

## **(4) Application PAP 2010/0315**

**108 Long Street, Atherstone**

**Erection of two dwellings for  
Arragon Properties Ltd**

### **Introduction**

Determination of this application was deferred at the Boards' February meeting in order that Members could visit the site. Additionally officers were asked to contact the applicant to request a further reduction in the overall footprint of the proposal so as to further reduce its impact. At the time of writing the subsequent report for the March meeting, the applicant had indicated to officers that he did not wish to pursue this request and the report was written accordingly, concluding with a recommendation of refusal. However, Officers reported verbally at the March meeting that the applicant had now taken a different view and as a consequence amended plans were expected. Determination was thus deferred to enable these to be considered. The plans have now been received, and are reported to this Board for determination. For convenience the February report is attached at Appendix A, and the March report is at Appendix B.

### **Background**

Members will remember that the central issue with this case is whether the proposed development materially affects the character and appearance of the Conservation Area. The past schemes were considered to have done so in an adverse way. The last report (Appendix B) describes in some detail the character and appearance of this part of the Conservation Area, and how that would be affected by the proposals at that time. In essence the proposed built form was too large and would extend the built form too far from the rear of the frontage property in Long Street such that the open character of this part of the Area would become enclosed and hidden from public view.

### **The Amended Plans**

There have been further alterations to the proposals in order to attempt to overcome the disadvantages of the last scheme as reported in Appendix B.

Two new dwellings are still being proposed, both two bedroom units, and their appearance remains very similar to the previous schemes in terms of elevation design and detailing. The two main changes involve:

- i) The overall length of the new development is 22 metres from the existing rear gable at the back of 108 Long Street. The previous proposal extended 26.5 metres whereas the original submission was a 31.5 metre distance.
- ii) The ridge lines now show a minor but noticeable drop throughout the development. The height of the existing rear gable is 7.4 metres; that of the current first dwelling would be 7.1 metres, and that of the second would be 6.6 metres. The ridge height of the first dwelling in the scheme considered in March was 7.4 metres, and that of the second dwelling was 6.6 metres.

So in essence the changes result in a reduction of the rear range extension by 4 metres and a reduction in height of almost a metre.

## **Consultations**

The Conservation and Heritage Officer remains opposed to the proposal, considering that the changes do not materially overcome the conservation objections raised in previous comments (see Appendix C) . These are that the extension is too high, long bulky and prominent and restricts important views towards the rear of Market Street particularly the timber-frame elevations of 11-13 Market Street and the large Copper Beech tree at Beech House. It would be at odds with the historic pattern of development in which the rear burgage plots historically were not developed with long rear ranges and thus result in the loss of openness which characterises this backland character area of the conservation area. For these reasons the development would fail to preserve or enhance the character and appearance of the Atherstone Conservation Area.

## **Representations**

The latest plans are presently out to consultation and any observations will be reported verbally at the meeting.

## **Observations**

The amended plans are a further improvement on this development proposal.

The determination here is thus now very finely balanced. The current proposals are significantly better than the original submission and they have been amended in recognition of heritage concerns. The determination thus rests on whether they still have a negative impact on the particular character of this part of the Conservation Area. Attention has quite rightly been on the reduction in the openness of this part of the Area, loss of views to Market Street properties, and incongruity with the historic pattern of development of the area. However there are several other factors that affect the openness of this part of the Area, and which have not previously been mentioned. The first is that the rear of the Long Street properties to the west of number 108 carries an amount of more modern extensions and alterations that are not in-keeping – these would become “hidden”; the Market Street roof scape is only partially visible from Ratcliffe Street at a distance and only during the winter months, the more common public view in this part of the Area is that of the rear of the Long Street frontages when approaching from the north along Ratcliffe Street or along North Street (however it should be noted that Appeal Inspectors have pointed out the importance of maintaining views of 11-13 Market Street from Ratcliffe Street in a successful appeal against development to the rear of Bank Gardens), and finally, the new gable at the rear of 108 Long Street is presently particularly imposing and very visible – its impact needs to be lessened such that the present property appears to be “finished”. When these factors are put into the assessment, it is considered that any recommendation is much more finely balanced, in that there are now advantages to the proposals in enhancing the Area hereabouts.

The recommendation is one of approval based on the balance of all of the matters that have been raised throughout the two previous reports attached as Appendices and here in this latest report. It is unusual for a recommendation to be made against the advice of the Heritage Officer and Members may well consider that his concern still outweighs all other considerations and that as such there remains a defensible refusal reason here in any appeal situation. It is agreed that such a refusal would be soundly based if the Board so decides. Members thus, like the officers, have a difficult decision to make.

## Recommendation

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

- i) Standard Three Year condition
- ii) Standard Plan numbers – plan numbers 010/A and 011/A received on 11 May 2011, and plan numbers 012/B; 013/B and the Site Levels Plan B received on 12 May 2011.
- iii) No development whatsoever shall commence on site until such time as the applicant, or his agent, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In view of the archaeological interest in this town centre site

- iv) No work whatsoever shall commence on site until such time as a Phase One Ground Investigation has first been undertaken and the consequential written report submitted to the Local Planning Authority. This report shall identify any likely contamination and propose appropriate means of remediation. Work shall only then commence on site, but wholly in line with any remedial measures that have been agreed in writing by the Local Planning Authority as a consequence of this Report.

Reason: In order to reduce the risks of pollution.

- v) No work shall commence on site until such time as the following details have all been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be undertaken on the site.
  - a) All facing bricks and roofing materials.
  - b) All ground surfacing materials.
  - c) Details of all metal and iron work
  - d) Details, including cross sections, of all window and door joinery.
  - e) Details of all rainwater goods, soil and vent pipes.
  - f) Details of roof lights.
  - g) Details of all hard and soft landscaping

Reason: In light of the site's location within the Conservation Area

- vi) The finished floor levels of the two dwellings hereby approved shall be as set out on the approved plan, unless otherwise agreed in writing by the Local Planning Authority, and there shall be no occupation of either dwelling until such time as these levels have been verified on site in writing by the Local Planning Authority.

Reason: In light of the site's location within the Conservation Area.

## **Notes**

Policies – see as set out in previous report

## **Justification**

The site is the centre of Atherstone and thus there is no objection in principle to new residential development. The main issue is the impact on the character and appearance of the town's Conservation Area. In this case, that character is significantly marked by the openness of the Area to the rear of frontage development. It is considered on balance, and as a consequence of amended plans that this character would not be materially affected or lost. There will be an impact because of the loss of open views and some sense of enclosure, but this is compensated for through the loss of views of modern alterations that are not in-keeping; the fact that those open views are not the most commonly or regularly experienced by the general public, and that the existing site needs improvement. The assessment of this main issue was very finely balanced. There are no amenity matters that give rise to concern, and the traditional elevation treatment in keeping with the Area. The access and parking proposals are substantially resolved due to prior appeal decisions affecting this site through earlier developments. There have not been any material circumstances since these decisions to review their consequences. Given all of the matters, the proposal as shown on the approved plans is on balance considered to accord with saved Core Policy 2 and saved Policies ENV11, ENV12, ENV13, ENV14, ENV15 and ENV16 of the North Warwickshire Local plan 2006, as well as Government Planning Policy in its PPS1, PPS5 and PPG13.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2010/0315

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	15/3/11
2	Agent	Letter	11/5/11

*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.*



## **General Development Applications**

**() Application No: PAP/2010/0315**

**108 Long Street, Atherstone**

**Erection of two Dwellings for  
Arragon Properties**

### **Introduction**

This application is reported to the Board at the discretion of the Head of Development Control given that the Board may wish to review the balance of issues involved.

### **The Site**

The site is to the rear of 108 Long Street and is actually accessed off North Street. To the west are the Town Council offices and the car park and rear of the TNT offices. To the east is the car park and offices of Warwick House. The nearest dwellings are in Ratcliffe Street to the east around 26 metres distant and in North Street around 40 metres away. The site is more particularly illustrated on the plan attached to this report. The site is within the centre of Atherstone and is wholly urban in context.

The site is within the Atherstone Conservation Area and number 108 is a Grade 2 Listed Building.

The site is currently used as car parking for apartments arising from the conversion of number 108 itself, together with the addition of a new rear residential block.

### **The Proposal**

It is proposed through the submission of amended plans to erect two dwellings as a range to the rear of number 108, extending from the recently completed new block referred to above back into the existing car park. The original submission showed the erection of three dwellings extending further back into the rear of number 108. The plans now before the Board are illustrated at Appendices A and B.

The proposed built form is a narrow range of building extending back from the rear of a recent new block. The ridge height of that block is reflected in that of the first of the new dwellings, and then the ridge height is reduced over the second of the proposed units, reducing further to a single storey at the far end of the range. The heights are 7.4 metres; 6.6 metres and 4.3 metres respectively. The width of the proposal matches that of the recent new block – 5.3 metres – but narrows to 3.7 metres with the single storey element. Both of the proposed dwellings would accommodate two bedrooms. No car parking provision is proposed on the site, either for the new dwellings or for the loss of the existing car parking provision. There is a vehicular access to North Street for access for maintenance purposes and gates here would

be locked, with the keys only available to the landlord. A small amenity area and the refuse store would be located at the North Street end of the site.

The west facing elevation of the proposed range - the "inside" elevation – shows cottage style detail, with traditional fenestration, doors, porches and dentil course brick detail. However in order to accommodate the lower ridge of the second unit, the eaves level is punctuated by two small dormer window openings. The east facing elevation – that facing Ratcliffe Street and thus the public's view of the proposal – includes first floor windows to one unit and three roof lights to the lower second unit. Each unit has a ground floor storage area and this is highlighted by wrought iron screen infill panels which are also seen on this elevation.

Existing ground levels rise from Long Street through to North Street – a rise of 1.3 metres from the existing new block to the road level in North Street. However, the finished ground floor level of the proposed units remains the same throughout, and equivalent to that of the existing new block.

### **Changes from the Original Submission**

As indicated above, the plans now before the Board are amended from those originally submitted. These alterations have been material and the applicant's case in arguing for support for the current plans, stems from the scope of the alterations made. It is thus considered important that the Board is aware of those changes.

