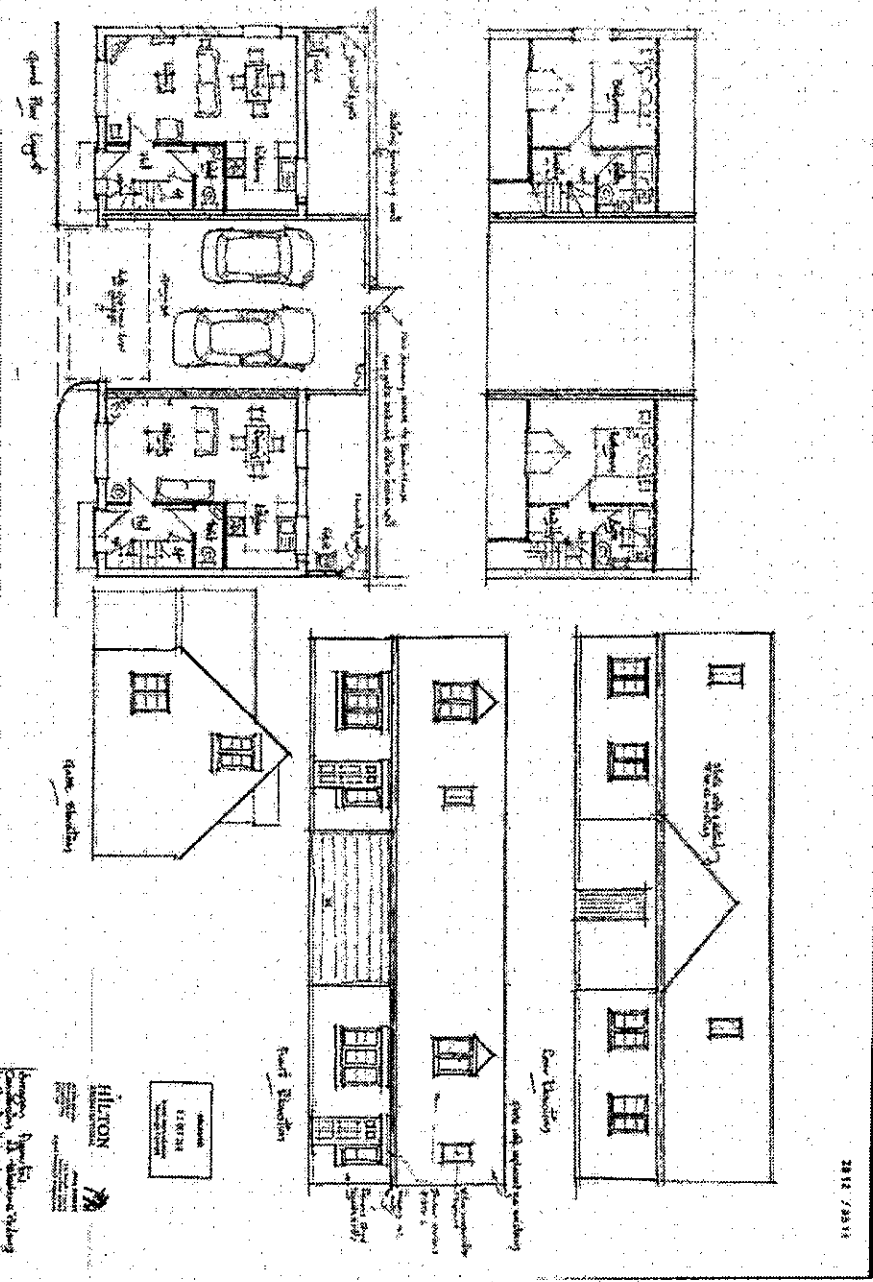
Fire Alarm Panel Room
By the way, in 1977



