

(5) Application No: PAP/2016/0462

Retrospective application for retention of illuminated signage, for

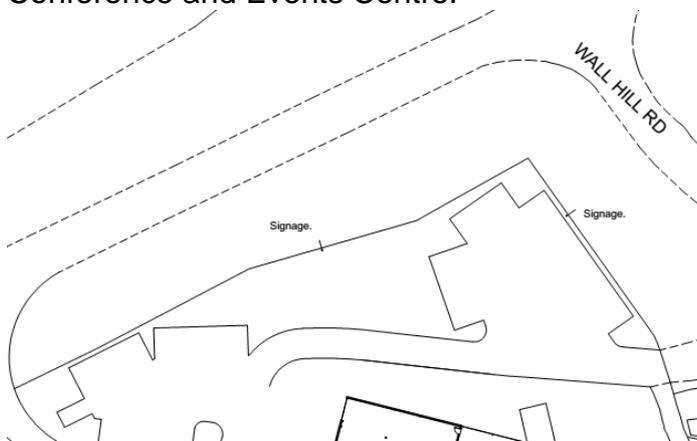
Mr Stephen Hammond - Heart Of England Promotions

Introduction

In August 2016 Members received a report concerning this application premises. Amongst the matters considered in the report was the matter of the erection of two unauthorised illuminated signs. This application retrospectively seeks permission to retain the signs. A relevant extract from the Board report is reproduced at Appendix A for reference.

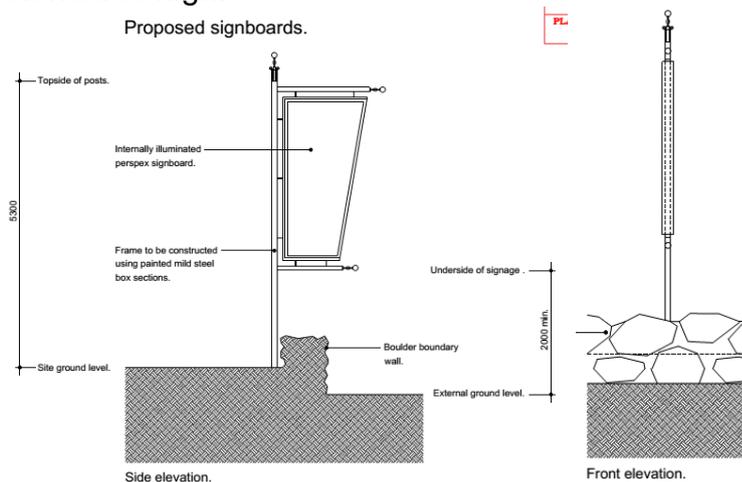
The Site

The plan below shows the locations of the two signs for which retrospective advertisement consent is sought. They are on the boundary of the site with Meriden Road and Wall Hill Road close to the main entrance to The Heart of England Conference and Events Centre.

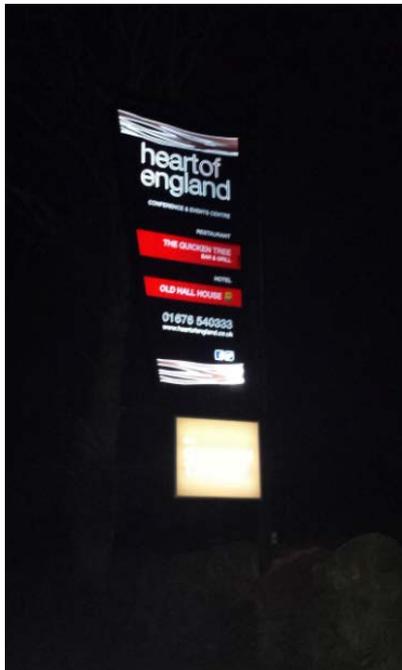


The Proposal

The illustrations below show the signs for which permission is sought. Each is 5.3metres high.



The following photographs illustrate the daytime and night time appearance of the signs.





These photographs differ from the illustrations of the proposed sign because, following receipt of an objection from the Highway Authority expressing concern about the height of the sign above the highway, the applicant's agent indicated an intention to remove the element of the sign that advertised 'The Quicken Tree Bar and Grill'. When officers last visited the site the Quicken Tree element of both signs was still in situ.