The original submission was for three dwellings and the plans are attached at Appendices C and D. These show a linear range extending back into the site from the rear of the new block. The first two units have ridge lines equivalent to that new block but there are two "gaps" introduced – one between the new block and the first unit and the second between the first and second new unit. The third unit is attached at the rear but with a lower ridge height, concluding with a small single storey extension. The elevations are simple traditional cottage style designs. There is no car parking provision.

The significant changes between the original submission and the amended plans now before the Board are thus:

- a reduction from three to two units
- a linear built form extending 26.5 metres back from the recently constructed new block into the site, rather than 31.5 metres as originally submitted
- the loss of the "gaps" between the units
- a more marked reduction in ridge heights over the proposed range
- the introduction of two dormers
- the introduction of roof lights
- more amenity space

These matters will be referred to below in the Observations section of this report



## **Background**

The planning history is material to this current planning application, and it is necessary to outline this in summary bringing out those matters of direct relevance to the current proposals.

In 2004, planning permission was granted for the conversion of number 108 Long Street into nine apartments together with the erection of two new apartments within a separate new block at the immediate rear of number 108. This permission includes conditions. One condition says that the open land at the rear of number 108 shall be set aside and laid out as a car parking area for the new units, and that this car parking area once provided shall be available at all times. A further condition specified the width of the access arrangements onto North Street. This permission has been taken up, and the car parking provision made as referred to the site description above.

In 2008, an application was submitted to remove the condition relating to the car parking provision and for the specified access details. That application was refused. However an appeal was successful in 2009, and the conditions were materially varied by the Planning Inspector handling that appeal. The condition relating to car parking provision removed the requirement to provide any car park, but required provision solely for bicycle spaces, and the condition relating to the access specification was varied to allow a narrower access, on the basis that it would not be used by cars.

The current application is the third submitted for the construction of new dwellings on this land. Two, both involving three units have been withdrawn, and the current one as indicated above has been amended from three to two units.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

Government Policy – PPS1 (Delivering Sustainable Development), PPS 5 (Planning and the Historic Environment), PPG13 (Transport)

Supplementary Planning Guidance – A Guide for Householder Developments (2003), Atherstone Draft Conservation Area Appraisal 2006.

## **Consultations**

Highway Authority – The County Council has removed its original objection following it being notified of the 2009 appeal decision. It considers that, nevertheless, there remains a risk of increased on-street car parking arising from the loss of the existing car parking provision.

Warwickshire Museum – No objection subject to a condition requiring an archaeological investigation of the site prior to construction work commencing.

Environmental Health Officer – No objection subject to a condition requiring a ground conditions survey prior to work commencing on site.

The Heritage and Conservation Officer – He objected to the original submission involving the proposed three units and maintains that objection, despite the alteration in the plans to two units. He acknowledges that changes have been made, but considers that they do not address his fundamental concerns about the intrusive height, length and bulk of the proposed rear range; the loss of openness, incongruity with the historic pattern of development, and the loss of views to the rear elevations of Listed Buildings fronting Market Street. He concludes therefore that even the amended plans represent inappropriate development of the rear burgage plot to number 108 Long Street to the detriment of the setting of Listed Buildings in the vicinity, and the character and appearance of the Conservation Area.

He refers to the draft Conservation Area appraisal which identifies this part of the rear of Long Street as having historically a more open character than other parts, with views over existing garden plots stretching from Market Street to Ratcliffe Street. This has resulted in the views of the Listed Buildings in Market Street from Ratcliffe Street together with the retention of rare rear gardens. Whilst there has been a reduction in the length of the proposed rear range now being considered, he still considers it to be too long and too tall, thus blocking significant public views and reducing the very distinctive and presently preserved historic openness of this part of the town. In support of this conclusion, he refers to two recent appeal decisions affecting proposals to erect new dwellings on some of the existing rear gardens between the current application site and the rear of the Market Street properties. Both appeals were dismissed with the Inspector highlighting the particular openness of this part of the town and the resultant views of the rear of the properties in Market Street.

## **Representations**

Atherstone Town Council – The Council is now "happy" with this application as it considers that the amended scheme is less intensive and intrusive than that originally submitted and to which the Council had submitted an objection.

Atherstone Civic Society – The amended plans show an improvement on the original design with a welcome reduction to two dwellings. There is a slight decrease in the overall footprint which is also welcome. The overall appearance of the units is better but there is an objection to the inclusion of roof lights which have a negative impact on the appearance of the Conservation Area. However there is still concern about the loss of car parking.

An objection has been received from TNT. It considers that the proposed ground levels may adversely affect the foundations, and thus the stability of the boundary wall between numbers 102 and 108.

## **Observations**

### **a) The Heritage Issue**

There is no objection in principle to this proposal and because of its scale, it is below the thresholds that trigger the inclusion of affordable housing within the proposals. However, this principle is materially tempered here by the site's location within the Conservation Area and in the vicinity of a number of Listed Buildings. As such, these considerations will have material impacts on the outcome of this application. The Board will have to assess whether the amended plans preserve or enhance the character and appearance of the Conservation Area, and also secondly, whether they adversely impact on the setting of a number of Listed Buildings in the vicinity.

The starting point should be to establish what the character and appearance of this part of the Conservation Area actually is. This is clearly set out in the Council's draft Atherstone Conservation Area Appraisal. It is apparent from this, that this part of that Area has historically been more open in appearance than elsewhere in the Area. This is evidenced by historic mapping and the fact that today there are surviving rear gardens in the area and that there are open views across these to the Market Street properties. This compares with other parts of the Area where the rear of frontage properties is highly and intensively built up – e.g. the long rear ranges in South Street and Station Street. As such, the issue is thus whether this character and appearance would be preserved or enhanced by the proposed development. Notwithstanding the submission of amended plans, the Conservation Officer considers that it would not for a number of reasons. He considers that the overall length of the proposed rear range, when combined with the height of the proposed ridgelines and particularly the length of the range with the higher ridge would "enclose" this part of the Conservation Area reducing its openness. Additionally there would be a change in its character by the introduction of a "long" finger of development extending to the rear of frontage properties, and with consequential loss of public views across a significant area to the rear of the Market Street properties. It is this loss of view that then adversely affects the setting of those Listed Buildings. As such, he is strongly of the view that the character and appearance of this part of the Conservation Area would be adversely affected through these negative impacts. The recent appeal decisions referred to also would add weight to this conclusion.

The applicant's case here is that there has been a significant reduction in the built form with the submission of amended plans in that they have reduced the overall footprint; the length of the overall rear extension and have introduced further steps in the ridgeline. As such, he considers that he has lessened the worse affects of the original submission, and thus afforded sufficient mitigation against the impacts as identified by the Conservation Officer, such that the overall character and appearance of this part of the Conservation Area is retained.

It is acknowledged that the amended plans are a material improvement on those originally submitted. The issue is whether the Board considers that they have gone far enough in order to preserve and enhance the character and appearance of this part of the Conservation Area as described above. In essence this focuses down to the scale of the proposed rear extension – its length and mass. Whilst there has been a 33% reduction in the number of units, there has not been an equivalent reduction in the overall footprint - just 19% - or in the length of the proposed built form - just 17%. This is because the opportunity has been taken to enlarge the accommodation. Notwithstanding the reduction in ridge heights, the overall character of the proposed extension remains as a long rear range which encloses the openness of the area; still leading to a loss of view, and thus not in keeping with the particular character and appearance of this part of the Conservation Area. The applicant has been asked to consider a further reduction in the overall footprint and length of the rear extension but has declined arguing that in his view the current plans sufficiently address the concerns. Additionally he argues that two smaller units here would make the development unviable.

The referral of this item to the Board is due to officer's recognising that there has been a material change made by the applicant to his submission in responding to the heritage issue here. The Conservation Officer's views are soundly based and carry significant weight, but it is recognised that Members may consider that the amendments made, whilst not sufficient to mitigate against the worse impacts of the original submission, do offer a reasonable attempt to do so, and as such the overall character and appearance of the Conservation Area is retained. It is considered that the balance here lies with the over arching statutory duty of the Authority to "preserve and enhance the character and appearance of the Conservation Area". In other words there should be a positive impact or gain to the Area as a consequence of the development. The current proposals would thus still be recommended for refusal as they fail to do this. However, given the alterations already made, it is considered that there is merit in inviting the applicant to consider the submission of further plans illustrating a further reduction in the length and footprint of this rear extension.

#### **b) The Parking Issue**

Whilst there has been concern raised about the loss of the existing car parking provision here, without any compensatory provision and with no further provision for the two new units now being proposed, the 2009 appeal decision effectively removes this as an issue. In short, there is no longer a requirement for on site car parking provision here, and any refusal based on a contrary view would be difficult to defend.

### **c) Design Issues**

Notwithstanding the main issue about the built form of the amended plans, there are two matters arising from the proposed design of the two units – the dormers and the roof lights. The introduction of the dormers is a direct consequence of the reduction in height of the roof ridgeline on the second unit. If the built form is to be supported then this would be an integral consequence. If not, then dormer windows are not common in the rear ranges of buildings in Atherstone's Conservation Area. The roof lights too are unfortunate given that they are on the "public" face of the proposal.

### **d) Residential Amenity**

As described above, the closest neighbouring residential properties are some distance away, and there is thus unlikely to be any adverse impact on the occupiers of these properties. It is also material that no representations have been received from them.

### **e) The Wall**

There used to be a boundary wall between the TNT site and the application site. This was partially removed because of stability problems and replaced with chain link fencing. TNT has recently submitted an application to rebuild the whole wall. This will be determined separately. If approved, then it should remove the concern expressed by TNT to the current application. If not, then it is likely that amended plans would overcome any potential refusal. As a consequence it is not considered that TNT's representation on the current application carries sufficient weight to result in a refusal.

### **e) Conclusion**

Given the substantive issue raised in this report, and the duty on Members to consider whether the proposals preserve or enhance the character and appearance of this part of the Conservation Area, it is considered that Members of the Board should take the opportunity to look at this site in order to assess that impact themselves. The recommendation thus leads with this suggestion, but given that officers would recommend refusal of the currently amended scheme, it is also considered worthwhile to see if further amendments might be likely to be forthcoming in order to overcome officer's continuing concerns.