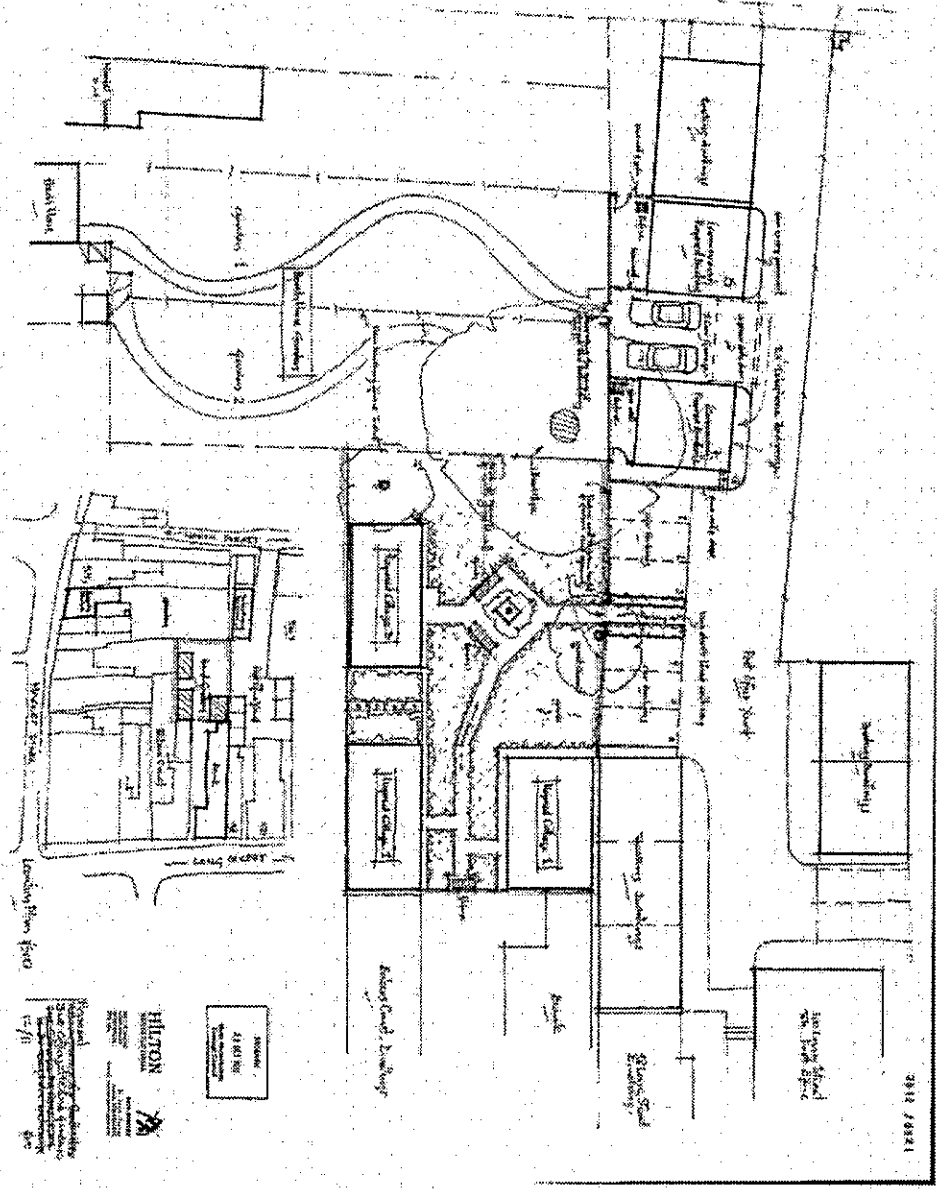
APPENDIX F



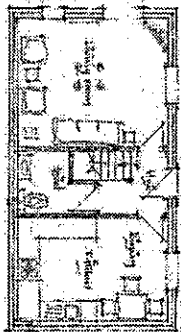
APPENDIX G



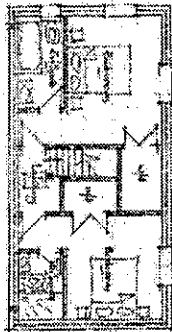
APPENDIX H



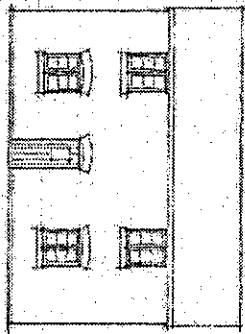
APPENDIX I



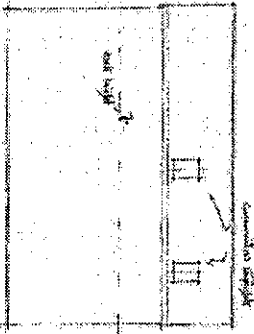
ground floor plan



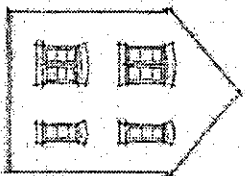
first floor plan



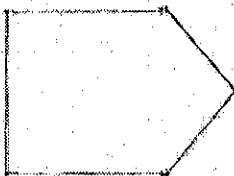
East elevation




building south elevation



North elevation

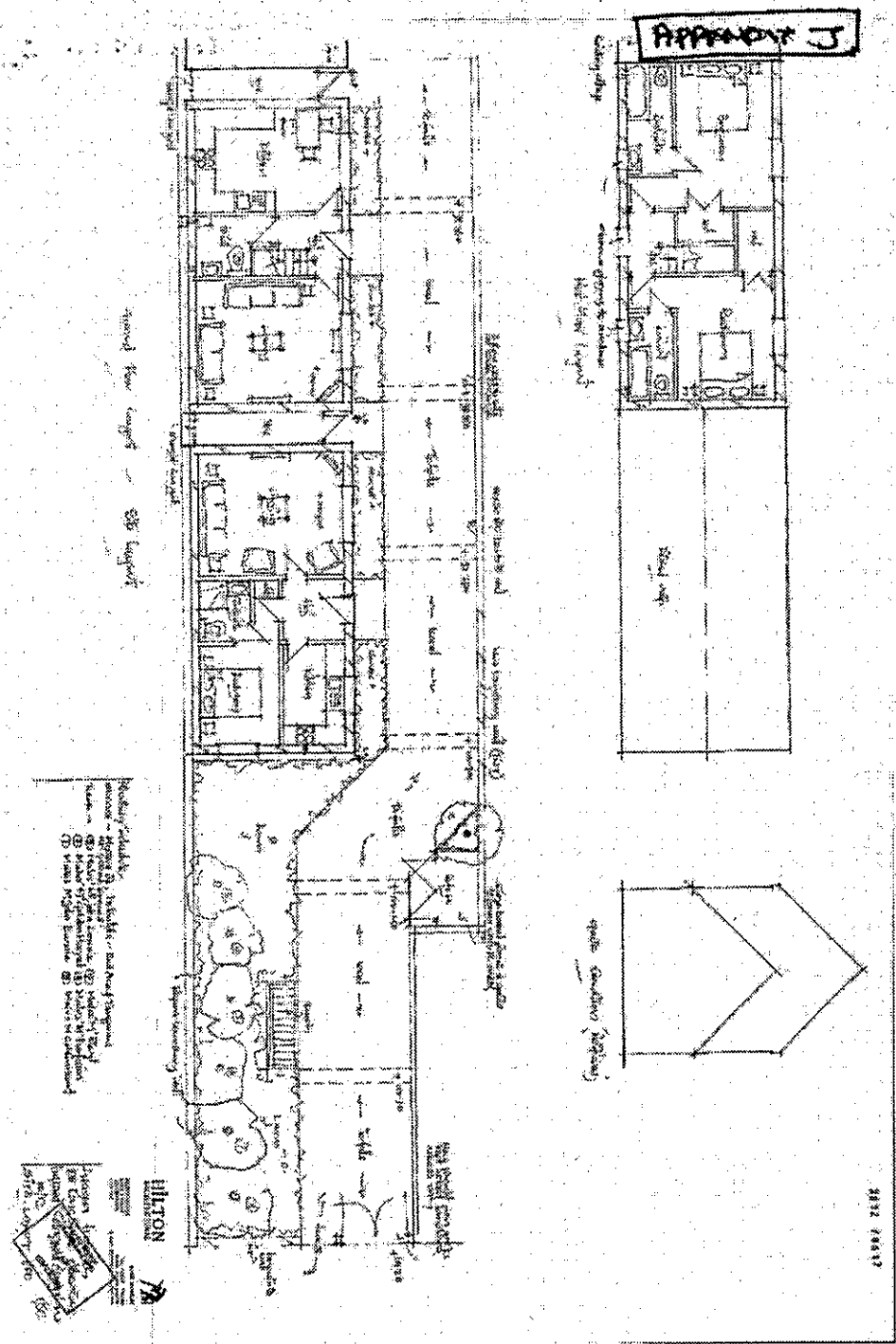


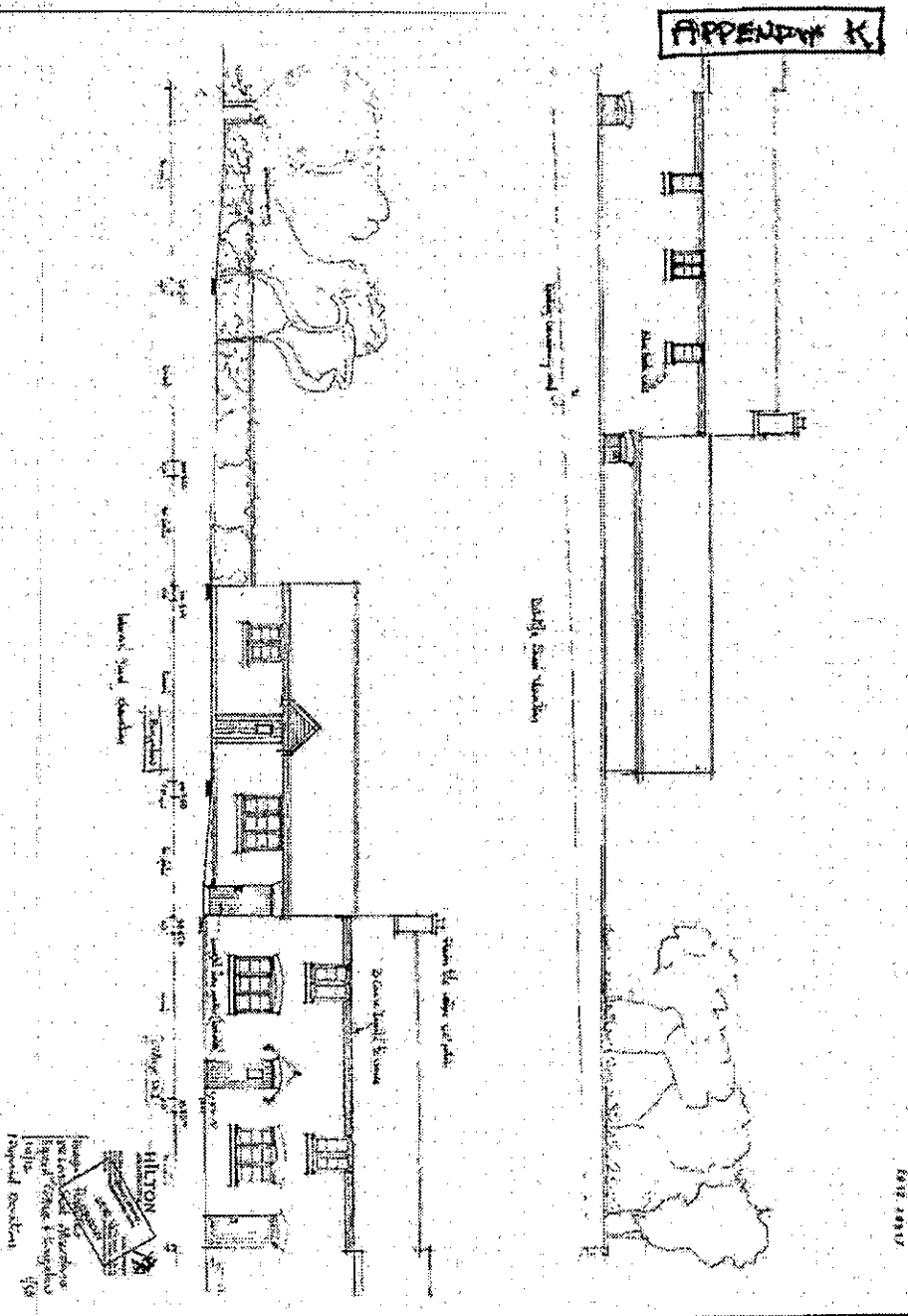
west elevation



 11870 E.

11870 E. 11870





29/8/2012

BEECH HOUSE

SCHEDULE OF WORKS

PROPOSED CONVERSION TO FORM 3 NO DWELLINGS

Description of Works

LOWER GROUND

Kitchen

COST

- 1 Remove thralls and make good
- 2 Ceiling joists to be repaired as necessary, splice new ends as required. Install rockwool insulation to voids and form new fire liner ceiling and plaster finish.
- 3 All walls to have full height waterproof render, with dry line/plasterboard and skim finish.
- 4 Floors to be cleaned and new water proof membrane laid (pvc) with new battened floating timber floor and taurus skirting and architraves throughout.
- 5 Install new 100mm and 60ltr/sec extract ducted to external air.
- 6 Works to door and frame as schedule. **£10,500.00**

Bathroom

- 1 Remove screed and make good floor.
- 2 Remove new timber stud work and framing to former landing.
- 3 Remove brick thrall and make good.
- 4 Floors to be cleaned and new suspended timber floor installed to specification.
- 5 Wall treatment to specification.
- 6 New fire liner boards to ceiling skim plaster finish. Rockwool insulation to joist voids.
- 7 Works to doorway (4) as schedule. **£4,750.00**

Lobby

- 1 Works to floor as specification.
- 2 Works to walls as specification.

- 3 Remove studwork and make good.
- 4 Overboard and skim ceiling. £3,000.00

Reception

- 1 Remove window and brick up opening and make good.
- 2 Remove heating system and make good.
- 3 Remove stone sink and set aside.
- 4 New raised floor to specification.
- 5 Works to walls as specification.
- 6 Overboard and skim ceiling.
- 7 Refix stone sink and make good.
- 8 Works to doorway (1) as schedule. £4,800.00

Bedroom

- 1 Remove timber wall after taking record of details and make good.
- 2 Repair hearth brickwork support to ceiling level
- 3 New raised floor to specification.
- 4 Works to walls as specification.
- 5 New fire liner ceiling board and skim, Rockwool insulation to voids
- 6 Works to doorways (3) and (6) as schedule.
- 7 New Replacement window to detail. £9,250.00

Living Room

- 1 Works to walls as specification.
- 2 New raised floors to specification.
- 3 New replacement windows to detail.
- 4 Works to doorway (2) to schedule.
- 5 Remove lath and plaster ceiling, treat all timber work and make good as necessary. Rockwool insulation between joists, fire liner board and skim as ceilings.
- 6 Make good as existing cupboard adjacent fire place.

- 7 Overhaul fire place structure and surround and make good as necessary and as original. £9,750.00

GROUND FLOOR

- 1 Demolish lean-to rear entrance enclosure and clear away.
- 2 Construct new stair/entrance tower complete and as detailed.
- 3 Works to all doorways as schedule.
- 4 Works to all windows as specified. £55,500.00

Kitchen/Diner

- 1 Remove modern brickwork fire surround and board over fire place and make good.
- 2 Overhaul all skirting boards refix as necessary.
- 3 Brick up and make good service hatch.
- 4 Refix loose floor boarding.
- 5 Supply and install new 60ltr/sec extract to external wall. £2,250.00

Stairwell

- 1 Repair/make good loose treads to staircase.
- 2 Overhaul wall cupboard and doors.
- 3 Make good plaster work to stair soffit. £1,750.00

Utility/Store

- 1 Remove all fixtures and fittings.
- 2 Remove Aga and pipe work and make good.
- 3 Remove all wall tiling.
- 4 Remove windows and brick up opening.
- 5 Brick up opening to lobby.
- 6 Overboard and skim all walls & ceilings.
- 7 Install new 60ltr/sec wall extract unit.
- 8 Make good all floor finishes. £4,500.00

Hall

- 1 Works to doorway as schedule.
- 2 Works to window as specification.
- 3 Refix loose floor boards. **£1,750.00**

Living Room

- 1 Works to doorway as schedule.
- 2 Works to windows as specification.
- 3 Refix loose floorboards. **£2,500.00**

FIRST FLOOR

- 1 Construct new rear wing as detailed.

Rear Bath and Bedroom

- 1 Remove fixtures and fittings and make good.
- 2 Remove fixtures and fittings and make good.
- 3 Overboard and skim ceiling.
- 4 Install new stud walls and doorways to form new layout.
- 5 Install new ducted 60ltr/sec extract to bathroom.
- 6 Overhaul window as specification.
- 7 Install new skirtings to new walls to match existing/overhaul existing.
- 8 Overhaul doorway (20) as schedule. **£4,000.00**

Landing

- 1 Plaster repairs to stair soffit and make good.
- 2 Overhaul window to specification.
- 3 Make good loose treads to staircase.
- 4 Form new twin stud wall adjacent staircase as shown to specification as fire/sound break, party wall **£1,000.00**

Hall/kitchen

- 1 Remove all fixtures, fittings and stud walls and make good.
- 2 Remove window and brick up opening.

- 3 Form new doorway (15) as schedule to access new extension.
- 4 Form new stud partition ½ hour F/R and doorway (16) as schedule.
- 5 Overboard and skim ceiling.
- 6 All walls to be dry lined plaster board and skim.
- 7 Install new 60ltr/sec extract to external wall.
- 8 Install new kitchen complete. £5,300.00

Bedroom

- 1 Overhaul doorway (19) as schedule.
- 2 Works to sash windows as specification.
- 3 Decorations to specification. £1,450.00

Living Room

- 1 Remove fireplace hearth supports and replace and reform as original.
- 2 Overhaul doorways (18) and (23) as specification.
- 3 Overhaul windows as specification.
- 4 Refix and make good all loose floor boards.
- 5 Decoration to specification. £2,700.00

ATTIC

- 1 Construct new rear wing as details.

Rear Bedroom

- 1 Remove all fixtures and fittings and make good.
- 2 Overboard and skim all ceilings and wall areas.
- 3 Overhaul window to specification.
- 4 Overhaul doorway (31) as schedule.
- 5 Form new stud walls to provide en suite area and install fitting.
- 6 Overhaul skirtings throughout. £5,500.00

Landing No 1

- 1 Make good plasterwork to ceiling and walls.

2 Install new stud partition 1 hour F/R to specification. £1,000.00

Landing No 2

1 Overboard and skim to walls and ceilings.

2 Form new access to new rear extension.

3 Form new stud walls to store cupboard areas.

4 Overhaul doorway No (28) as schedule. £2,300.00

Bedroom No 1

1 Overboard and skim to walls and ceilings.

2 Overhaul doorway (27) as schedule.

3 Install new sash window to detail to dorma. £1,250.00

Bedroom No 2

1 Overboard and skim to walls and ceilings.

2 Overhaul doorways (29) and (30) as schedule.

3 Install new sash window to detail to dorma. £1,750.00

Hallway

1 Overboard and skim to walls and ceilings.

2 Make good uneven and loose floor boards.

3 Overhaul valley window and make good flashings.

4 Overhaul doorway (33) as schedule. £2,000.00

GENERAL WORKS

1 All areas to be altered or items removed are to be fully photographed and recorded prior to commencement of works.

2 The whole existing tiled roof area is to be stripped, and tiles set aside, all battens removed. All rafters and timbers checked and repaired as necessary and refixed. New breathable membrane to be installed plus new tannalised battens. All existing tiles are to be reused on the front and side elevations with any make up of replacement tiles used on the rear elevation. New Code 4 lead flashings throughout to all areas. Reuse existing rainwater goods after overhaul, any new required are to be as existing, cast iron. Roof areas are to include the ground floor – dining room lean-to roof, but re.roofed using reclaimed rosemary tiles

3 **Brickwork** All porous and decayed bricks are to be cut out and replaced with like bricks.

- 4 Pointing All porous and missing pointing is to be replaced with like mortar.

£60,000.00

SERVICES

Electrics

- 1 Full rewire to electrical system to Part P Regulations.
2 New plumbing and gas heating system throughout to building regulations Parts L and J.