### **Recommendation**

- a) That determination of this application be deferred in order that a site visit can be arranged, and that
- b) Prior to referring the case back to Board, the applicant be invited to consider further amendments to the proposal involving a further reduction in the overall footprint and length of the proposed extension.

## BACKGROUND PAPERS

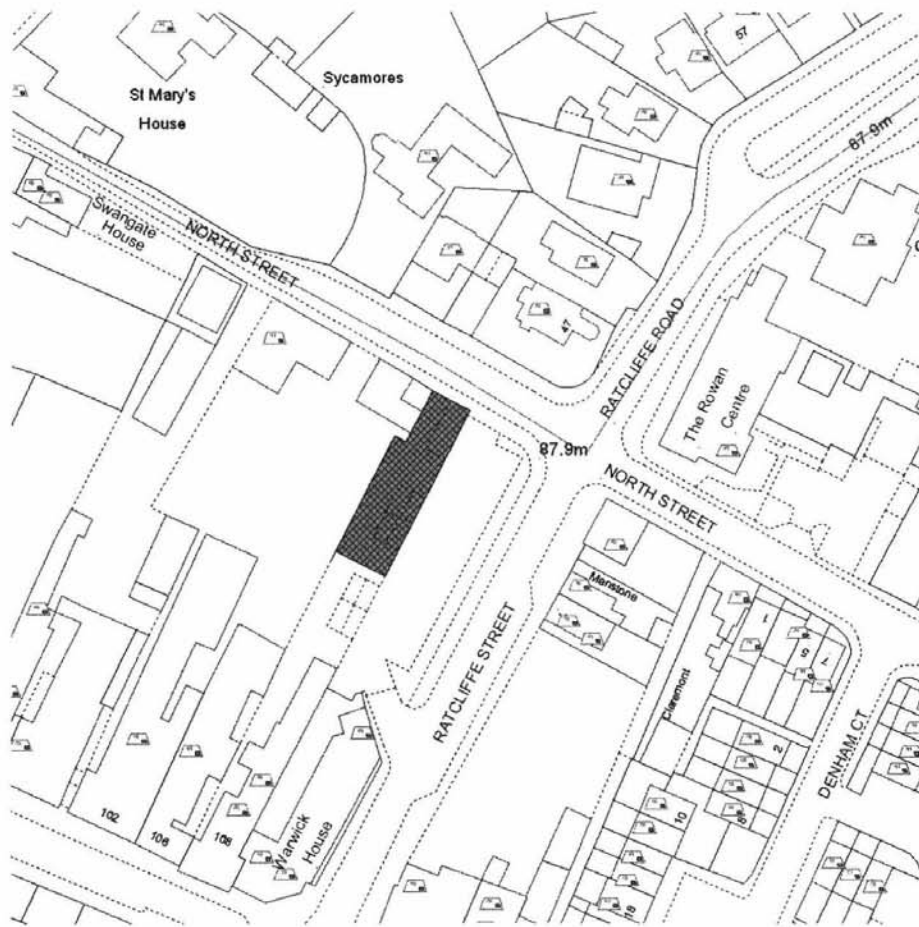
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2010/0315

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans and application vliad	3/9/10
2	Atherstone Town Council	Consultation response	20/9/10
3	Atherstone Civic Society	Consultation response	21/9/10
4	Central Networks	Consultation response	24/9/10
5	E-on	Consultation response	24/9/10
6	NWBC Environmental Health	Consultation response	4/10/10
7	WCC Museum	Consultation response	4/10/10
8	NWBC Heritage Conservation Officer	Consultation response	4/10/10
9	WCC Highways	Consultation Response	04/10/10
10	Head of Development Control	Letter to Agent	7/10/10
11	NWBC	Email to Planning	8/10/10
12	Case Officer	Email to agent	20/10/10
13	Agent	Email to case officer	22/10/10
14	Case Officer	Email to agent	22/10/10
15	Case Officer	Email to NWBC Environmental Health	25/10/10
16	NWBC Environmental Health	Email to case officer	26/10/10
17	WCC Highways	Email to case officer	3/11/10
18	Case officer	Email to agent	3/11/10
19	Case officer	File note	8/11/10
20	Agent	Revised plans	7/12/10
21	Atherstone Civic Society	Consultation response	20/12/10
22	Atherstone Town Council	Consultation response	20/12/10
23	TNT 102 Long Street	Objection	20/12/10
24	NWBC Heritage Conservation Officer	Consultation response	22/12/10
25	Head of Development Control	Email to agent	6/1/11
26	Agent	Email to Head of Development Control	7/1/11
27	Head of Development Control	Email to agent	7/1/11

*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.*

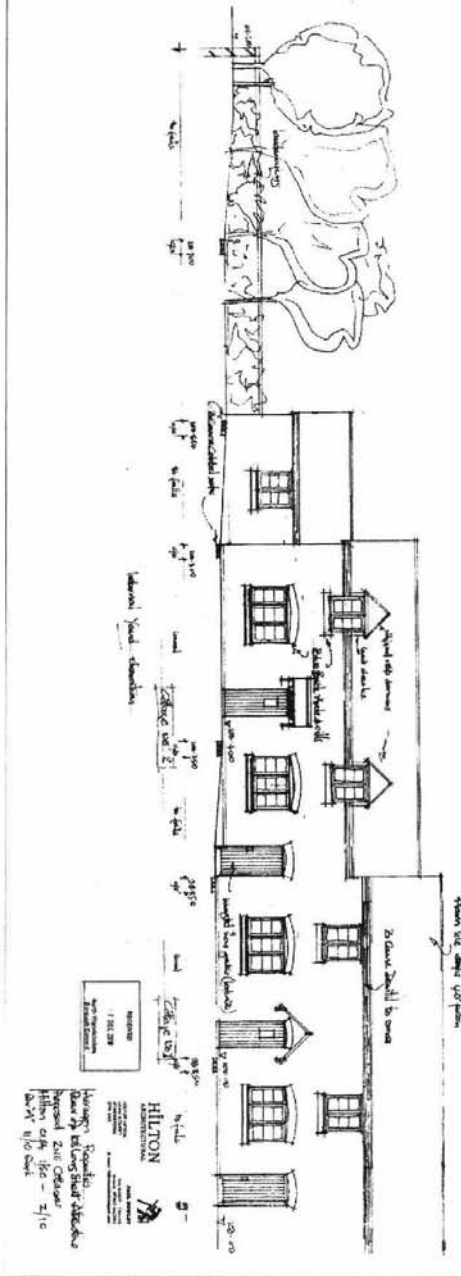
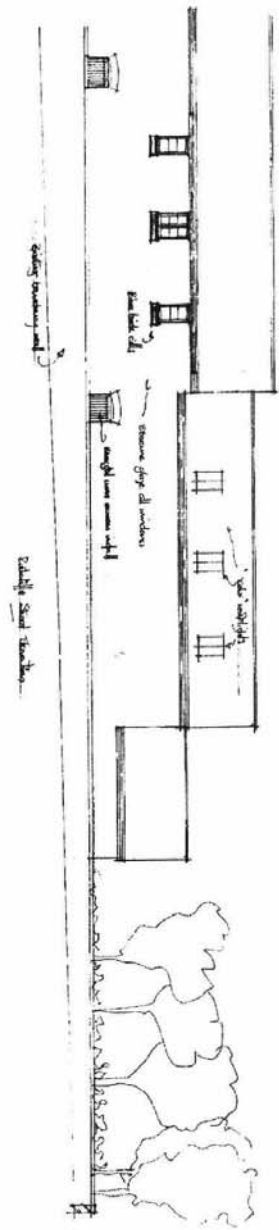






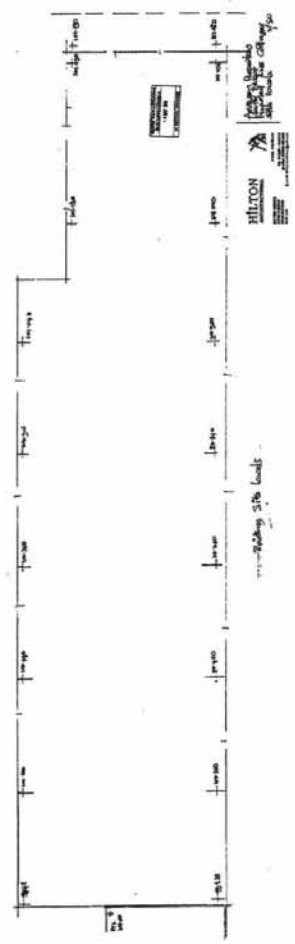
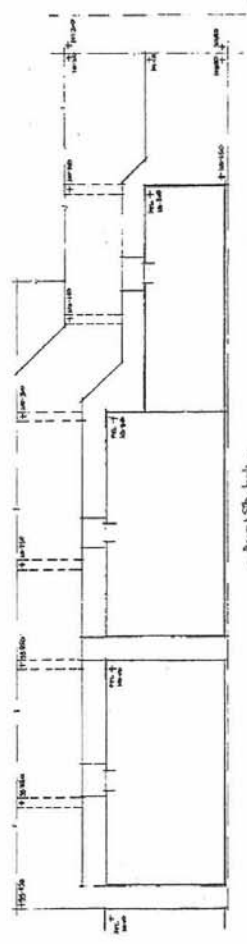
APPENDIX B.

2010 / 0315

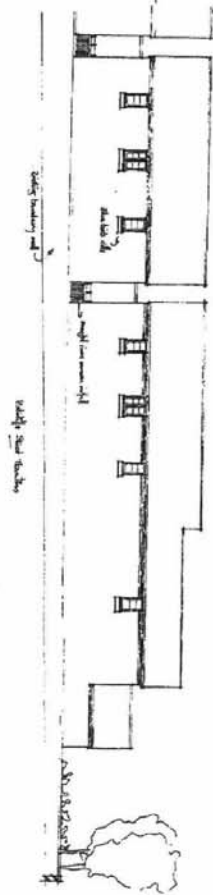
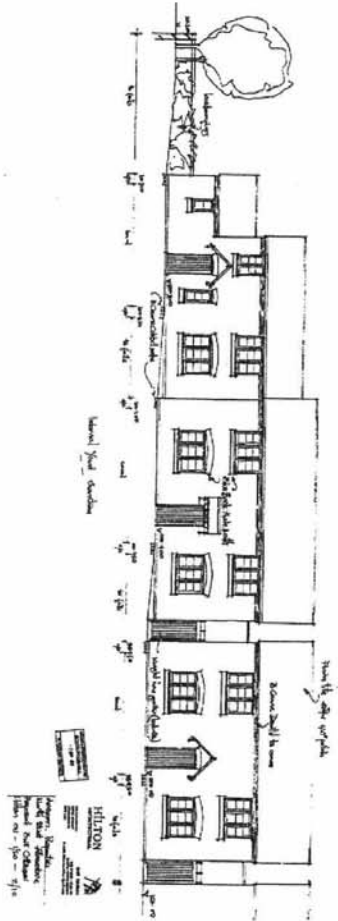


APPENDIX C

2013/2014



APPENDIX D



SECTION

## **General Development Applications**

### **() Application No PAP/2010/0315**

**108 Long Street Atherstone**

**Erection of 2 no dwellings, for Mr Allen Lloyd Arragon Properties**

#### **Introduction**

Determination of this application was deferred at the last meeting in order that Members could visit the site. This has now taken place. Additionally officers were asked to contact the applicant to request a further reduction in the overall footprint of the proposal in order to reduce its impact. This request has not resulted in an amended scheme. The applicant however has re-iterated his belief that the substantive alterations already made are sufficient to overcome the heritage objection. The Board is now asked to determine the application as described and reported to its last meeting. For convenience that report is attached at Appendix A.

#### **Observations**

The conclusion to the last report indicated that the recommendation to Board would be one of refusal and that still stands. There have been no further representations made since the last Board meeting.

#### **Recommendation**

That planning permission be Refused for the following reason:

i) 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 the 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 Government Planning Policy in PPS5.

<b>CONSERVATION OFFICER'S COMMENTS ON DEVELOPMENT CONTROL CONSULTATION</b>	Comment No: 503
--	--------------------

D.C. APP.NO.	2010/0315	DATE RECEIVED	08/12/10
CONSIDERATIONS	SETTING OF LB & CA	D.C.OFFICER	I GRIFFIN

SITE :-			
R/O 108 LONG STREET ATHERSTONE			
INSPECTED :-	26/11/07	DATE REPLIED	22/12/10

<p><b>COMMENT :-</b></p> <p><b>Summary &amp; Recommendation</b> As with refused application 2007/0578, this proposal, as amended, constitutes inappropriate development of the rear burgage plot to 108 Long Street to the detriment of the setting of listed buildings in the vicinity, and the character and appearance of the Atherstone Conservation Area. It is therefore in conflict with Policies ENV 15 &amp; 16 of the Local Plan and with National Policies HE 7.4, HE 9.1 and HE 10.1 of PPS5.</p> <p>The modest latest changes made to the elevations do not address the fundamental issues of intrusive height, length and bulk of the development, the loss of openness, incongruity with the historic pattern of development, and loss of views to the rear elevations of listed buildings fronting Market Street.</p> <p>For these reasons I again recommend refusal.</p> <p><b>Factors considered in making Recommendation</b></p> <p>The draft conservation area appraisal (which has been the subject of public consultation and therefore to be accorded weight) identifies the rear plots of properties facing Long Street as falling within the 'the Back Lands' character area of the conservation area. Although the applicant's agent has referred to this in his Conservation Area Impact Statement, he has misquoted the appraisal, citing townscape sections relevant to Station Street and South Street rather than North Street Section 1. The latter indicates an area historically of a more open character than the former, with views over existing garden plots stretching back from Market Street and Friars Gate to the backs of properties fronting these streets. Evidence from the historic OS mapping of the area shows that rear plots to Long Street properties in this area remained as open rear gardens into the 20<sup>th</sup> century (rather than being developed as yards in the late 18<sup>th</sup> century), and then later all, with the exception of Bank Gardens to ro 98 Long Street, were tarmaced over and used as parking areas for offices. One or two of these plots have been partially developed by the current applicant with consents granted before the 2005 conservation appraisal was undertaken.</p> <p>While the use of these areas for car parking detracts from the conservation area, this has helped to maintain the openness of this back-land area, noticeable particularly from Ratcliffe Street, allowing significant glimpse views of the backs of listed buildings fronting Market Street (which comprise some of the most interesting buildings in the conservation area architecturally and historically) and their rare surviving rear gardens. The importance of maintaining this openness and preserving views of the rear of Market Streets properties (particularly 11-13 Market Street) was given additional weight by a recent appeal decision concerning similar proposed development affecting the rear of 98 Long Street (see appeal decision APP/R3705/A/08/2079002 especially paras 4, 5, 6 10 &amp; 11).</p> <p>If this application were permitted it would result in a conspicuous, incongruous, and isolated long</p>
--

finger of development that would stand out in an otherwise open area currently used for car parking. It would block significant views of the backs important listed buildings fronting Market Street from Ratcliffe Street, and furthermore it would set an unfortunate precedent for similar future development in adjacent plots resulting ultimately in very dense new pattern of development and the loss of an existing open area important in maintaining the locally distinctive urban form of this part of the conservation area.

## **(5) Applications Ref. PAP/2011/0046 & PAP/2011/0048**

**Atherstone Garage, 157 - 159 Long Street, Atherstone**

**PAP/2011/0046 - Application to extend the time period allowed to implement planning permission PAP/2007/0594 - Demolition of existing garage and erection of 2 offices, 19 apartments and 21 houses for Mr Jonathan Wainwright.**

**PAP/2011/0048 – Application for Conservation Area Consent to demolition the existing buildings on the Atherstone Garage site for Mr Jonathan Wainwright.**

### **(A) Application PAP/2011/0046**

#### **Introduction:**

The application is accompanied by a legal agreement made under Section 106 of the Town and Country Planning Act 1990.

#### **The Site:**

The site of the former Atherstone Garage between Long Street and South Street in Atherstone.

#### **The Proposal:**

This application is to extend the time period allowed to implement planning permission PAP/2007/0594 this granted planning permission for the demolition of existing garage buildings and erection of three buildings to provide 2 offices, 19 residential apartments and 21 dwelling houses.

#### **Background:**

See report attached at Appendix 1, being the report that led to the grant of this permission.

#### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): - Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), Core Policy 8 (Affordable Housing), Core Policy 12 (Implementation), ECON3 (Protection of Existing Employment Sites), ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation and Heritage), HSG2 (Affordable Housing), HSG4 (Densities) and TPT6 (Vehicle Parking)

#### **Other Relevant Material Considerations:**

Government Advice: Greater Flexibility for Planning Permissions 2010

## **Consultations**

Warwickshire County Council as Highway Authority - No objection.

The Council's Environmental Health Officer – No objection.

Heritage and Conservation Officer – No objection

## **Representations**

Atherstone Town Council – No Objection

Atherstone Civic Society – No Objection

One representation has been received from a local resident at 7 Welcome Street who objects citing loss of privacy and overshadowing due to the proposed development. Block B, the new building closest to No. 7 will be two and a half storeys high, this will be 25 metres distant, Block C to the west is a full three storeys, this will be some 30 metres distant. The orientation of the proposed buildings and the separation distances between existing properties the development is not considered to result in any direct views into existing or proposed residential properties with no resulting loss of privacy or undue overlooking of private amenity areas. The application site lies to the north west of Welcome Street, and any shadowing effect from the new buildings could only occur when the sun is to the west and would thus be limited to late in the day. Given the relative positions of existing and proposed buildings and the separation distance the proposed development will not give rise to unduly adverse overshadowing.

## **Observations**

The Government introduced a temporary provision to allow for the submission of applications to extend the time allowed in which to implement planning permissions that were granted before the 1 October 2009. This was subject to the permission being extant when such an application is submitted, and with only one extension of time being allowed per permission. This current application fulfils these criteria.

The planning permission, ref. PAP/2007/0594, was granted on 22 February 2008 for the demolition of the existing buildings on the site and the erection of new buildings to provide 21 dwelling houses, 19 apartments and two small office units within the building fronting Long Street. The details of the development scheme proposed remain unchanged. The report on this previous application is appended at Appendix 1.

Conservation Area Consent, application ref. PAP/2007/0595, for the demolition of the existing buildings on the Atherstone Garage site was also granted on 22 February 2008. A separate application for Conservation Area Consent to demolish the existing buildings is submitted with this application.

Despite changes announced to the regional planning policy framework since the application was approved in 2008, the proposed development remains consistent with the relevant saved policies of the North Warwickshire Local Plan 2006, which still forms the approved Development Plan. The proposed scheme does not fully meet the provisions of saved policies CP8 and HSG2 in respect of the provision of on-site affordable housing. The financial contribution offered via the Section106



Agreement towards the provision of affordable housing offsite is however considered to be appropriate for this development within the Atherstone Conservation Area. The provisions of the accompanying Agreement are unchanged from the previous application; however a revised document is submitted to enable references to the relevant planning permission to be updated.

Local planning authorities are urged to consider allowing an appropriate period for implementation, given only one application extension of time may be allowed per permission, when considering applications for extension of time. The applicant has requested that a period of five years be allowed for the implementation of the proposed development, rather than the default period of three years, citing a lack of interest despite a lengthy period of marketing and reduction in land value in the current economic circumstances. Anecdotal evidence suggests developers are finding it more difficult to secure development finance, particularly so within the house building sector and the prospect for improvement in the immediate future is uncertain. It is understood however that developers have expressed interest in developing this site in the past and that the site is currently being considered by a developer.

The site is situated in a prominent position at the south entrance to the town centre. The development of this site will significantly enhance the approach to the town centre and the character of the conservation area, thus the early development of this site should be encouraged. Moreover the Section 106 Agreement will better enable affordable housing provision in the town, and thus early fulfilment of this contribution would fit Council priorities.

Given the above and that site does appear to be of interest to developers, the default period of three years for implementation is considered to be appropriate in this case.