£40,000.00

Sash Windows – Overhaul

- 1 All existing sash windows are to be disassembled and overhauled.
2 All sash cords are to be replaced and screwed access panels maintained for future maintenance.
3 All existing glass is to be preserved with new putty works as necessary.
4 Any repair or replacement of joinery is to be done as a direct copy of the original and with agreement of the S/O.
5 All windows are to be left fully operational after decoration.

New Sash Windows

- 1 All new windows are to be as details agreed with the LA and SO and are to reflect the original design used throughout.

Joinery Overhaul Doorways

- 1 Overhaul of doorways etc indicates that the item is suffering from wear and tear and that works are required to restore the item to its original quality as far as possible and to be fit for that purpose
2 Replace broken dropped hinges as original.
3 Repair/replace broken locks and keeps as original.
4 Plane or add timber to make door fit opening all as original.
5 Replace decayed timber to door or frame, all as original.

Decorations , All previously decorated surfaces are to be prepared, made stable and redecorated, as original.

£10,000.00

TOTAL COST OF WORK

£248,550.00

Development Cost Appraisal

Beech House, Market Street, Atherstone and associated Enabling Development at the Bank Land, Telephone Exchange and rear of 108 Long Street.

Site Costs – Beech House

Market Value in existing condition	300,000.00
Costs incidental to acquisition	
SDLT	9,372.00
Professional Charges	787.50
TOTAL	310,159.00

Site Costs – Bank Land

Market Value in existing condition (book value)	50,000.00
Costs incidental to acquisition	
SDLT (absorbed in Beech House)	00,000.00
Professional Charges (as above)	000.00
TOTAL	50,000.00

Site Costs – Telephone Exchange

Market Value in existing condition (book value)	50,000.00
Costs incidental to acquisition	
SDLT	2,000.00
Professional Charges	600.00
TOTAL	52,600.00

Site Costs – 108 Long Street

Market Value in existing condition (book value)	50,000.00
Costs incidental to acquisition	
SDLT	2,000.00
Professional Charges	600.00
TOTAL	52,600.00

TOTAL SITE COSTS 465,359.00

Design & Construction Costs

Survey Costs 2,000.00

Construction Costs

Conversion and Repair Beech House 250,000.00

New Build – Bank Land 150,000.00

New Build – 108 Long Street 100,000.00

Conversion – Telephone Exchange 80,000.00

Architects Fees 10,000.00

Contingency @5% 29,600.00

TOTAL DESIGN & CONSTRUCTION 621,600.00

Statutory & Other Charges

Planning & Building Control Fees 20,000.00

Legal Cost – 106 Agreement 2,500.00

TOTAL STATUTORY & OTHER CHARGES 22,500.00

Interest

Interest – Beech House

Site cost & Fees average 3% pa 2003-2012 83,742.00

Construction and Fees 3% pa 2013-2014 7,500.00

Statutory & Other Charges 3% pa 2013-2014 675.00

Interest – Bank Land

Site cost & Fees average 3% pa 2003-2012 13,500.00

Construction Costs 3% pa 2013-2014 4,500.00

Interest – Telephone Exchange

Site cost and Fees average 3% pa 2002-2012 15,000.00

Construction Costs average 3% 2013-2014 2,400.00

Interest – 108 Long Street

Site cost and Fees average 3% 2002-2012 15,000.00

Construction Costs average 3% 2013-2014 3,000.00

TOTAL OF INTEREST 145,317.00

Developers Profit

Calculated at 20% on all costs.

£1,254,776@20% 250,955.00

TOTAL DEVELOPERS PROFIT 250,955.00

TOTAL OVERALL COSTS 1,505,731.00

COMPLETED MARKET VALUE

Beech House 1 148,500.00

Beech House 2 147,000.00

Beech House Basement 71,000.00

Bank Land 1 79,000.00

Bank Land 2 79,000.00

Bank Land 3 79,000.00

Telephone Exchange 1 74,900.00

Telephone Exchange 2 74,900.00

Telephone Exchange Garage 9,900.00

108 House 84,900.00

108 Bungalow 84,900.00

TOTAL COMPLETED MARKET VALUE 933,000.00

TOTAL COSTS 1,505,731.00

COMPLETED VALUE OF SCHEME (933,000.00)

DEFICIT (572,731.00)

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Surveyors and Estate Agents

12 MARKET STREET, ATHERSTONE, WARWICKSHIRE, CV9 1ET
TEL:(01827) 711 900 FAX:(01827) 711 444
www.sel-it.co.uk



Arragon Properties Ltd
14 Market Street
Atherstone
Warwickshire
CV9 1ET

For the attention of Mr J Bennett

20th September 2012

Dear Mr Bennett

Re:- Beech House and surrounding proposals

Further to our previous correspondence we would advise that the values of the property/land in their existing condition are as follows:-

Beech House	£300,000
The following with the benefit of the various planning permissions	
Bank Land	£49,000
Telephone Exchange development site	£51,000
108 Long St development site	£49,500

These figures are based on the current market and take account of the locations

We trust that this clarifies the situation.

Yours faithfully

A. Oliver-Jones
Managing Director

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Warwickshire
CV9 1ET

For the attention of Mr J Bennett

20th September 2012

Dear Mr Bennett

Re:- Beech House and surrounding proposals

Having analysed the proposed layouts we would advise that based on the current local market you could anticipate the following values:-

Beech House unit 1 803sqft	£148,500
Beech House unit 2 795sqft	£147,000
Beech House Basement 611sqft	£ 71,000

Bank Land Unit 1 670 sq ft.....	£79,000
Bank Land Unit 2 670 sq ft.....	£79,000
Bank Land Unit 3 670 sq ft.....	£79,000

Telephone Exch Unit 1 650 sq ft.....	£74,900
Telephone Exch Unit 2 650 sq ft.....	£74,900
Telephone Exch Garage Unit 120 sq ft.....	£ 9,900

108 Long St House 720 sq ft.....	£ 84,900
108 Long St Bungalow 720 sq ft.....	£ 84,900

These figures are based on the usual quality of finish and take account of the location.

We trust that this clarifies the situation.

Yours faithfully

A Oliver-Jones

A. Oliver-Jones
Managing Director

A-1-PONDY & N

SEL LTD

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Arragon Properties Ltd
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Warwickshire
CV9 1ET



For the attention of Mr J Bennett

Dear Mr Bennett

9th January 2013

Re:- "Beech House", 19 Market Street, Atherstone, CV9 1ET

We again reiterate the lack of progress in finding a purchaser willing to commit to the purchase of Beech House, at any price.

We refer you to our previous reports and to the statements made at the various meetings we have attended regarding this property.

Despite the ill-advised comments regarding "quiet marketing" from the WI, we have previously advised North Works Planning Department and English Heritage of the level of marketing, viz:-

Locally through our office in Market Street which is some forty paces from the property and open 7 days a week and in the local property pages of the area's major weekly newspaper two or three times a month for the past four years.

Nationally through our own website and the countries largest internet property website :- Rightmove, continually without break, we attach the latest client marketing report which shows that "Beech House" continues to be one of the most viewed properties in the area, having been seen in search results over four thousand times in the last month, with 185 further detail views, if Savills had an office near to Beech House they may have achieved similar (subject to Sunday opening).

Despite this enormous attention and the seven appointments to show prospective viewers around in the last two months, we have not received any offers to purchase, even following up all viewings and responding to all queries regarding parking and planning requirements.

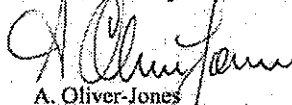
The reasons given by viewers for not proceeding is:-

1. The lack of parking.
2. The Location, being next to a public house, particularly the adjacent entrance.
3. The cost of refurbishment, as it is Grade II Star listed.
4. The perceived high cost of on going maintenance

In conclusion we have made every effort and pursued every avenue open to any estate agent to achieve a sale for your property and find the recent remarks regarding marketing inappropriate and insulting. This is a large property (4000sft over four floors, equivalent to four, three bedroomed houses) the poor location, no parking and the high level of ongoing costs of maintenance and refurbishment, perceived by prospective purchasers, in the current economy no single family appears to be prepared to propose an offer.

We trust that this clarifies the current situation, we await your further instructions.

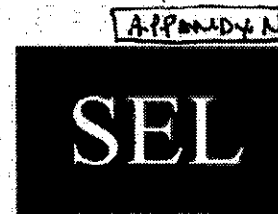
Yours sincerely


A. Oliver-Jones
Managing Surveyor

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We trust that this clarifies the current situation, we await your further instructions.

Yours sincerely

A. Oliver-Jones
Managing Surveyor

PLANNING STATEMENT**Beech House, Market Street, Atherstone, Warwickshire****Statement Coverage and Content**

The Statement is prepared in response to the request for criteria to support the attached Planning Application for Subdivision and associated Enabling Development at, and nearby to, Beech House, Market Street, Atherstone, Warwickshire.

The required criteria are in several forms and are defined in a set of pre application advisory notes provided by the Senior Planning Officer. These notes also set out a range of required Submission Documents which include evidence in support of the proposal, background information, an appraisal of the proposal itself and justification and appraisal of the Enabling Development element of the proposal.

The Senior Planning Officer requires that the justification for Enabling Development is presented with reference to definition and description from the English Heritage Policy Statement - Enabling Development and the Conservation of Heritage Assets (Second Edition) and with further reference to the National Planning and Policy Framework.

Both the EH Policy Statement and the NPPF are cited in detail in this statement with reference to stated definitions where required.

Background & History

The detailed proposals for Beech House have been made known to the Planning Committee by pre-application presentation and a subsequent site visit.

The application history for Beech House has also been clearly outlined to the Planning Committee and, in particular, the firm refusal to all proposals for an alternative use despite the establishment of facts that, due to the sheer size, commercial location and enormous future financial implications in a single owner-occupier scenario, it has no future beneficial use as a single dwelling.

The view taken so far by English Heritage is that any proposal to change Beech House from a single dwelling would be harmful to its value as a Heritage Asset.

This has left Beech House in a precarious position.

Whilst any amount of maintenance can be carried out to Beech House by the Developer, this in itself will not make it any more viable as a single dwelling. It will merely maintain its condition whilst it remains in redundancy.

Marketing to Demonstrate Redundancy, as more fully described below, provides supportive proof for the fact that it is redundant as a single dwelling.

To maintain the stance that, at whatever cost, the building should remain as a single dwelling is to deprive Beech House of the basic comfort of Conservation.

The definition of Conservation (for Heritage Policy) within the NPPF is as follows: -

'Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'

The key part of this definition is that of 'managing change' to Beech House, a change that will ensure that it once again enjoys full, sustainable and productive use for the foreseeable future.

Below are two statements taken from the website of English Heritage: -

'English Heritage works with owners and developers to give historic buildings a future. We understand that sometimes their best chance of survival comes from adapting them to economically viable new uses.'

'Imagining how tired and neglected historic buildings can be brought back to life can sometimes be a challenge. It is also too easy to be put off by an imagined minefield of bureaucratic obstacles to converting listed buildings to viable new uses.'

If the facts relating to the redundancy of Beech House as a single dwelling can be acknowledged then these two statements clearly give huge encouragement to the proposal, the first in recognising that change (as in this instance) ensures survival through productive use and, second, that the process of managing such change should be straightforward.

The Proposal

Accordingly, this proposal has been carefully measured against the requirements contained within the English Heritage Policy Statement and it is considered that viewed against those requirements, the proposal offers a sensible solution to returning Beech House to beneficial use. The enabling development component of this proposal does not provide sufficient margin to take it out of deficit upon completion as defined in the EH Policy Statement. This presents a significant loss to the Developer as evidenced by the attached Development Appraisal. However, the Developer cannot presently avail itself of any additional development in relation to this proposal. Comfort in the short term has to come from being secure in the knowledge that Beech House can again positively thrive under this proposal.

English Heritage and its Policy Statement

It should be acknowledged that English Heritage has not been able to suggest any viable alternative to the present redundancy suffered by Beech House.

Despite several follow ups, both the Senior Planning Officer and the applicant are still awaiting a response from English Heritage.

Their Policy Statement relating to Enabling Development is a lengthy document at around ninety pages, over half of which relate directly to the proposal concerned.