### **Recommendation**

That the application be **Granted** subject to the following conditions:

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

#### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received on 17/9/2007 and the plans numbered 5396.90, 5396.90C, 91C; 92C; 93C, 94C; 95C and 96 received by the District Planning Authority on 14/01/2008.

#### **REASON**

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

3. No development shall take place until the applicant, or their agents or any successors in title, has secured the implementation of a program of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON

To enable archaeological investigation of this site.

4. No development shall be commenced until the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

REASON

To prevent the pollution of controlled waters.

5. If the site investigation referred to in condition 4 identifies contamination; no development shall commence until a detailed scheme for the remediation of the site has been submitted to and approved by the Local Planning Authority and implemented in accordance with the details approved.

REASON

To prevent the pollution of controlled waters.

6. No development shall be commenced before details of the facing bricks, roofing tiles, surfacing materials and windows to be used have been submitted to and approved by the District Planning Authority in writing.

REASON

To ensure the materials harmonise in colour and texture with those in the locality.

7. No development shall commence until a scheme for the construction of the surface water and foul water drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment.

8. No building shall be erected or trees planted within 2.5 metres of the 300mm public surface water sewer that crosses the site. The applicant may wish apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.

REASON

To maintain essential access for maintenance repair or renewal and to protect the structural integrity of the public sewerage system

9. No development whatsoever shall commence on the site; before full details of all boundary and screen walls and fences have been submitted to and approved by the District Authority; in writing.

REASON

In the interests of the amenities of the area.

10. No development shall commence until a landscaping scheme has been submitted to, and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

11. The scheme referred to in Condition No 10 shall be implemented within six calendar months of the date of the first occupation of the development; unless otherwise agreed in writing by the District Planning Authority. In the event of any tree or plant failing to become established within five years thereafter; each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the District Planning Authority.

REASON

In the interests of the amenities of the area.

12. The development shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON

In the interests of reducing the risk of fire hazard.

13. No development shall be commenced until details of the lighting scheme to be provided have been submitted to and approved by the Local Planning Authority. The approved scheme only shall then be implemented.

REASON

In the interests of amenity and community safety.

14. No development shall be commenced until such time as details of the installation of CCTV have been submitted to and approved in writing by the Local Planning Authority. The approved installation only shall then be installed.

REASON

In the interests of community safety.

15. The vehicle accesses to the site shall not be used until unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interests of highway safety.

16. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

17. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with and 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure; tree or shrub shall be erected; planted or retained within the splays exceeding; or likely to exceed at maturity; a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interest of highway safety.

18. The development shall not be occupied until all parts of the existing vehicular access within the public highway not include within the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

19. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

In the interest of highway safety.

## Notes

1. Central Networks has supply network in close proximity to the site. The applicant is advised that it is their responsibility to obtain up to date plans of electricity supply network. Further guidance can be obtained from Central Networks.
2. Warwickshire Police advise that access control should be provided to the apartment building and that the development incorporate security features recommended within the 'Secured by Design' standard.
3. Warwickshire Museum Ecology Unit advise that surveys should be undertaken prior to development to ensure no protected species will be disturbed. Further guidance can be obtained from Warwickshire Museum Ecology Unit.
4. If contamination is found on the site, guidance should be sought from the Environment Agency on the form and content of an acceptable scheme for the remediation of the site and ongoing monitoring that may be required.
5. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. The consent of the owners of adjoining land is required to gain access or to carry out any works on such land. This planning permission does not authorise access onto or the carrying out of works on adjoining land. You are advised to contact them prior to the commencement of any works.
6. The Party Wall Act 1996 may be relevant. This is concerned with the giving of notice to neighbours of works to party walls; boundary walls and excavations near neighbouring buildings. If relevant you must ensure the provisions are adhered to and if necessary you should seek independent advice on this legislation

## Justification

The existing buildings are of no significant architectural merit and do not make a positive contribution to the Conservation Area. The removal of the existing buildings will not detract from the character and appearance of the Atherstone Conservation Area. Re-development of the site will enhance the town centre and this part of the Atherstone Conservation Area. The proposal is therefore considered to be in accord with Saved Policies CP3 and ENV15 of the North Warwickshire Local Plan 2006.

## **(B) Application PAP/2011/0048**

### **The Proposal:**

Application to extend the time period to implement Conservation Area Consent ref. PAP/2007/0595 for demolition of existing garage buildings.

### **Development Plan:**

North Warwickshire Local Plan 2006 (Saved Policies) : Core Policy 3 (Natural and Historic Environment), ENV15 (Conservation and Heritage)

## **Other Relevant Material Considerations:**

The Borough Council's Draft Atherstone Conservation Area Designation Report and Appraisal.

## **Consultations:**

Heritage & Conservation Officer – No objection.

## **Observations:**

The site includes three separate buildings, a petrol station with forecourt and canopy and areas of hardstanding. The building to the Long St frontage comprises three distinct building elements, including workshop and showrooms and sits behind the petrol station forecourt, the two other buildings are located within the site towards South Street.

The buildings are functional in design, are mainly portal steel framed construction with brick and metal clad exteriors and roofs. The buildings are of no architectural merit and do not make a positive contribute towards the appearance or character of the conservation area. The removal of the buildings will not adversely affect the appearance or character of the Conservation Area.

## **Recommendation:**

That the application be **Granted** subject to the following conditions:

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

### **REASON**

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the the Local Planning Authority on 20/09//2007 and the plans numbered 5396.06 and 5396.08 received by the Local Planning Authority on 5/12/2007.

### **REASON**

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

3. No demolition shall take place until a plan showing the existing walls to be retained as boundary walls with adjoining properties has been submitted and approved in writing by the Local Planning Authority. This should include details of the position of the walls to be retained, final heights and of works proposed to the retained walls. The approved details only shall be implemented.

#### REASON

In the interests of the amenities of adjoining properties and the Conservation Area.

4. No development or demolition works shall commence until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

#### REASON

To ensure the recording of any items of archaeological interest.

5. Materials obtained from the demolition of the buildings and structures shall be permanently removed from the site within twenty eight days of demolition being commenced or any such period otherwise agreed in writing by the Local Planning Authority. The applicant shall give prior notification in writing to the Local Planning Authority of the date demolition is to commence on the site. On completion of demolition works the site shall be levelled. The site shall be secured by appropriate boundary fencing at all times.

#### REASON

In the interests of the amenity of the Conservation Area and public safety.

### Notes

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

You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

## **Justification**

The existing buildings are of no significant architectural merit and do not make a positive contribution to the Conservation Area. The removal of the existing buildings will not detract from the character and appearance of the Atherstone Conservation Area. Re-development of the site will enhance the town centre and this part of the Atherstone Conservation Area. The proposal is therefore considered to be in accord with Saved Policies CP3 & ENV15 of the North Warwickshire Local Plan 2006.



## BACKGROUND PAPERS

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

### Planning Application No: PAP/2011/0046

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms and Plans	01/02/2011
2	The Applicant	Draft S106 Agreement	19/04/2011
3	Atherstone Town Council	Consultation Response	18/02/2011
4	Atherstone Civic Society	Consultation Response	15/02/2011
5	Heritage & Conservation Officer	Consultation Response	07/02/2011
6	WCC Highways	Consultation Response	15/02/2011
7	J Nakielski	Representation	21/02/2011

*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.*



## **General Development Applications**

### **Planning Applications PAP/2007/0594 and PAP/2007/0595**

#### **Atherstone Garage, 157 – 159 Long Street, Atherstone**

**PAP/2007/0594 - Planning Application for the Demolition of an existing garage and the erection of 2 offices, 19 apartments and 21 houses,  
PAP/2007/0595 - Application for Conservation Area Consent for the demolition of existing buildings.**

### **Introduction**

This application is reported to the Board in view of an associated Section 106 Agreement.

### **The Site**

This is within the development boundary for the town, and has an area of around 0.49 hectares between Long Street and South Street to the east of Woolpack Way. It comprises the existing Atherstone Garage consisting of a petrol filling station with its ancillary shop, car showroom and rear workshops, together with the premises of the Atherstone Tyre and Exhaust Centre. To the west is the Conservative Club, a Listed Building, with its associated rear bowling green and a recently erected block of flats. To the east are residential properties in Welcome Street, which are three storey premises. There is three storey development opposite the site on the other side of Long Street, and three storey opposite the South Street frontage.

### ***The Proposal***

The proposal is to demolish all of the existing buildings, and to erect a total of 40 new apartments and houses together with two offices. The residential accommodation is shown as providing 6 one bedroom units; 19 two bed units, 13 three bed, and 2 four bed units. This takes the form of two continuous built frontages – one to Long Street, and the other to South Street – with four separate blocks between them. The Long Street frontage would be three storey development with a variety of ridgelines, and materials. Vehicular access to the site would be achieved via a central arch. The South Street frontage would be two storey, again with varied ridgelines but to be constructed all in facing brickwork. A central arched access is again included. The four central blocks would consist of one three storey block, one two and a half storey block and two two storey blocks. The smaller blocks would be to the west of the site overlooking the bowling green. Car parking would be provided within the central area, leading to a 100% provision, and the overall density would be 86 dwellings per hectare.

The two offices are proposed within the Long Street frontage block closest to the Conservative Club, and together they would provide 285 square metres of floorspace.

No affordable housing is proposed on site. However a draft Section 106 Agreement has been submitted with the application that provides for a financial contribution to be made to the Council, with the specific intention that it is put towards provision of such housing elsewhere within the town. This contribution amounts to £260k.

Plans illustrating the proposed elevations are attached at Appendices A to E.

## **Background**

Previous applications for the redevelopment of this same site with the provision of 74 new residential units were withdrawn in early 2005. Later in that year both Planning Permission and Conservation Area Consent were granted for the redevelopment of this site with 30 new residential units and two offices. That permission was accompanied by a Section 106 Agreement. This made a 20% provision. The current applications are very similar in built form and layout to that 2005 approval, but for ten more units.

The whole of the site is within the town's Conservation Area, and the Long Street frontage is within the designated Atherstone Town Centre as defined by the 2006 Local Plan.

## **Development Plan**

North Warwickshire Local Plan 2006 – Core Policies 1,2,3,8,11 and 12; Policies ENV6,11,12,13,14,15 and 16, Policies HSG 2 and 4, ECON3 and TPT6.

## **Other Material Planning Considerations**

Government Guidance - PPS1, PPS3, PPS6, PPG13 and PPG15

## **Observations**

### **a) Introduction**

These applications have only recently been registered and thus consultation is still continuing. They are reported at this stage in order to establish the principle of the proposals. This is done because the current proposals are very similar to the scheme approved in 2005, and the issues revolve around the differences between the schemes. It is thus recommended that the principle be agreed by the Board, with the final determination delegated to officers subject to certain safeguards. To this end the Board report accompanying the 2005 proposals is attached at Appendix F and copies of the approved plans – the layout and elevations – are attached at Appendices G to J.

### **b) Differences**

With the 2005 approvals, the Council agreed to the complete redevelopment of this site and its residential redevelopment. There have been no changes to material planning considerations for there to be a need to re-consider this overall approach. The proposals in 2005 were considered against the Proposed Modifications to the Review of the 1995 Local Plan. The later adoption of the Local Plan in 2006, did not introduce different policies to those contained in the Proposed Modifications, or considered by the Board in 2005. In particular the site remained in the Conservation Area, partly in the Town Centre, and the policies safeguarding existing commercial premises and those on the provision of affordable housing remained unaltered. Hence the Council has already accepted the principle of demolition; the loss of the petrol filling station, and its associated workshops together with the consequence of that employment loss, the inclusion of two offices within the proposals, the redevelopment by residential accommodation, and the general built form of two

complete frontages to Long and South Street with central arched access points, and new blocks constructed between them. The current proposals do not move away from these principles.

The approved scheme showed a three storey frontage to Long Street, including a central arched access. The current proposal replicates the approved design. The approved scheme had a three storey frontage to South Street. The current proposals alter this materially by having a complete two storey frontage. This is considered to be a far better approach in street scene terms because it adds variety and replicates a traditional terraced frontage. The approved scheme had four blocks within the heart of the site – one linked to the South Street frontage block. They were all three storey development. As described above, there are now four free standing blocks, only two of which are raised to include a second floor. This alteration is not considered to be objectionable. The two and a half storey block is at the rear of flat roofed three storey flats in Welcome Street, with a distance of 24 metres between the elevations, and the three storey block is at the rear of a different block of the same three storey flats in Welcome Street, with a difference of 26 metres between the elevations. Moreover the Welcome Street properties are set at a higher level than the proposed units, thus not leading to material overlooking or loss of privacy for existing occupiers. The two two storey blocks overlook the Bowling Green and do not impinge on existing residential property. The distance between the existing corner block at the junction of Woolpack Way and South Street, and the new block is 25 metres. Internally, the new blocks are juxtaposed such that they do not directly overlook each other. In conclusion therefore it is considered that the current scheme in terms of its increased numbers, built form and layout, is not so materially different to that approved, nor does it introduce elements that are such concern, so as to warrant consideration of a refusal, and in certain respects it is a distinct improvement.

From a technical point of view, the Council has already agreed that the site can be redeveloped, and that appropriate conditions could be applied to cover potential contamination issues arising from the current and previous uses of the site, and potential archaeological interest. There was no objection in principle from the drainage agencies. The Warwickshire County Council as Highway Authority had no objection subject to standard conditions. It is not anticipated that these consultees will vary their representations with the current scheme, even although it is for ten more units than already approved.

The Town Council had no objection to the previous scheme but requested that the town's CCTV coverage be extended to include this site. This was taken up through a condition requiring details of such a scheme to be submitted. The Civic Society had no objection but was concerned about the relationship with the Conservative Club as a Listed Building. The current scheme does not vary the approved elevation that was supported by the Council's Conservation Officer. The Society was also concerned about parking provision. This has altered since the approved scheme with a reduction in the overall provision. This is not considered to form the basis of a refusal. As Members are aware from other cases, current Government Guidance is weighted towards the developer's assessment of parking need; Local Planning Authorities need only look at maximum provision rather than minimum provision, and with the location of this site within the centre of an identified Main Town, it would be very difficult to defend a refusal based on 100% provision of car parking space.

The previous application attracted three representations – all from residents in Welcome Street, concerned about the impact of the proposals on their residential amenities. As argued above, given that there is an approved scheme here containing

three storey development at the rear of the Welcome Street premises, it is not considered that the current proposals are so materially different to warrant refusal given the site circumstances as identified above.

Whilst the Conservation Officer has not reported in detail, the approved scheme met with his full support, and he has already welcomed the change to a two storey development along the South Street frontage. However there are some detailed design concerns arising from the current proposals that will need removing. These relate to the inclusion of “Juliet “ balconies on a few of the “internal or rear elevations; the inclusion of “half hips” on one of the internal free standing blocks and the flat roofed dormers on the same block. None of these matters of detail are distinctive of the town’s character or appearance. They can be removed through the receipt of amended plans.

The key difference between the current proposal to that already approved is the changed approach to the provision of locally affordable housing. The Council has agreed that the site should accommodate a 20% provision, and this was dealt with by way of a condition attached to the planning permission. The applicant is proposing a different approach in the current scheme – that of a financial contribution to the Council for such provision off site, in lieu of provision on site. This approach is one of many that are identified by the Government as a means of providing such housing. In this case, the level of the contribution is one that has been agreed as being reasonable by the Council’s officers and its partner Registered Social Landlords. It will be held by the Council in order to maximize affordable housing provision elsewhere in the town, by contributing to an equivalent provision as that already agreed on this site under the previous approval. It is not considered that this different approach should lead to a refusal reason given it being identified as a legitimate approach through Government advice.

## **b) Conclusion**

It is considered that the current proposals are very similar to those already approved such that the principle of supporting them can be agreed. The main differences have been identified as an increase in ten units with a corresponding increase in density from 65 to 86 dwellings per hectare; a reduction in parking provision from 150% to 100%, a move from three to two storey development along the South Street frontage, an extra floor added to two of the four internal blocks, and a change in the approach towards the provision of affordable housing.

In these circumstances, it is considered that if the Board agrees to the recommendation below then the determination can be delegated to Officers.

## **Recommendation**

That the Council supports the principle of the proposals as set out in these two applications, such that determination be delegated to the Assistant Director (Planning and Development) subject to the completion of the Section 106 Agreement; there being no objections from consultations that can not be dealt with by way of condition, that no additional matters are raised by representations that can not be dealt with by condition or amended plans, and that the detailed design be finally agreed by the Council’s Conservation Officer in consultation with the Chairman of the Board.







2007 / 0594



ATHERSTONE GARAGE  
view facing Long Street

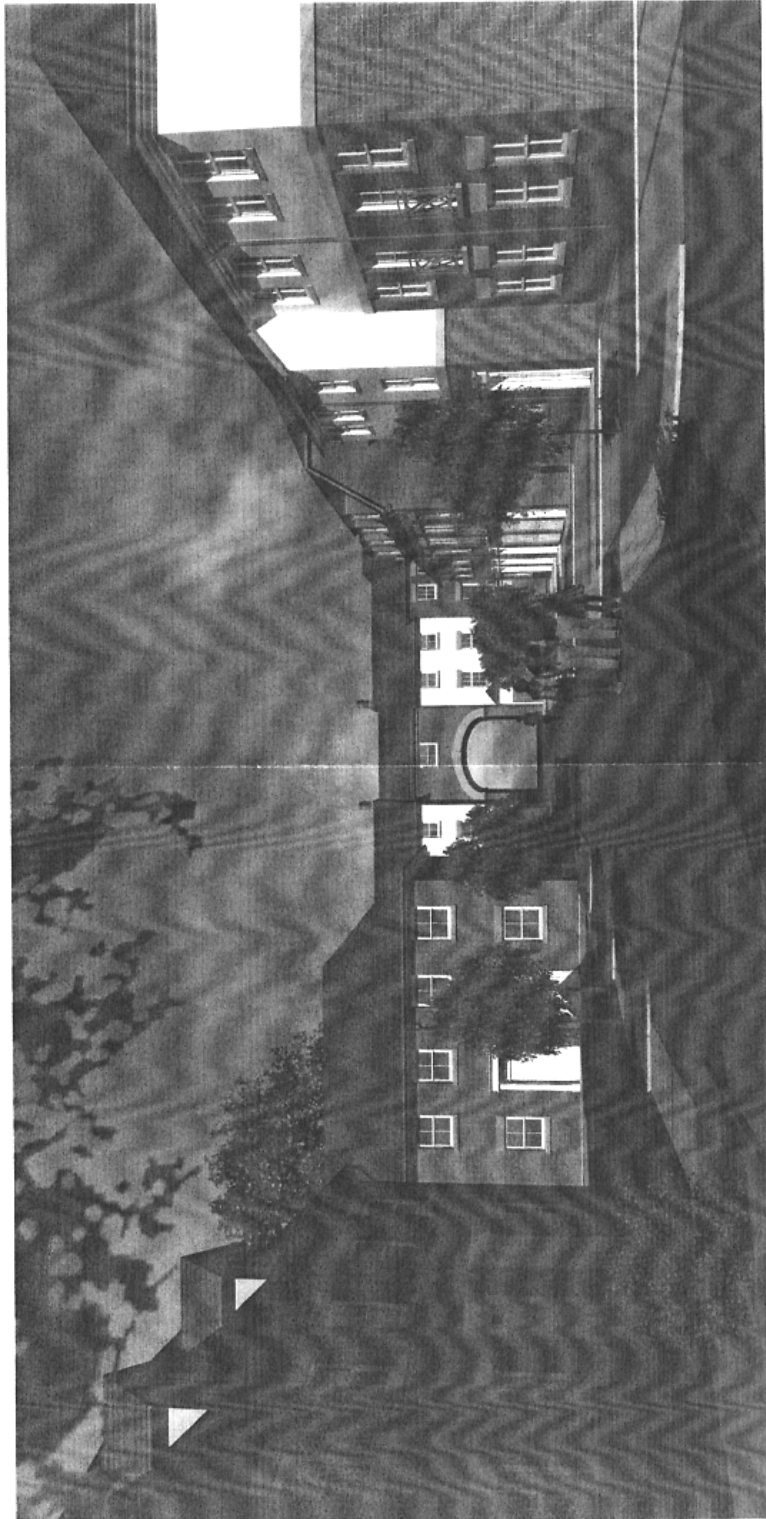
2007 / 0594

17. 57



ATHERSTONE GARAGE  
view facing South Street

2007 / 0594



ATHERSTONE GARAGE  
view facing yard

2007 / 0594



ATHERSTONE GARAGE  
view facing yard

- (7) **Application No's 0954/2005 & 0958/2005**  
**Atherstone Garage, Long St, Atherstone**  
**0954/2005 -Erection of 30 dwellings**  
**and 2 office premises.**  
**0958/2005 - Demolition of existing**  
**buildings both for Atherstone Garage.**

**Introduction:** At the request of a local Member who is concerned about the impact of the proposal on the residential amenities of adjoining residential property.