The applicant is appreciative of the burden it places upon the Planning Committee in requesting the Members to study the Policy Statement but firmly believes that the Members should come to their

own decision as to the weight and validity of the proposal measured against the criteria contained within the Policy Statement.

As the Senior Planning Officer has made it clear to the Developer that its Planning Statement will be referred to English Heritage for their comment, the applicant has understandable concern that English Heritage will again disregard the facts and will make unfavourable recommendation. That the Members have scrutiny of the facts presented in this statement, rather than relying only on the Officers Report, will ensure that this does not prevail.

To minimise the burden upon the Committee, and to avoid a full repetition of the Policy Statement, the directions below to the relevant parts of the Policy Statement are given by reference to headings, numbered sections/sub-sections and pages numbers with a brief applicant response to the parts concerned. As follows:-

Heading – Policy – Page 5.

The proposal fully meets items A to G

A. It will not materially harm the heritage values of the place or its setting...

There is no evidence to prove that the proposal will materially harm the heritage values of the place or its setting. Indeed the Enabling Development to the nearby Bank land and the former telephone exchange will positively enhance the general vicinity and have a positive impact to the rear aspects of both Beech House and the nearby timbered elevations of 11-13 Market Street by opening up the area, allowing public view of these important buildings and providing an area of public open space. The works required to Beech House are internally minimal and externally can only have impact to the rear elevation where the proposed stairwell is constructed. As the construction would be in keeping with the design and using period materials it is difficult to see how this could impact in the negative. In fact, a person who is unfamiliar with the present view of the rear elevation of Beech House would have difficulty in identifying the stairwell extension as a later addition.

B. It avoids detrimental fragmentation of management of the place...

The management of the three units that result from the proposal would be held under the present freehold title with individual leasehold titles being granted if the units were to be sold at some future date. This will ensure that each of the leaseholders would have a covenanted responsibility for the maintenance and upkeep of those parts of the building considered to be 'common' such as main walls and roof. A regular service charge and annual contribution to a sinking fund will ensure that general periodic maintenance is achieved and that significant future expenditure is made possible.

C. It will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose...

The proposal obviously satisfies this requirement.

D. It is necessary to resolve problems arising from the inherent needs of the place rather than the circumstances of the present owner or the purchase price paid...

The problems do indeed arise from the inherent needs of the place. The inherent need of Beech House is that it be returned to viable use from its present redundant state. As has been previously outlined here, expenditure in maintaining Beech House to any standard will not in itself ensure that it is returned to use as a single dwelling. There is simply no demand for it as such. The required subdivision results in manageable units that are able to attract demand from the current market.

In its current form (as a single dwelling) Beech House purports to present as a prestigious, high value residence but possesses location and maintenance drawbacks that are seen as intolerable accompaniments, i.e. the location in a commercial environment with a public house and offices adjoining either side and the aforementioned prohibitive maintenance burden. These factors are clearly identified within the attached report on marketing.

The subdivision naturally places the resultant smaller units in a different market with less exacting expectations from potential occupiers, lesser individual maintenance cost/burden, consequent increase in market demand and a corresponding immediate return to full and productive use.

E. Sufficient subsidy is not available from any other source...

Enquiries have been made with Advantage West Midlands, English Heritage and the Landmark Trust. A response in the negative has been received from the Landmark Trust and we understand that AWM are no longer providing any grant assistance towards the maintenance and repair of listed buildings.

Their past involvement with grant assistance of this nature in Atherstone in 2009 was in conjunction with English Heritage. At this time, Beech House should have been of prime interest to the scheme as laid down but was inexplicably overlooked. No satisfactory explanation has been given for this significant oversight.

Reference to the English Heritage webpage for Grants for Historic Buildings, Monuments and Designed Landscapes indicates: -

'These are mainly offered for urgent repairs or other work required within two years to prevent loss or damage to important architectural, archaeological or landscape features'

In the event, subsidy for urgent repairs is not required. As stated, it is intended that the Enabling Development would fund a programme of conservation conversion and subdivision to enable a return to use.

F. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests...

The amount of development is not sufficient to leave the proposal without a significant deficit. However, it is the maximum development that the Developer considers it can actually do now given the site opportunities.

The form of the development, three cottages to the bank land, two cottages and garaging to the former telephone exchange and two cottages to the rear of 108 Long Street, does not harm any public interest and no evidence has been offered to prove that such harm would occur.

The development to the rear of 108 is supported by the Senior Planning Officer. It 'tidies' the appearance of the presently stark appearance to the rear of 108 and, as has been proven, does not detract from any views of the rear of 11-13 Market Street, any such view being obscured by the reinstatement of the wall between 108 and the adjoining premises. The reinstatement of this wall by the owner of the adjoining premises, TNT, was approved by NWBC's Planning Department in February 2011 and effectively blocks any view of the rear of 11-13 from any point in Ratcliffe Street. Despite these points of fact, the past refusal of planning consent for development to the rear of 108 was largely reasoned and justified by this loss of view.

The development to the bank land does, as previously outlined, enhance this presently inaccessible area and provide vista to the rear of both Beech House and 11-13 Market Street to the benefit of both of these buildings. It is particularly important in the case of 11-13 Market Street as, in also providing an important element of public open space within the townscape, it once more allows a public view of the rear of this building which would otherwise be lost when, as outlined above, TNT's boundary wall has been completed.

The development of the telephone exchange brings an existing structure back into productive use and provides an element of garaging which may be used to enhance the desirability of the units within the proposed subdivision of Beech House.

G. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies...

How the enabling development can breach public policies cannot be imagined.

Aside from the obvious benefit to Beech House, the enabling development also enhances the streetscape (108), brings life to a sadly redundant building (the telephone exchange) and aesthetically develops a landlocked and unattractive pocket of land (bank land) with benefits to the setting of at least two listed buildings and the provision of amenity space to the public good.

In isolation, any of the proposals could be considered sensible and worthwhile. As part of a greater scheme, they serve to protect and revive an important listed building whilst greatly improving its setting by complimenting both its character and that of its surroundings.

Heading – Summary

Section 4 – Page 8.

The Building will have a positive value on completion of the conversion and will undoubtedly return to beneficial use.

As previously stated, the market has been tested in accordance with the later part of this Section, the supporting material is attached.

Heading – The Concept of Enabling Development

Section 1.1.3 to 1.15 – Page 10

Three key points are stated by English Heritage in their policy in addition to the already outlined statements to their website:-

'That survival of significant places occurs because they are capable of beneficial use'

'Built extensions to historic buildings ARE acceptable as is a change of use' (even if contrary to policy)

'Sites providing enabling benefit do not have to be in close proximity' This may include that part of the proposal to the rear of 108 Long Street.

Section 1.2.2 – Page 11

Aware of the issues faced by Beech House the Planning Authority failed to adopt a supplementary Planning Document when it was clear that problems would arise over the continued redundancy of the building.

Heading – Roles and Responsibilities

Section 2.4.1 – Page 14

The Developer has previously commissioned all necessary expert advice and carried out an adequate assessment of the place which is provided as part of the application. It should be acknowledged that English Heritage has been in possession of these expert reports and assessments for some considerable time. Seemingly this has not enabled them to apply critical judgment to this or earlier proposals.

The Developer has assiduously explored a full range of alternative development strategies as evidenced by the planning application history.

Heading – Understanding the place and identifying options

Sections 4.3.2 to 4.3.5 – Page 22

The Developer has sensitively and appropriately judged the optimum viable use from wide ranging options with the prescribed degree of realism and a genuine interest to see the place returned to beneficial use.

The Developer can prove redundancy in the place's present form from the detailed and lengthy marketing. However, English Heritage has never been able to offer proof that the place is viable as a single dwelling and has a beneficial use as such.

However disprovable their opinion may be they have considered it sufficient to meet the requirements of PPG15 and have accordingly 'judged' that use as a single dwelling is the best use and passed this on to the planning process where, despite no proof being offered, it has in the past been taken at face value and important opportunities to revive Beech House from redundancy were lost.

To the Developers knowledge, no criteria or burden of proof has ever been applied by the Planning Authority to the advices and opinions of EH and consequently, decisions upon past proposals have unfortunately not been based on the facts.

This is a serious failure that is proving to be the bar to the place returning to beneficial use.

Section 4.3.9 – Page 23

The Long Term Management of the place will be achieved, as outlined above, by means of an appropriate management company, levy of service charge, sinking fund and an active managing committee.

As previously stated, these requirements will be achieved by means of leasehold covenant for any future sale. In the shorter term it is proposed to retain the place in its entirety thus removing the need for immediate management solutions. The longer term solution can be prepared from the start and remain in dormancy until such leasehold interests may be sold.

Section 4.7.1 – Page 26

The need for market testing as described in this section has been completely observed. Marketing has been continuous and has been adapted to offer the premises with parking/ garaging although this failed to make any difference to the appeal of the property. The results have not however been acknowledged by English Heritage although it was carried out and recorded at their behest.

Heading – Understanding the Figures

Section 5 – Pages 33-48

A Development Appraisal has been prepared in accordance with the guidelines contained within Appendix 2 – Page 66. This Appraisal shows a considerable deficit but, as earlier outlined within this statement, the Developer cannot presently identify any further enabling development that could be proposed in order to close the deficit.

It is assumed that the required draft Section 106 Agreement will be prepared by the Planning Authority.

Conclusion

It is hoped that the contents of this statement meet the information required by English Heritages Policy Statement, NPPF and the requirements of the Senior Planning Officer.

Certain of the requirements of the latter are presented separately to this statement but, in themselves, are little more than requirements of the planning process and will have no real impact upon a judgment of the essence of this proposal.

That judgment will lie in the observation of the facts as presented within this statement and will reach the obvious conclusion.

That Beech House has, and can have, no future as a single dwelling. That the enabling development not only ensures a productive return to viability for Beech House for all time but, in itself, comprises sensible and balanced development that enhances this part of the conservation area and presents no negative impact whatsoever.

Beech House and its surroundings have an optimistic future in this proposal. To lose such an opportunity would be to entirely dismiss its importance both as a listed building and to its contribution to the townscape of Atherstone.

The conclusion of this statement would not be complete without strong reference to the policy set by the NPPF as regards Economic Growth.

The following extract from the NPPF needs no explanation: -

Delivering sustainable development

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The proposals outlined in this statement not only create ten new dwellings but create a significant economic welfare asset by the assurance of continued work for over twenty local construction employees over a period of not less than two years.

As any concerns or questions over Heritage issues have been answered by this Statement the Applicant believes that the NPPF's aim to support economic growth is framed entirely towards proposals such as this and consequently that full approval of the proposal is the only means by which the NPPF's policy for economic growth can have been seen to be observed.

Having regard to all of the facts and the established directive policy examined within this Planning Statement, the Applicant respectfully requests that the Planning Committee lends the proposal its full support and accordingly grants the required consents.

31st August 2012.

Heads of Agreement

Relating to Section 106 Agreement – 'The Agreement' as defined under the Town & Country Planning Act 1990 for securing the objective of enabling development at premises – 'The Premises' known as:

Rear of 108 Long Street, Rear of 96 Long Street and Former Telephone Exchange Building to the rear of 100 Long Street.

Parties to the Agreement

North Warwickshire Borough Council – 'The Council'

Arragon Construction – 'The Developer'

Benefiting Asset

Beech House, 19 Market Street, Atherstone, Warwickshire.

Terms Agreed

That The Premises do collectively form part of The Agreement and that The Developer holds the Freehold Title to The Premises.

That the development of The Premises is considered to be enabling development conditional upon repair and improvement being carried out to the Benefiting Asset and that such repair and improvement will be carried out in full accordance with the Schedule of Works prepared for the Benefiting Asset and any conditions imposed by the planning consent granted.

By means of an obligation as defined in The Agreement and by condition of the planning consent, the enabling development of The Premises and the repair and improvement of the Benefiting Asset shall be concurrent and all work to the Benefiting Asset shall be completed simultaneous to or earlier than the completion of the enabling development.

That, within the term of The Agreement, disposal of interest in the whole or any part of The Premises or the Benefiting Asset will not release The Developer from any obligation defined in the Agreement once the enabling development has commenced to The Premises.