**The Site:** This is within the development boundary for Atherstone, and has an area of approximately 0.49 ha between Long Street and South Street. It comprises the existing Atherstone Garage consisting of a petrol filling station with an ancillary shop, car showroom and workshops together with the Atherstone Tyre & Exhaust Centre. The site is within the Atherstone Conservation Area. Conservation Area Consent is therefore required for the demolition of the existing buildings. The northern part of the site is also within the Atherstone Town Centre area designated in the North Warwickshire Local Plan Revised Draft Deposit April 2004. It is not allocated for any specific purpose within either the Adopted North Warwickshire Local Plan or the Revised Draft Deposit North Warwickshire Local Plan.

**The Proposal:** To demolish all of the existing buildings and erect 24 houses (12 four bed, 8 three bed and 4 two bed) and 6 two bed apartments plus two office premises totalling 285m<sup>3</sup> for A2/B1 use. An element of affordable housing is proposed, however this does not meet the requirement in Policy HSGB of the Revised Draft North Warwickshire Local Plan to provide 40% of the units as affordable housing.

The proposed scheme will provide 30 dwelling and 2 office premises. The proposed layout shows six blocks, one fronting Long Street, one fronting South Street and four positioned within the site to minimise impact on neighbouring properties. The elevations show a three storey terraced frontage to Long Street with a central arched access, comprising 4 terraced houses and the two office premises of the same design as the houses. The South Street frontage includes a terrace of five houses and a block of six apartments linked by an arched access way. The density is equivalent to 65 dwellings/ha. Forty three parking spaces and three garages will be provided within the development, equivalent to 1.5 spaces per unit.

Affordable housing is proposed through a Draft Section 106 Agreement, with an involvement of a registered social landlord. Alternative provision is offered, either one socially rented dwelling and six shared ownership dwellings or four socially rented dwellings. A financial appraisal was submitted with the application, explaining and identifying the factors that led to the applicant's view that 40% (i.e. 12 units) would be unviable.

**Background:** This is a re-submission of previous applications for the demolition of existing buildings and erection of 74 apartments. These were withdrawn.

**Development Plan:** Relevant Policies:

Warwickshire Structure Plan – H2, TC1.  
North Warwickshire Local Plan: HSG2, ENV14, and ENV24.

**Other Material Considerations:**

- a) Revised Draft North Warwickshire Local Plan April 2004: ECON5, HSGB, HSGF, HSGG, HSG7, ENV14 and ENV15.

The Inspector, in his report on the Inquiry into objections to this Revised Draft has recommended that Atherstone is a main town, that density be at a minimum of 50 units per hectare, and that a minimum of 40% housing on a site of this size should be affordable.

- b) Government Guidance – PPS1, PPG3, PPS6, PPG13 and PPG15.

**Consultations:**

Assistant Director (Housing) – Supports additional housing and recognises that design is important.

Building Control – Demolition Notices will be required.

Assistant Director (Regulatory) – requires investigation and remediation of any contamination.

Economic Development – does not object to loss of commercial, but would like to see more office space.

Council Valuer – Having looked at the financial appraisal, in his view the scheme could carry additional affordable housing.

Central Networks – No objection but request that a number of informatives be added to any decision.

Severn Trent Water – No objection subject to conditions concerning approval of drainage works for disposal of foul and surface water.

Environment Agency – No objection subject to conditions concerning investigation and remediation of any contamination.

WCC Museum – No objection subject to condition requiring archaeological investigation prior to development.

Warwickshire County Council Strategic Planning Authority – No strategic planning objection. They indicate however that there is a shortage of places within local primary & secondary schools and that a financial contribution should be requested to provide additional places. This they calculate to be £100,066, based on the standard formulae used to assess the likely number of additional places generated by this development. A contribution of £3,458 is also requested towards provision of additional library facilities.

Warwickshire County Council Highways Authority – No objection subject to a legal agreement under S184 of Highways Act to re-align footways and conditions concerning design of access ways.

Warwickshire Police – No objections.

Warwickshire Fire & Rescue – No objection subject to a condition requiring provision of adequate water supplies and hydrants.

**Representations:**

Atherstone Town Council – No objection. Request S106 contributions to CCTV.

Atherstone Civic Society - No objection in principle, but concerned about the relationship to the adjoining Conservative Club, and the parking provision for offices.

Three representations have been received from neighbours. The relevant planning issues raised are:- access, drainage, loss of light, loss of privacy, height of buildings, boundary

treatments, affordable housing, loss of commercial uses and of a local shop facility. Responses can be given as follows:

Access - for most dwellings this will be from Long Street, with South Street fronting dwellings accessed from that road. The Highway Authority have no objection subject to conditions and the prevention of through vehicular movement. This can be achieved by condition.

Drainage - details will be required prior to commencement. The existing shared drainage arrangements between the Conservative Club and Atherstone Garage are a private matter but will have to be taken into account in the drainage scheme.

Privacy - the proposed layout will not produce significant loss of privacy to any existing dwellings as the distances between them are acceptable.

Design - the proposed design of the development has been produced with the Conservation Officer who supports the proposed scheme. The height of the Long Street frontage is designed to reflect the height of the adjacent Conservative Club building.

Affordable housing is proposed and details are submitted with application. This matter is considered in more detail below.

Details of boundary walls and fences not shown on the submitted plans will be required prior to development commencing.

The loss of existing commercial uses is mitigated by the provision within the development of new office premises and the proximity to the town centre retail outlets.

**Observations:**

There is no objection in principle to this proposal. It is for a mixed-use redevelopment scheme within the town centre. Its density is within Council policy and Government guidance and the quality of design is high. The main issues for consideration are the loss of the existing commercial uses, the impact on existing properties, the layout and design within the context of the location within the Conservation Area, and having a town centre location, and the provision of affordable housing. Some of the more detailed concerns raised by local residents have been responded to above.

Policy ECON5 of the Revised Draft Deposit North Warwickshire Local Plan requires the protection of existing employment sites and buildings. An exception is allowed where a mixed-use scheme is promoted within a town centre. This scheme is partly within the town centre area and is for a mixed use, albeit it is predominantly for residential. The Economic Development Officer has identified a need for smaller office premises within Atherstone. Limited details of the existing commercial operations have been provided however Atherstone Garage included a Rover car dealership and this has been affected by the closure of the Rover Group. Two other petrol stations exist within Atherstone and tyre and exhaust services exist in nearby industrial areas. The shop is ancillary to the petrol sales at Atherstone Garage, and whilst this may provide a service to local residents, the town centre with its retail outlets is close by. Hence, on balance it is considered that there would be no substantial impact to the extent that the application should be refused permission solely in order to safeguard the existing facilities.

Policy ENV15 requires that where buildings within a Conservation Area are to be demolished then any replacement building must significantly enhance the Conservation

Area. The existing buildings make a negative contribution to the Conservation Area; removal is seen as an opportunity to enhance the Conservation Area. The Conservation Officer is satisfied this scheme will enhance the appearance of the Conservation Area, particularly the more important Long Street frontage. In this respect there has been considerable improvement since the earlier submissions, which were eventually withdrawn. The design now provides a quality development that not only fits in with the setting and character of the Conservation Area, but is also sympathetic to the adjoining Listed Building at the Conservative Club.

The proposed scheme will provide 30 dwellings and 2 office premises. The proposed layout shows six blocks, one fronting Long Street, one fronting South Street and four positioned within the site to minimise impact on neighbouring properties. The elevations show a three storey terraced frontage to Long Street with a central arched access, comprising 4 terraced houses and the two office premises of the same design as the houses. The South Street frontage includes a terrace of five houses and a block of six apartments linked by an arched access way. This layout minimises the impact on adjoining properties, including the adjacent bowling green. The density is equivalent to 65 dwellings/ha, this complies with Policy HSGF, which requires a minimum of 50/ha in town centres. Forty-three parking spaces and three garages will be provided within the development, equivalent to 1.5 spaces per unit. This is less than the maximum number allowed; however it is considered acceptable in this accessible town centre location.

The concerns expressed by local residents about the potential impact of this proposal on their residential amenity relate to the proximity of the proposals to Welcome Street. However these are some distance away, and given the general high density of the context, some degree of overlooking already exists.

Affordable housing is proposed with the involvement of a registered social landlord. Provision offered is either for one socially rented dwelling and six-shared ownership dwellings, or for four socially rented dwellings. Neither of these fulfils the requirement of Policy HSGB for 40% of the dwellings to be affordable. This equates to 12 dwellings in this scheme. The applicants contend the scheme will not be financially viable if the full affordable housing provision is provided. Details of the financial appraisal for this scheme were submitted to mitigate the provision of affordable housing. These have been subject to discussion with the Council's Valuer. The evidence provided to date does not indicate that significant exceptional costs will be incurred in bringing this site forward for development even though the site is a brownfield site and previous uses may have resulted in some contamination. Therefore the scale and nature of the affordable housing provision remains unresolved. However, the applicant has clearly shown a willingness to become involved with such provision. The overall scheme is one that is worthy of support and there are distinct benefits in supporting the proposal in terms of visual enhancement to the Conservation Area, through the provision of new housing within a sustainable community and the provision of the limited amount of commercial space. As the scheme is worthy of support, it is considered that the best way forward is for any grant of planning permission to contain a condition requiring a Scheme for the provision of affordable housing to be worked up prior to work commencing, rather than it to hold up the grant of a permission. This approach has been adopted elsewhere, notably in Coleshill recently, when the principles of a high quality development was seen of overall benefit. In respect of the contamination issue, a geo-technical survey was submitted. This has been considered by the Environment Agency and Environmental Health Officer. Both indicate further investigation of the site with regard to potential contamination will be required. This can be addressed through an appropriate condition.