By means of obligation as defined in the Agreement that no disposal of part of the Benefiting Asset may occur without the creation of a Leasehold Title to that part of the Benefiting Asset to be sold together with the formation of an appropriate Managing Company that shall seek to collect monies by way of service charges and sinking fund from the holders of the derived Leasehold Titles, in accordance with

attendant covenants for the purpose of the future maintenance, repair and improvement of the Benefiting Asset.

That the specific performance of obligations placed upon The Developer is assured by means of a Performance Bond in a mutually agreed sum save that the Bond will be discharged upon completion of the scheduled works to the Benefiting Asset and future performance as regards the obligation to create derived title and Managing arrangements shall be ensured only by means of enduring condition to the planning consent granted for the Benefiting Asset.

Appendix Q

SEL .LTD

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Arragon Properties Ltd
14 Market Street
Atherstone
Warwickshire
CV9 1ET

For the attention of Mr J Bennett

27th November 2013

Dear Mr Bennett

Re:- "Beech House", 19 Market Street, Atherstone, CV9 1ET

Since we were instructed, we have been marketing Beech House since 10th January 2009.

We set up a marketing strategy to include for the following:-

A guide price of £550,000.

A prominent "For Sale" sign at the front of the building;

Exposure in the front window of our town centre estate agency (forty paces away).

Regularly advertising in the Tamworth Herald property section.

Advertising on the premier property web site "Rightmove.co.uk

On our own web site "sel-it.co.uk" and also on other property web sites.

During the first period we conducted a number of viewings (11 in Number between January & May) we received two offers both subject to a change of use, to commercial offices, one by the Town Council in January 2009 and another from a business owner wishing to re-locate, both were subsequently withdrawn.

During the following year between March and November 2010 we conducted three viewings but received no offers.

In June 2011 we were instructed to reduce the asking price to £350,000, and to remarket in accordance with the requirements of Policy HE9-Marketing to demonstrate redundancy

This resulted in renewed interest and we conducted fifteen viewings, but no offers for purchase, even when we were able to include in the marketing the possibility of car parking, which has been a major issue with most viewers.

Throughout the period this property has attracted a very high level of internet interest (4000 hits per month with up to 200 further enquiries per month resulting in 25 requests for details on average per month).

We were then asked to advertise the property as for sale with any reasonable offer considered, this stimulated a large amount of further interest from a range of unlikely prospects, some first time buyers with a view of buying a bargain spending circa £5/6000 and selling on at £500,000 or alternately forming a commune of three or four families to share the costs. It also resulted in a large number of lengthy viewings (fifteen in two months some of which were in excess of two hours each) and two offers, both at similar levels (£100 & 125 k both based on a schedule of items which reflected the anticipated high cost of refurbishment under the listed building criteria,) one offer not proceedable without the sale of a unfinished project, the other conditional on a number of factors one of which was on site parking.

We trust that this clarifies the situation.

Yours faithfully

A. Oliver-Jones

Arragon Jaguars Ltd

PO Box 382
Douglas
Isle of Man
IM99 2XA
01624 822424
01624 825883 Fax
arragonpolydora@yahoo.co.im

26th January 2014

Mr. J. Brown
Head of Development Control Service
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Dear Mr. Brown

Re: Beech House, Atherstone

As requested by you at our recent meeting and later email I am writing to confirm the following additional information.

Development Cost Appraisal

It is suggested that we may wish to revisit this appraisal in view of the upturn in the housing market.

In revision of the appraisal we should also strictly consider the possibility of rising costs but for simplicity we have disregarded these.

The latest UK Land Registry data for house price inflation indicates an annual regional increase for Warwickshire of 3.2%. This figure is appropriate for use as the original Appraisal was prepared almost exactly one year ago at the start of the index period applied.

In application of this percentage to the Completed Market Value section of the appraisal this will increase the value by just short of £30,000.00, hence the Total Completed Market Value will rise from £933,000.00 to £963,000.00.

We have applied the increase in property values to the site costs for the Bank Land, Telephone Exchange and 108 which collectively increases their total value by £4,500.00. This figure must be added to the Total Overall Cost of £1,505,731.00, i.e. £1,510,231.00.

The new deficit after adjustments calculates to approximately £547,000.00 as opposed to the earlier figure of £572,000.00 a nominal difference of no significance given the magnitude of the costs.

Preservative Works

Since the acquisition of Beech House a regular programme of preventative maintenance has been carried out on an annual basis.

The effectiveness of this maintenance is proven by the fact that in the decade since ownership there has been no decline in its overall condition.

Maintenance has of necessity largely been directed towards those elements of the structure which, if neglected, pose the greatest risk to the overall integrity of the structure.

The roof has been periodically inspected and required repairs have been carried out using traditional materials and methods. Guttering has been inspected and cleaned in conjunction with roof repair.

Frequent checks have also been made to the external joinery and particularly the integrity of the upper floor windows to ensure that there is no water ingress.

The quoins to the intersection of the front and right hand side gable were showing signs of weathering and have been made good and decorated.

The present plumbing installation is dated and regular checks have been made to ensure that leaks do not occur.

Given that the electrical supply is dated, it is routinely switched off at the distribution board to prevent the possibility of any damaging short circuit.

The property is inspected weekly and any maintenance matters arising are attended to immediately.

Offers Received

As you are aware from previous correspondence, we received interest which resulted in two offers.

In order to comply with data protection requirement we are unable to release the personal details of those making the offers but we are able to outline the factors and circumstances that enabled qualification or otherwise of those offers.

The first offer was made subject to a plethora of conditions which included the offered price only becoming firm in the event that later enquiries and inspections did not reveal or indicate a cost burden for repair and improvement beyond that anticipated at the time of the offer.

As the offer was made by a person with appropriate qualifications to accurately judge the actual extent of defect and associated repair costs it would be reasonable to expect that the offer would not be conditioned as such.

The conditions appeared to be little more than a poorly disguised route to further negotiation on the price at some later stage.

Aside from the above, the offer failed completely at the outset in that it was specifically conditioned upon the availability of on-site parking or garaging being available. The offering party was naturally informed that we had made such an application in the past and that it had been refused.

There was no attempt at further negotiation by the offering party.

The second offer was subject to similar conditions to the first except that there was no requirement for off street parking. However, the offering party has a property to sell and any purchase would be wholly dependent upon such a sale. Even if this party were in a position to proceed, this offer would fail due to the presence of unquantifiable conditions.

This offering party was also proposing that part of the purchase price be dealt with by consideration other than monetary, something quite irregular and entirely unacceptable.

● Page 3

January 28, 2014

We look forward to hearing from you following what we trust will now be an imminent re-consultation.

Yours sincerely,

John Bennetts
Group Property – Arragon Group of Companies

Registered Office: Arragon House, Santon, Isle of Man. IM4 1HH
Company No. 75452C

Brown, Jeff

From: Judy Vero <secretary@atherstonecivicsociety.co.uk>
Sent: 13 February 2014 16:17
To: Brown, Jeff
Subject: RE: Beech House
Attachments: Beech House enabling Nov 12.docx

Dear Jeff,

Thank you for sending the latest details from Arragon.

The parochial 'marketing exercise' carried out suggests that they either do not recognise the unique qualities and architectural importance of this Grade II* building, or they do not really want to sell it.

It appears to us that the whole campaign has been orchestrated to give only the impression that the property is for sale. It began in 2009 at the bottom of the property market collapse, with an unrealistic price of £550,000. The price was subsequently reduced to £350,000, but though it is mentioned as a 'major issue' there was no serious offer of car parking, even though the applicant owns most of the land around the curtilage.

The property was then advertised for sale with 'any reasonable offer considered,' but still no car parking, as the applicant was claiming that this could not be achieved. This is a little disingenuous as the Council's rejection of planning permission for on-site car parking (11 Nov 2011), did not rule out a less harmful scheme. As the Decision Notice stated, '...no evidence has been submitted to show how such provision could be made through alternative measures, either on-site or off-site, such that the benefit might be gained but through less harmful proposals.'

Amongst the 'reasonable offers' there appear to have been two substantial offers, £100,000 and £125,000 (SEL's letter of 27 Nov 13), though no dates are given. Although the need to sell a property to finance the purchase might have discouraged the first offer, the second one could have been satisfied by offering to apply (or re-apply) for planning permission for on-site car parking. However, there appears to have been no will by the applicant to pursue a scheme for a more sensitive site for the car parking.

As we stated in our letter of 4 December 2012 (copy attached), we feel that, if there was a real will to sell, other agents would have been used, as a property goes stale after a long period on sale. A house of this standard would normally be marketed on a national basis rather than a local newspaper. A general property website such as Rightmove, would not automatically attract people seeking unusual homes. The unique survival of many of the original features of Beech House would qualify it for write-ups in the specialist press, but no attempt to do that has been made, indeed no astute marketing has been attempted.

Beech House is by far the most important Listed dwelling in Atherstone, being the only one with Grade II* status. As a feature of the townscape with an attractive garden (now overgrown and neglected) it is a key building in the town and is the focal point of the market square. Now that the property market is showing signs of improving, it is time for a serious campaign to sell it.

In our letter of 4 December we proposed a way forward (paras 4 - 7). We believe that planning permission should now be sought for the conversion of the former telephone exchange into garages and storage for garden equipment, etc., conditional on the sole use by the occupier of Beech House. With this permission the major impediment to the sale would be removed. As a superior private dwelling house and garden with a curtilage that included the former telephone exchange and the Bank Gardens, at a price that reflected the cost of repair, we believe that Beech House would find a buyer.

Following the grant of planning permission for this, a new marketing campaign should be initiated with agents specialising in this type of property. The specification should also include a schedule of repairs with provisional costs to satisfy English Heritage and the Council. As the property market improves, a sale (even at £1) to a purchaser with the resources to do the renovation could certainly be achieved. Then the applicant would not have to subsidise an 'enabling' development to secure the building, thus saving the £547,000 which is the revised deficit on the scheme in

his budget. Beech House would be restored to its position as Atherstone's most prestigious and architecturally important private house and the Conservation Area would remain unspoiled.

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
Email: Secretary@atherstonecivicsociety.co.uk

From: Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]
Sent: 31 January 2014 11:04
To: Judy Vero
Subject: Beech House

Judy

Beech House was re-advertised last year following advice on the marketing to be adopted. We have now received a schedule from the applicant summarising that campaign. This is attached together with a letter updating some of the background information.

If you have any additional comments to those previously made perhaps you would forward these within the next two weeks please.

Thank you

Jeff Brown BA, Dip TP, MRTPI
Head of Development Control

Direct Email: jeffbrown@northwarks.gov.uk
Office Email: planningcontrol@northwarks.gov.uk
Fax: 01827 719363



Atherstone Civic Society

Mr J Brown
Head of Development Control
North Warwickshire Borough Council
The Council House
South Street
Atherstone CV9 1DE

4 December 2012

Dear Mr Brown,

Proposals at Beech House, Market Street; the rear of 94, 96 and 98 Long Street, the former Telephone Exchange, North Street and to the rear of 108 Long Street, Atherstone.

Thank you for your letter of 21 November 2012 together with consultations. Our responses are as follows:

Beech House - Planning application: PAP2010/0462 Listed Building Application: PAP2011/0014

1. We sent a lengthy response to consultation on 1 February 2011, and a further one on 9 February 2011. We wish those comments to remain as our response to this application. In response to your letter of 21 November regarding the proposal for enabling development we wish to make the following comments:
2. The case for enabling development normally rests on there being a conservation deficit. English Heritage's Policy Statement, 'Enabling development and the conservation of significant places,' defines this as 'when the existing value (often taken as zero) plus the development cost exceeds the value of the place after development.' (Paragraph 5.4.1). Our understanding is that Beech House has been quietly on the market for some time at a price of £350,000. The building has suffered several years of neglect and is now on English Heritage's 'Buildings at Risk' register.

Planning Statement

3. At A (referring to the English Heritage Policy Statement on Enabling Development), regarding harm to the heritage values of the historic area (and also G, regarding public benefit), it does not appear that the applicant has accepted that the green spaces proposed for development are part of the intrinsic character of this part of the Conservation Area and provide a setting for the Listed Buildings. Any modern development, no matter how sensitively designed and executed will impact upon this character. This is the only part of the Conservation Area where restraint has been imposed in the interests of the historic environment. Elsewhere development has been allowed, much of it by this applicant. The point should also be made, that even in the period of intensive development of the back yards and gardens of the town during the 18th and 19th centuries, this area was left undeveloped, a green oasis in the heart of the town.

4. At D the applicant claims that Beech House has no future as a single dwelling. This is simply not true. All through its history it has been a single dwelling up until the time that the applicant bought it. We are not convinced that the marketing exercise was serious as, to our knowledge, no agent nationally recognised for dealing with important historic houses was appointed to handle the sale. Instead it was left very quietly on the market with a local agent and a minimum of advertising.
5. The town-centre location is seen by the applicant as a drawback, although many prestigious historic residences are to be found in the centre of market towns. The previous family lived there for over sixty years and only felt the need to move when bereavement and advancing years rendered the house unsuitable.
6. The maintenance burden will not be eased by splitting the property into flats. If, as the applicant has done elsewhere in the town, the flats are to be let rather than sold, the fabric of the building will be at risk from transitory tenants who may not have sympathy for the historic features of the house and may be hard-pressed to meet the maintenance costs.
7. In referring to NPPF policies the applicant claims that the development of nine new dwellings will secure jobs in the construction business. They have failed to mention that Arragon Properties already has at least three development sites under construction at present in Atherstone, all of them on backland. The largest one, Phoenix Yard, has been under construction for several years and no dwellings yet appear to be occupied. There is no guarantee that, if these applications were approved, Beech House would be any nearer to finding an occupant.
8. We are not convinced that approval of these applications would result in the repair of Beech House. On the west side of Church Street, a row of Grade II Listed buildings in the ownership of Arragon Properties has lain derelict for several years, awaiting repair which was a condition of a planning consent for the Phoenix Yard residential development to the rear. How can we be sure that the same situation would not arise at Beech House?

Condition Report

9. Beech House was in a reasonable state of repair when Arragon bought it. Atherstone Civic Society was given free access to survey the building for a project funded by the Heritage Lottery Fund and members spent several days carrying out a survey, under the direction of Bob Meeson. As far as we can ascertain since Arragon purchased it the building has been left to decay. The once-beautiful garden has become overgrown and the house has been used as a storage area, with no evidence of any routine maintenance. This is very distressing when one considers that, previously, Beech House was well cared for.
10. English Heritage's guidance on enabling development states that owners should not allow their buildings to fall into decay (paragraphs 1.2.1-2). In effect the community is being asked to reward Arragon Properties for their neglect. As paragraph 3.5.1 of the guidance points out, 'The idea of the community losing one asset to acquire a greater one is analogous to that of individuals paying taxes to acquire the right to public goods and services - including the conservation of the historic environment.'
11. In their supporting documents Arragon Properties are using the decay of the building and the overgrown state of the garden as support for their proposal. To allow them to profit from such a wilful lack of care would send the wrong signals to other developers. The Guidance makes it clear that this should not happen. 'Local authorities should ensure that the case is based on the needs of the place, not the owner.' (paragraph 5.17.4)

Schedule of Works.

12. Much of the conversion work would necessitate the removal of historic fabric, such as the thralls in the cellar, lath and plaster ceilings. Modern decorative finishes would erase the character of the building.
13. We are also concerned that the works would not be easily reversible. Furthermore, the subdivision of such an iconic town-centre building would send a strong signal to the wider population that Atherstone was in decline as a place to live. Beech House is the focal point of Atherstone's historic centre. Its health is vitally important to the health and status of the town.

Heritage Statement

14. We do not agree that the proposal to subdivide Beech House and build on its curtilage would benefit the building, the adjacent Listed Buildings or the Conservation Area, because it would impact irrevocably on the qualities which make this whole area worthy of long-term protection. This is a rare survival and as time goes on it gets more and more precious. If these developments were to take place the atmosphere and character of the area would change. The whole idea of a Conservation Area, as the applicant states is to 'preserve or enhance' the 'character or appearance'. The attitude of the applicant appears to be that development 'tidies up' land. There is no consideration of the wildlife, or the desirability of preserving some small fragment of the past for the benefit of future generations.
15. It is unfortunate that Atherstone has become the focus of a determined developer who wishes to stamp his mark on the Conservation Area. He has done this very effectively. We will not argue with the fact that much of his development elsewhere in the Conservation Area is appropriate in design for its setting. But we would argue that it has become so ubiquitous that the genuinely historic has become confused with the pastiche.
16. The application site and its surroundings have so far escaped this impact and, in our view, it is the very least we could expect that this last remaining fragment of history is allowed to stay as it has been for several hundred years. The town has no need of the dwellings which the applicant wishes to build. Arragon Properties already has at least a hundred small dwellings either built or under development within the Atherstone Conservation Area. The slowness of completion of these developments indicates that there is no market for so many, especially as most are private rental properties.
17. PPS5 Practice Guide, p.20 – 'the three values'. The problem seems to be that the applicant does not understand the principles of conservation and appears to have no sensitivity to what is appropriate development. He has not shown understanding of the *nature of significance* of the historic area, or the *extent of the fabric* of the structures or the *level of importance*. In our view, these would not only encompass the fabric as it stands today, but what it tells us about the past; from the original door fastenings in Beech House, to the fact that the Bank Gardens land was used in 1646 as a garden, orchard, barn, hovel and place to lay dung or 'cowpass'.
18. Atherstone Civic Society has researched each of these buildings and has built up a chronology of use, ownership and occupation which stretches back to 1547. For Beech House we have also discovered an inventory of 1723 which describes the interior and shows it has changed very little since this date. Inventories and wills survive for the owners and occupiers of other buildings and tell us much about this area. Atherstone has a rich archive at the Warwick County Record Office. When read in conjunction with these buildings, the documents add considerably to the historic interest of the area, and, consequently, to 'the three values.'
19. The applicant appears only to be able to see development potential. We do not understand how development can possibly 'improve the setting' of the surrounding buildings. Until Arragon Properties acquired this key part of the Conservation Area, the setting was an attractive cottage garden which he has allowed to become overgrown in order to 'make it easier' to obtain planning

permission. However, during that time it has, at least remained as a haven for wildlife, a precious asset in an area which has very little other green space. The applicant claims that the garden will become 'public open space' (p. 2, para 3, 2nd point), though he also uses the term 'developed public gardens.' (See Bank Gardens, para 6 below)

20. At point 3, the developer states that, without development, none of the so-called benefits can be provided. In our view the only benefit would be the repair of Beech House. If the owner would reduce the sale price to a level that properly reflects the estimated £250,000 required for repair (minus the cost of conversion), he would not have to expend the money on repair and there would be no question of enabling development, or the sub-division of the building.
21. We do not believe that the applicant's Heritage Statement addresses the issues in a professional manner and it would appear to us that it has been written by individuals who have only a superficial knowledge of the subject. It would have been more convincing had they employed a qualified specialist in conservation. Such lack of professional expertise does not give us the confidence that approving these applications would result in a satisfactory outcome.

Bank Gardens, rear of 94, 96 and 98 Long Street - Planning Application PAP/2012/0515; Listed Building Application PAP2012/0521: Erection of three cottages.

1. We object to this application. In principal, it is similar to the one submitted in 2007 for three dwellings (PAP2007/0597) and our comments expressed in emails dated 15 February 2008, 20 March 2008 and submission to PINS of 29 August 2008 for APP/R3705/A/08/2079002/NWF still stand.
2. This appeal was dismissed and the Inspector wrote in her Report dated 11 February 2009: 'The proposed development would be harmful to the character and appearance of the area, which lies in Atherstone Conservation Area, and would be contrary to the provisions of Policies ENV12, ENV13 and ENV15 of the adopted North Warwickshire Local Plan (LP) and PPG15.' (Para 9)
3. Subsequently, Arragon Properties submitted a planning application for two dwellings, PAP2009/0183, which we responded to on 28 September 2009 and which was refused by the Council. In our letter of objection we did suggest that, if the Council were minded to approve the application it should be considered as an enabling development for Beech House.
4. However, that suggestion did not extend to the conversion of the building into flats. It merely suggested that the marketability would be improved by the addition of car parking space. The applicant has now gone some way to show how this could be achieved. Although the scheme for the conversion of the telephone exchange is unsatisfactory, it points the way to a possible solution to this problem (see below).

Conservation Area & Impact Statement

5. Site. It is not correct to say that this Site was added to the curtilage of Beech House, 'approximately 12 years ago.' In 1991, when we held a garden party there the lower garden was already a well-established addition to the main garden. In our estimation Bank Gardens have been part of Beech House for at least 30 years, and, to the best of our knowledge, were probably acquired by the owners after Lloyds Bank ceased to have a manager living over the premises. Indeed, if the applicant has the old deeds he will be able to confirm the date that the land passed to Mr and Mrs Chesterton. However, we believe that the land was part of the curtilage of Beech House at the time it was upgraded to Grade II* which was in the late 1980s/early 1990s.
6. Policy HE6. This garden is only overgrown because the applicants has neglected it. All the time it was in the ownership of the Chestertons it was well-maintained. On page 3 (paragraph 3) of the

Heritage Statement, the applicant claims that 'Public open space will be provided in the form of open gardens in the central area between the proposed dwellings and access will be available from both Long Street and North Street.' However in this section the Applicant states that, 'the proposed scheme will provide access to this area and form again a garden that can be enjoyed by all the residents within the Post Office yard and Bank gardens community.' Which statement is correct?

7. Access. We would be concerned about the removal of fabric from the boundary wall. The walls dividing the old burgage plots are an important element of the character of the area.
8. Boundary Walls. We would be strongly opposed to building so close to the old walls that it is impossible to maintain them. This would replicate the 'twitche' of the old yards, which filled with rubbish and became a health hazard to occupants.
9. Siting. Precast concrete is not a traditional material for paving in historic places and would have a harmful impact on the Conservation Area. The evergreen plants suggested for the garden are the typical low-maintenance choice of developers and do not reflect the existing planting, which although overgrown, is in the English cottage garden style.
10. Traffic. As we have said before, Atherstone is a rural market town with limited services, and it is not feasible to insist that residents do not own cars. The result of this will be that they will park elsewhere in the town, depriving shoppers of the car parks which are essential in attracting trade.
11. The applicant's determination to develop every open area of land in the town with tiny dwellings, a poor outlook and lacking in amenity space is rapidly turning Atherstone into a transient community. Living in these small units can be very depressing and consequently residents will only wish to stay a short time, adding little to the local community. Elsewhere in the town Arragon's small dwellings lie unfinished and unoccupied. Is it too much to ask that this crucial town-centre green space should be allowed to remain undeveloped as it has been ever since the first settlement of the town in Anglo-Saxon times?

**Former Telephone Exchange, rear of 100 Long Street - Planning Application PAP2012/0514:
Conversion to two 1-bedroom dwellings and a garage**

1. We object to this application. Although this is an ingenious solution to the problem of providing car-parking for Beech House, it is an awkward arrangement, which will present an incongruous frontage to Post Office Yard in the out-of-scale width of the up-and-over garage door. It will also impact upon the amenity of the occupants of the flanking dwellings. Furthermore, this would not protect the copper beech tree, which would be at risk from the need to lop the branches which overhang the building.
2. In dismissing Arragon Properties' appeal against the refusal of planning permission for three dwellings (APP/R3705/A/10/2123411), the Inspector reported on 13 September 2010, that the copper beech tree casts a 'considerable shade.' Added to the walls at the front of the dwelling, occupants would have 'a poor standard of natural light and a very poor outlook.' He found the tree to be 'important, well-formed and attractive' and did not support its lopping; 'the residential use of the premises would be most likely to result in irresistible pressure to remove or limit the size of the tree despite its protected status.' He concluded that the scheme was 'harmful and contrary to the development plan.'