Warwickshire Police recommend that appropriate lighting be incorporated into the arched accesses and that the development incorporate security features recommended within the 'Secured by Design' standard. In this respect it is considered appropriate that a condition be applied to the grant of planning permission requiring the provision of a camera on the Long Street frontage.

The County Council has requested sizeable contributions towards its services if a planning permission is granted here. The issue here is what is considered to be the priorities in terms of this proposal. The site will have development costs, with the demolition of a significant number of buildings, and potentially there will be contamination issues. The design specification of the proposed new scheme is high, as a consequence of its location in the Conservation Area. It is therefore important to recognise that all of these costs will have a bearing on the viability of the scheme. The provision of affordable housing is seen as a priority and it is considered that, as in other cases this should be seen as the first community benefit that comes from the scheme. The overall improvement and enhancement of the area is a second benefit.

Overall the scheme will create a housing development that will enhance the range of housing types available within the town centre, that will provide needed office space, that respects the Conservation Area in design terms and that is consistent with policy with the exception of the provision of affordable housing. This omission does not of itself require refusal as the provision of appropriate affordable housing can be secured by planning condition; this would be consistent with the approach taken with other recent planning applications. Whilst there will be a loss of employment land and buildings, this is considered to be outweighed by the positive contribution the scheme will make to the enhancement of the Conservation Area and to the diversity of the town centre by the provision of mid-range housing in this location.

**Sustainability:** This proposal is located within a sustainable settlement and meets both Council and Government aims and objectives in terms of its provision, design and layout.

**Recommendation:**

That planning permission be **Granted** subject to:

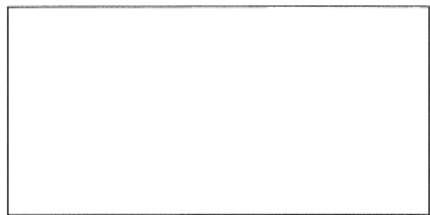
- i) C1 Standard Five Year Condition.
- ii) C4A Specified Plans - Where Plans Are Numbered
- iii) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a program of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant and approved in writing by the Local Planning Authority.

*Reason: To enable archaeological investigation of this site.*

0 95 8 / 2 003

RE-DEVELOPMENT OF ATHERSTONE GARAGE.

The title is not to be used for any other project without the written consent of the author. The author is not responsible for any errors or omissions in this document. The author is not responsible for any damage or injury caused by the use of this document.



REVISIONS

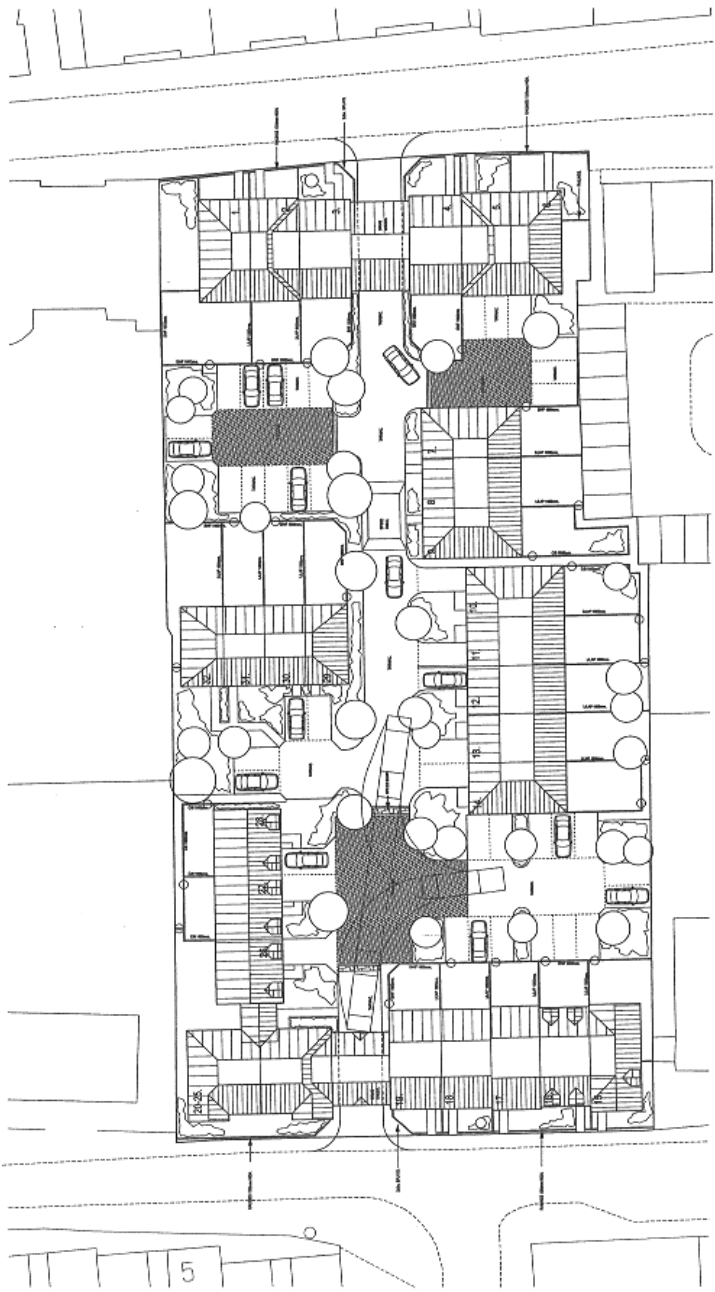
NO.	DATE	DESCRIPTION
1	1 JUL 89	ISSUED FOR TENDER
2	1 JUL 89	ISSUED FOR TENDER

APPROVED FOR TENDER

DATE: 1 JUL 89

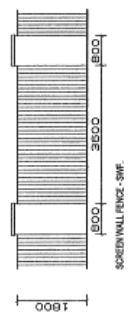
J.C. WAINWRIGHT Esq.  
 HADEN RITCHIE BAILEY  
 ARCHITECTS  
 100 RIVER STREET, ABERDEEN, SCOTLAND  
 REDEVELOPMENT OF  
 ATHERSTONE GARAGE.  
 EXTERNAL WORKS.

PRICE: £5396.59



927

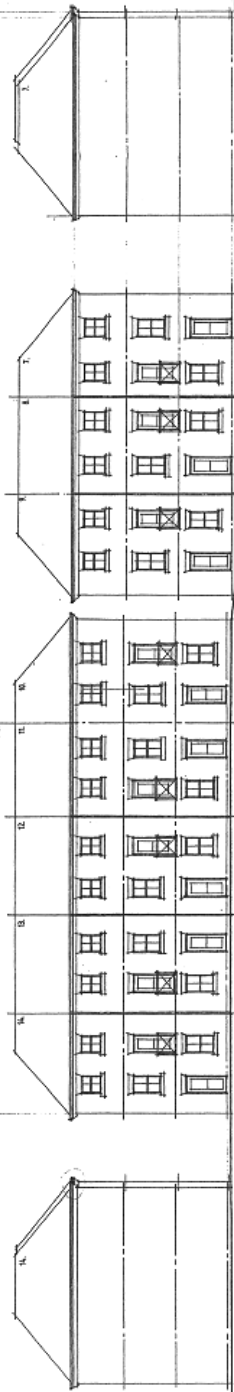
- LEGEND.
- SWF. 1800mm. SCREEN WALL & CLOSE BOARDED FENCE.
  - LLAP. 1800mm. LARCH LAP FENCE.
  - CB. 1800mm. CLOSE BOARDED FENCE.
  - BW. 1900mm. 215mm BRICKWORK WALL.
  - GATE.







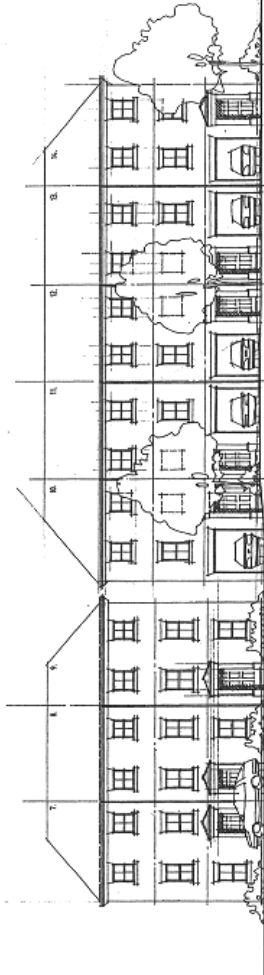
The Author is to show and certify all drawings and all drawings back and forth until they are approved in full. The Author is to be responsible for the accuracy of all drawings. The Author is to be responsible for the accuracy of all drawings. The Author is to be responsible for the accuracy of all drawings. The Author is to be responsible for the accuracy of all drawings.



SIDE ELEVATION OF PLOTS 7 - 14 FACING PLOTS 1 - 6

REAR ELEVATION FACING 13 TO 35 WELCOME STREET.

SIDE ELEVATION OF PLOTS 7 - 14 FACING PLOTS 15 - 19



FRONT ELEVATION OF PLOTS 7 - 14 FACING BOWLING GREEN.

REVISIONS

No.	Description	Date
1	ISSUED	

DATE: 1 AUG 2005  
 DRAWN BY: J. C. WAINWRIGHT  
 CHECKED BY: J. C. WAINWRIGHT

J.C. WAINWRIGHT ESQ.  
**HADEN RITCHIE BAILEY**  
 ARCHITECTS  
 100, MARKET STREET, SOUTHAMPTON, HANTS, SO9 4AA  
 TEL: 01703 512345 FAX: 01703 512346  
 EMAIL: HADEN@HARBURY.COM  
 RE-DEVELOPMENT OF A THREESTONE GARAGE.

PLOTS 7 - 14 ELEVATIONS

SCALE	DATE	NO.
1:100	21.05.05	05
		5396
		56

930