Rear of 108 Long Street - Planning Application: PAP2012/0517: Erection of two dwellings

1. We object to this application, which appears to be identical to PAP/2010/0315, to which we objected on 20 December 2010. After the Council refused permission we re-stated this objection in evidence to an Appeal (APP/R3705/A/11/2157984).
2. In dismissing the Appeal, in his Report the Inspector wrote, 'The proposed dwellings would fail to preserve the elements of the setting which make a positive contribution to the Conservation Area. The proposal would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would harm the character and appearance of the surrounding area.' (Para 10)
3. Although there have been changes to policy since these Appeals, they have if anything led to a tightening up of conservation policies. The Local Plan policies are still relevant although the emerging Core Strategy, having reached its Pre Submission Consultation now has more weight. Policy NW6 states unequivocally that, 'The quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced.'
4. The Draft Atherstone Conservation Area Appraisal, in discussing the rear of the east side of the Market Place says, 'These gardens, though private and mostly hidden from view, are important and rare green spaces within the conservation area. So too are the historic gardens surviving behind Beech House (which contains a magnificent large beech tree) and 15-17 Market Street. (Para 5.2.22)
5. The NPPF is very clear on the importance of conserving and enhancing the historic environment. Paragraph 132 considers 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 should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.' (para 132) Clearly the impact of the proposed development on the Grade II* Beech House as well as other Listed buildings and the wider Conservation Area would be considerable.
6. Although the NPPF allows for new development within Conservation Areas, paragraph 137, states that it should 'enhance or better reveal their significance.' This cannot be said for the proposed development which would introduce a significant amount of new build to the green spaces which are intrinsic to the character of the historic core of the town.

We therefore wish to reiterate our previous objections to this proposal.

Beech House

Development Cost Appraisal

1. English Heritage's Guidance puts the onus on local authorities to 'ensure that only an appropriate, normally nominal, site or acquisition value is included.' (paragraph 5.17.4) We would suggest that the 'market value' which the developer has put on the property is excessive in today's depressed market.
2. Arragon Properties bought Beech House at the top of the market and it would appear to us that they did not realise that there would be a problem selling it without a garage. There has thus been a difficulty in attracting a suitable buyer, especially when the house was marketed through a local agent and not a specialist in selling prestigious historic houses. Indeed, the marketing was so low key that we are of the opinion that Arragon Properties did not wish to sell it. In our view it was bought with the intention of finding a commercial use, either as offices or as a multi-occupancy rental property. Neither of these uses are suitable as both would impact detrimentally on the fabric and character of

- the building and its setting. Therefore, considerable effort should be made to sell it as a private house with the amenities which an owner of a property of this status would expect.
3. On a simple examination of the Development Cost Appraisal, it appears that the Design & Construction Costs, Statutory and other Charges, and Developer's Profit approximately equate to the Complete Market Value. In effect this means that the putative values of land and interest charges on this land will be written off. Therefore, if Beech House and the Telephone Exchange were sold off for £1, the developer would probably be in a better financial position. Beech House would then find a buyer who would sympathetically renovate it and occupy it as a private dwelling.

A way forward for Beech House

4. We have argued for some time that, in order for Beech House to find a buyer, it needs car-parking space. By adding the former telephone exchange building to the curtilage of Beech House, not only would it acquire accommodation for cars, but also storage for garden tools, and possibly a small flat as dependent accommodation for a housekeeper or elderly relative. Because the building would be under the control of the owner of Beech House there would not be the same threat to the copper beech tree as if it were in separate ownership. The planning application proposing the partial use of the building as a garage, suggests that the applicant is beginning to accept this as a solution.
5. Such an addition should attract a private buyer who would carry out the necessary repairs to Beech House and modernise it, so that it would become a comfortable and desirable dwelling for the long term.
6. The applicant's Development Cost Appraisal shows that they do not consider the repair of Beech House or the conversion of the former telephone exchange to be cost-effective. Therefore, Beech House should be sold at a nominal price which reflects the cost of repair. The former telephone exchange, which it would appear from the dismissed Appeal, has no development potential (despite the applicant's claim that it is worth £50,000), would add neatly to the curtilage of Beech House.
7. Dismissed Appeals on the Bank Gardens and the rear of 108 Long Street, also indicate that these pieces of land have no development potential. Therefore, if the applicant would accept this solution it would allow Beech House to become a family home again and retain its status as Atherstone's most important residence. We have no doubt that with national marketing through one of the leading property agents it will soon find a buyer. Other historic houses in the area have done the same. The key will be the price, which should reflect the cost of removing Beech House from the Buildings at Risk Register.

Yours sincerely,

Judy Vero
Hon. Secretary
Atherstone Civic Society

Grendon Lodge, Long Street, Atherstone, Warwickshire CV9 1BA
Tel.: 01827 712250. Email: secretary@atherstonecivicsociety.co.uk



Appeal Decision

Site visit made on 9 January 2012

by Alan M Wood MSc FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 January 2012

Appeal Ref: APP/R3705/A/11/2157984

Land at North Street, Rear of 108 Long Street, Atherstone, CV9 1AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2010/0315, dated 21 June 2010, was refused by notice dated 24 May 2011.
- The development proposed is two new dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form indicates a development of three dwellings but the proposal was changed to two dwellings during the application process. For the avoidance of doubt, the plans upon which this decision has been made are: 010B, 011B, 012/B and 1/1250 Location Plan.

Application for costs

3. An application for costs was made by Arragon Properties against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The effect of the proposed development on the character and appearance of the surrounding area and whether the proposal would preserve or enhance the character or appearance of the Atherstone Conservation Area.

Reasons

5. The Council published its draft Atherstone Conservation Area Appraisal document (ACAA) in 2006. The ACAA has yet to be adopted but has been the subject of public consultation and so I accord it some weight. Figure 4 of the document identifies the appeal site to be within the 'Back Lands' character area. Plan 1 (Ordnance Survey 1902) indicates that a significant proportion of the 'Back Lands' between Ratcliffe Street and Market Street/Place were in the form of generously sized rear gardens serving the properties facing onto Long Street. This included the rear garden of No. 108, one of a number of medieval

burgage plots within the historic core of the town, and this garden incorporated a large part of the appeal site.

6. Although these open spaces have been compromised to some degree by subsequent development, open areas are still evident within the 'Back Lands' in this part of the Conservation Area. In this regard, I concur with the Inspector's comments in relation to an appeal¹ at 98 Long Street where she asserted that the open areas are important in maintaining the locally distinctive urban form of the central area of the town. The appeal site remains as open land and is currently in the form of a car park which was required by conditions attached to the permission when the rear of the retail unit to No 108 was established as apartments. A subsequent appeal decision² however removed the need for the provision of car parking relating to the development. I observed that the site materially contributes to the open setting at the junction of North Street and Ratcliffe Street.
7. The appeal proposal, which indicates a development of two attached dwellings extending from the rear elevation of the apartments, was preceded by a number of proposals to develop the plot in a similar manner with a terrace of three dwellings. These were resisted by the Council because of their height, length and scale. The proposed development would be reduced in size in comparison to the previous proposals. However, from my observations, the introduction of the proposed dwellings, because of their length and overall scale, would, in my judgement, still unacceptably detract from the openness of this 'Back Lands' site and its wider setting.
8. Planning Policy Statement 5: *Planning for the Historic Environment (PPS5)* promotes the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It also requires decision makers to treat favourably proposals which preserve those elements of the setting of heritage assets (e.g. Conservation Areas) that make a positive contribution to the significance of the asset. In this case the openness of this area of 'The Back Lands' would be unacceptably eroded thereby harming the local distinctiveness of the surrounding area and the setting of the Conservation Area.
9. The proposed dwellings would also significantly obstruct the views across the site, particularly from Ratcliffe Street, to the rear facades of Nos 11 and 13 Market Street, both Grade II Listed Buildings. The Inspector, in a recent appeal decision³ relating to Nos 94/96 Long Street, referred to these rear elevations as being impressive and interesting for their visual amenity and architectural interest. From my observations, I agree with him. The proposal would therefore further harm the setting of this part of the Conservation Area. Where harm has been identified, PPS5 requires that it be weighed against the benefits of the development. In this case there are no significant benefits which would outweigh the harm.
10. Consequently the proposed dwellings would fail to preserve the elements of its setting which make a positive contribution to the Conservation Area. The proposal would therefore fail to preserve or enhance the character or

¹ APP/R3705/A/08/2079002

² APP/R3705/A/08/2079008

³ APP/R3705/A/10/2123414

appearance of the Conservation Area and would harm the character and appearance of the surrounding area.

Conclusion

11. Accordingly, I find that the proposed development would conflict with PP55, and Policy ENV15 of the North Warwickshire Local Plan (2006) which requires that new development should not have a harmful effect on the character, appearance or setting of a Conservation Area and should harmonise with its setting.
12. Having taken full account of all of the matters before me, for the reasons given above, the appeal does not succeed.

Alan M Wood

Inspector

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28 SEP 2010

North Warwickshire
Borough Council



Appeal Decision

Site visit made on 13 September 2010

by **Graham C Cundale** BA(Hons) MSc
MRTPi MTEEM

an Inspector appointed by the Secretary of State
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Decision date:
27 September 2010

Appeal Ref: APP/R3705/A/10/2123411
Post Office Yard, North Street, Atherstone CV9 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2009/0187, dated 20 April 2009, was refused by notice dated 13 October 2009.
- The development proposed is the conversion of an ex-telephone exchange to 3 one-bed dwellings.

Decision

1. I dismiss the appeal.

Preliminary matter

2. As the correct address of the appeal building is not clear to me, the address given above is taken from the application and includes the post code from the appeal form.

Main issues

3. I consider that the main issues in the appeal are as follows.
- (1) Whether or not the occupiers of the proposed dwellings would enjoy a satisfactory standard of amenities in accordance with policy ENV11 of the North Warwickshire Local Plan (2006).
 - (2) Whether or not the appeal scheme would preserve or enhance the character or appearance of the Atherstone Conservation Area and would preserve the setting of the Listed Building at Beech House.

Reasons

Amenities

4. A large copper beech tree overhangs the appeal building and I saw that, when in leaf, it casts a considerable shade, especially over the rear of the building. Light to the rear windows, which would serve kitchens and dining rooms, is also restricted by a high boundary wall facing those windows over about a metre or two. Windows at the front of the proposed terrace face a high wall on the other side of the adjoining access drive. Despite the open arrangement of internal living space, I judge that the above-mentioned rooms would have a poor standard of natural light and a very poor outlook. Upstairs rooms would

benefit from dormers and rooflights but I accept the likelihood that occupiers would be apprehensive, perceiving a threat of falling branches. The quality of living conditions would also be limited by vehicles and activity on the drive at the front of the terrace and the lack of private outdoor amenity space for the occupiers.

5. To some extent these shortcomings could be addressed by removing overhanging branches, as suggested in the appellant's arboricultural report. But in my assessment this would involve removing a substantial portion of the tree, which would cause unacceptable harm to the character and appearance of the locality, as explained below. I can conceive of no conditions that would overcome my concern about these matters. I conclude that the prospective occupiers would not enjoy a satisfactory standard of residential amenities and, therefore, that the scheme is not in accordance with policy ENV11 of the Local Plan. It does not support the Plan's objective to secure development of a high quality.

Character and appearance

6. I find that the above-mentioned beech tree is an important, well-formed and attractive feature that contributes very positively to the mature character and appearance of the Conservation Area. It is protected by a Tree Preservation Order. The appellant's tree survey describes the tree as an excellent example of the species. I saw that it enhances the setting of Beech House, a Grade II Listed Building, in the garden of which it grows. I have no reason to doubt that it also has historical interest, as explained by the Atherstone Civic Society.
7. Were the proposed development to be permitted I consider that considerable works to the tree would be needed in the interests of the occupiers' residential amenities. The appellant's arboricultural assessment itself proposes that the branches be pruned where they overhang the building. In my judgment the amount of work necessary would be such as to harm the appearance of the tree, if not its health and life expectancy. Moreover, the residential use of the premises would be most likely to result in irresistible pressure to remove or limit the size of the tree, despite its protected status.
8. For these reasons I conclude that the appeal scheme would not preserve or enhance the character or appearance of the Atherstone Conservation Area and would not preserve the setting of the Listed Building at Beech House. It is contrary to Local Plan policy ENV15 and in my view it would undermine the purpose of the Tree Preservation Order and policy ENV4. It is not in accordance with core policy 3, which requires the protection or enhancement of landscape and townscape character; or with core policy 11, which requires such proposals to respect or enhance their surroundings. I appreciate that the scheme would have some planning benefits, but these would fall far short of outweighing the harm I have identified.

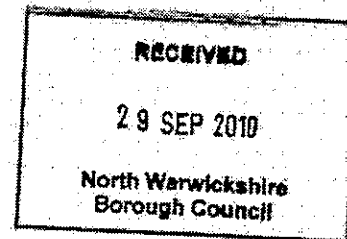
Other matters and overall conclusion

9. In view of its town centre location, no parking provision is made for the appeal scheme. As observed by the county highway authority, a cycle storage facility would be required, and vehicular access would be expected for the purpose of picking up, dropping off, and loading / unloading. The access drive would be narrowed to accommodate what appears to be a walkway at the front of the

appeal building. In view of the other development in the vicinity, the limited space, and the use of the drive and adjacent parking area by other users, I find that more evidence is required to determine whether the requirements of the scheme could be met without affecting traffic movements to an extent that reduces safety. This adds to my concern about the scheme, although my findings on the two main issues are alone sufficient to account for my overall conclusion that the scheme is harmful and contrary to the development plan. I have considered all the other matters raised in the written representations but find nothing to outweigh this harm. Consequently the appeal is dismissed.

G C Cundale

Inspector





Appeal Decision

Site visit made on 20 January 2009

by Elizabeth Hill, BSc(Hons), BPhil, MRTPI

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Decision date:
11 February 2009

Appeal Ref: APP/R3705/A/08/2079002

Land to the rear of 98 Long Street, Atherstone, Warks, CV9 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties Ltd against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2007/0597, dated 14 September 2007, was refused by notice dated 28 March 2008.
- The development proposed is 3 No. 2 bed 2 storey terraced houses within an existing walled garden with shared communal garden. New access gateway through garden wall.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues to be the effect of the proposed development on:
 - 1) the character and appearance of the area, which lies in Atherstone Conservation Area;
 - 2) the setting of the listed buildings at 11-19 Market Street and 98 Long Street; and,
 - 3) the living conditions of future occupiers, in terms of daylight and outlook.

Reasons

Character and appearance

3. The proposed development would take place to the rear of the bank premises at 98 Long Street, which is the main street of Atherstone. The town preserves its traditional market town character and the urban grain of this part of the town reflects the burgage plots off Long Street and Market Street. The site, which mainly comprises a walled garden area, forms part of an open area where the burgage plots from Market Street and Long Street meet.
4. The draft Conservation Area Appraisal Document, which although has not been adopted, has been the subject of public consultation, identifies the site as partly within the backlands and partly within the market place areas of the town. The area around the site is characterised by a mix of back extensions, a few buildings along North Street and open space within the burgage plots. The importance of the retained gardens is set out in paragraph 5.2.22 of the

Appraisal document, although it is unclear whether this site is specifically included within the area mentioned in the text.

5. The evidence submitted by the Civic Society shows that the site might at one time have abutted or was part of a 1/4 burgage plot which was a garden and orchard with a barn and stable, although earlier documents also mention a hovel. Submissions say that these buildings were unlikely to have been substantial structures and, by 1888, the Ordnance Survey map shows the site as almost totally open, in common with other space to the rear of properties on this part of Long Street. It is not disputed that there has been change in this area over time but the changes put forward by the appellants are not subtle but would result in long-term development in a currently open area. Although comprising largely unused gardens now, these open areas are important in maintaining the locally distinctive urban form of the central area of the town.
6. There has been more recent development to the rear of some of the properties on Long Street, for example at Bakers Court. However, these developments have been in the areas closest to the buildings on Long Street and have not impinged significantly into the more open area beyond. The proposed development would extend the existing terrace in Bakers Court further to the rear, well beyond the development in Old Post Office Yard and into the open area behind.
7. The proposed development would be gabled, in common with the rear of many of the buildings on Market Street. However, the proposed terrace would not be linear, which is a characteristic of the development into the yards to the rear of Long Street, but would incorporate dominant front wings. The ridge would be at a similar level to that of Bakers Court but it might have been expected that it would have dropped again further away from the main buildings on Long Street, breaking up the run of development to the rear. The trees on the site would be retained as part of the development but, in winter, the upper parts of the proposed development would be seen as an incongruous addition to the area in glimpsed views through them from Radcliffe Street.
8. The density of the development, on previously-developed land in a sustainable location, would be in accordance with the guidance in Planning Policy Statement 3: Housing. However, this would not outweigh the adverse effects of the proposed development, which would neither conserve nor enhance the character and appearance of Atherstone Conservation Area and would be contrary to paragraph 4.14 of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).
9. As such, I conclude that the proposed development would be harmful to the character and appearance of the area, which lies in Atherstone Conservation Area, and would be contrary to the provisions of Policies ENV12, ENV13 and ENV15 of the adopted North Warwickshire Local Plan (LP) and PPG15.

Listed buildings

10. There are important groups of listed buildings on Market Street, especially numbers 11-19. Their backs, which face onto the site, retain many of their historic features, including gables, and their imposing nature suggests that they were designed to be seen from this direction. The site used to form part of the curtilage of the listed building at 98 Long Street, one of the larger

properties on this street, and subsequently was the garden to the II* listed property at Beech House, Market Street. Paragraph 2.16 of PPG15 requires regard to be had to the desirability of preserving the setting of listed buildings and paragraph 2.15 makes reference to the grouping of the buildings and the quality of the spaces between them.

11. The gardens areas form part of the open setting to the rear of the listed buildings. The proposed development would obscure views of parts of the listed buildings from Ratcliffe Street, especially in winter when the trees were not in leaf. Despite the Council's photograph 3 being taken closer to the proposal than the listed buildings on Market Street, the development would still intrude into views of the garden areas from them. The end of the burgage plot, which is likely to have been at the boundary of the site with Beech House, would still be discernible but the orientation of the development with its communal garden area to the front would confuse the legibility of the historic land use of the area. The loss of the former garden area to 98 Long Street would diminish the original spacious surroundings to this large bank building/house and its relationship to the adjacent buildings and open space.
12. Accordingly, I conclude that the proposed development would be harmful to the setting of the listed buildings at 11-19 Market Street and 98 Long Street, contrary to Policy ENV16 of the LP and PPG15.

Living conditions

13. The proposed dwellings would have only a single aspect to the front and would be enclosed from this direction by the walled garden. The outlook to the front would be of a high wall in close proximity with shade from the mature trees in the summer. The screen walls which would be needed for privacy would reduce the outlook further. The window sizes are small in comparison with overall room sizes and some of the windows would be recessed behind the front wings to the dwellings, limiting the amount of light further. There would be patio doors to the ground floor front rooms and juliet balconies to the first floor windows but in both cases the windows would be relatively narrow and would not increase the light to any significant degree. Such dwellings might well be marketable but this does not necessarily mean that they would provide satisfactory living conditions for their occupiers, since their daylight and outlook would be restricted.
14. I conclude that the proposed development would be harmful to the living conditions of future occupiers, in terms of daylight and outlook, contrary to Policy ENV11 of the LP.

Conclusions

15. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E A Hill

INSPECTOR



Appeal Decision

Site visit made on 13 September 2010

by **Graham C Cundale** BA(Hons) MSc
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Decision date:
1 October 2010

Appeal Ref: APP/R3705/A/10/2123414
Bank Gardens, rear of 94/96 Long Street, Atherstone CV9 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2009/0183, dated 27 April 2009, was refused by notice dated 29 October 2009.
- The development proposed is two 2-bed 2-storey cottages.

Decision

1. I dismiss the appeal.

Procedural matters

2. A representative from the Council did not attend my site visit. However, having been granted access by the appellant I was able to carry out my inspection satisfactorily on an unaccompanied basis.
3. My references to 98 Long Street take account of the Council's observation that the list description is incorrectly addressed as No 96. The validity of that observation makes no difference to my conclusions. Nor does the accuracy or otherwise of the above-stated site address, which is based on the application form.

Main issues

4. The main issues in the appeal are as follows.
 - (1) The effects on the character or appearance of the Atherstone Conservation Area and the settings of Listed Buildings at 98 Long Street and 11-19 Market Street.
 - (2) The effect on highway safety.

Reasons

Character and appearance

5. The appeal site comprises an overgrown garden area to the rear of bank premises on Long Street, the main street of Atherstone, a market town with an important medieval legacy. From what I saw and from evidence supplied by the Council I am satisfied that the site forms one of the important and rare green spaces that contribute to the amenity of the Conservation Area. By

virtue of its openness, the site helps to illustrate the town's past socio-economic development. The urban grain hereabouts comprises long burgage plots extending back from historic buildings fronting Long Street and Market Street, including gardens of houses formerly occupied by the wealthy inhabitants of the town. The site lies where the backs of plots on both streets meet.

6. The appellant contends that there were formerly cottages on the site. I find this to be unsubstantiated and insufficient to justify such a significant reduction of the important open quality of the site. The scheme involves the construction of two cottages, parking and turning areas, with a drive and a pedestrian access-way to be taken separately through an existing boundary wall to link with a shared drive in the Post Office Yard. That there has been development within the burgage plots in the past is not in my view a compelling reason for it to continue. By extending development well beyond the existing terrace at Bakers Court and into a notable area of garden land the scheme would harm the amenity, historic interest and legibility of the Conservation Area. Moreover, the development would be visible from public vantage points, for example on Ratcliffe Street.
7. The Council maintains that building two more houses within the historic curtilage of 98 Long Street would result in the loss, not only of the garden, but also of the sense that the Listed Building forms part of a plot of land whose length is probably a survival from the original burgage plot of the medieval period. The form and intensity of the proposed development makes it more akin to the 18th and 19th century 'yards' of Atherstone, associated with industry and worker housing. I find good grounds for this view. It supports my conclusion that the scheme would detract from the interest, distinctiveness and amenity of this area associated as it is with the former gardens and houses for the town's wealthy. Notwithstanding that the site is now part of the grounds of Beech House and walled off from the bank premises, I conclude that the proposed development would not preserve the setting of the Listed Building at No 98.
8. I also consider that it would fail to preserve the settings of Listed Buildings at 11-19 Market Street. Rear elevations of those buildings are impressive and interesting for their visual amenity and architectural interest. In views from the south east, including Ratcliffe Street, they would be partly obscured by the proposed two-storey development, particularly at times when the intervening trees do not have their leaves. Furthermore, I find that the open quality of the area to the rear of the Market Street properties complements the status of these buildings and contributes to their setting, regardless of the present property boundaries. The appeal scheme would reduce this open quality.
9. I conclude that the appeal scheme would neither preserve nor enhance the character or appearance of the Conservation Area, and that it would fail to preserve the settings of Listed Buildings at 98 Long Street and 11-19 Market Street. It is not in accordance with policies ENV16(2) or ENV15(2) of the North Warwickshire Local Plan (2006). In failing to respect or harmonise with its surroundings, or to "positively integrate into" those surroundings, the scheme also conflicts with policies ENV12 and ENV13, as well as core policy 11.

10. The proposal before me takes the form of two separate cottages rather than the 3-dwelling terrace that was the subject of a previous proposal dismissed on appeal in February 2009 (ref. APP/R3705/A/08/2079002). Nevertheless I believe my conclusions are consistent with that appeal decision, which I treat as a material consideration.

Road safety

11. The scheme makes provision for parking and turning vehicles on the site and I consider that planning conditions would be capable of making such arrangements acceptable in safety terms. However, I also believe that the proposed dwellings would be likely to cause a material increase in the traffic using the shared drive leading to the entrance on to North Street. At this entrance I saw that there is poor visibility for motor traffic crossing the footway and joining the highway. In my judgment, and taking into account the objection of the county highway authority, the resulting additional use would not be in the interests of the safety of both those users and the pedestrians and drivers on North Street. Bearing in mind the extent of the land in the appellant's control I am not satisfied that the degree of hazard here could be sufficiently reduced by means of improvements that could be secured by planning conditions.
12. I conclude that the scheme would be prejudicial to road safety. Without a safe vehicular access to the site the scheme conflicts with Local Plan policy ENV14.

Conclusion

13. I have taken into account all the other matters raised in the written representations, including the alterations to PPS3, but find nothing to alter the balance of my overall conclusion that the appeal scheme is contrary to the development plan and would cause unacceptable harm.

G C Cundale

Inspector