Development Plan

North Warwickshire Core Strategy (October 2014): - NW3 (Green Belt); NW10 (Development Considerations) and NW12 (Quality of Development)

North Warwickshire Local Plan 2006 (Saved Policies): - ENV12 (Urban Design)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework - (the "NPPF")

Consultations

Warwickshire County Council Highways Authority – No objection to the revised design (with the removal of the lower element).

Environmental Health Officer – No comments.

Representations

Fillongley Parish Council - Whilst the Council understand that the applicant wishes to draw more notice to his business, this is now more easily done as he has removed all of the hedge and therefore the buildings are extremely visible from the nearby road. The Council believe that the signs are incongruous and are inappropriate development within the Green Belt and as such should be refused.

Corley Parish Council - The lighting and signage both in terms of size and brightness is absolutely unacceptable in a rural, Green Belt environment. It acknowledges that from a health and safety perspective there is a need for some lighting and some signage, however, the visual effect and light pollution from what has been installed is not acceptable. The signs are not as suggested at the liaison group meeting (a session specifically set up for pre application discussions on a variety of topics including signage and lighting) the community representatives were led to believe that lighting and signage to be installed would be sympathetic to the environment and would not produce excessive light pollution. The Parish Council suggests that enforcement action should

be taken and the applicant be advised to submit alternative plans for something more appropriate.

Six local residents have written expressing the following concerns:

- The lights do not match the assurances given by the applicant at the liaison group in terms of their suitability in a countryside location. They were described as 'low lighting system, set into cherry wood log signs'.
- The signs and lights are totally inappropriate in the countryside. They are now 10ft tall with coloured lights.
- Attention is drawn to the findings of an Inspector at another appeal at this site *'It seems to me that it (light fitting) and the other fittings are part of the clutter of items which cumulatively harm the character and appearance of the surrounding landscape. This harm is added to that arising from being inappropriate in the Green Belt. The lighting breaches the NPPF's advice that light impact and pollution should be limited. Ref 156 p28'* and
'I consider that the excessive lighting and the associated fittings harm the character and appearance of this rural location. They breach NWLP policies CP2, CP3, ENV1 and CP11 and the relevant sections of the NPPF. This harm is compounded by that caused by being inappropriate in the Green Belt, which the NPPF says is substantial.'
- The lighting is causing harm to the landscape which the Council have agreed is in a 'dark skies landscape', a rural area that has no street lights, or motorway lights.
- There are signs frequently put up just outside the brick pillars-large banners in the main entrance, these additional signs just add to the general clutter.
- The lighting and parking has no place in the countryside as it is now likened to a Motorway services area, especially in the evening.
- The signs are a visual disturbance and a distraction to traffic.

Observations

The main considerations in the determination of this application are the effect of the signs on amenity and the effect of the signs on highway safety.

Member will see from the extract of the previous report to Board that it is illegal to erect them without receipt of the appropriate Consent, unlike new development which is unauthorised. The Board was advised that the Council therefore had the option of a prosecution in this instance. However, Board was further advised that the Council's remit in dealing with Advertisements is confined to issues relating to just visual amenity and highway safety. It was suggested that here it was considered that a prosecution would be unlikely to be successful. This was on the basis that the signs were identified as being set well back from the road, behind a very wide road verge and roadside trees; they were identified as not being unduly large and the level of illumination was thought to be reasonable given that the site has night time functions. Officer's therefore invited the submission of a retrospective application.

The judgement offered at that time was based on the signs only having been seen during the hours of daylight and on the basis of a description of the illumination source rather than first hand witness of the signs when illuminated.

Since the submission of the application the site has been visited during the hours of darkness and the full impact of the illumination is apparent. The effect of the signs when illuminated is much more intrusive and visually prominent than anticipated. The signs are located in a particularly dark location, where there are no other street lights. The illuminated signs are therefore much more prominent than they would be in an urban environment. Two signs appear unnecessary. A single sign on the Meriden Road would suffice for the purpose of site identification of the site at night or in the day, particularly now that the site frontage has been opened into view following the removal of the high conifer hedge. The second sign on Wall Hill Road serves no necessary purpose but it does spill the urbanising effect of the site, particularly in the night time environment.

Paragraph 67 of the NPPF recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It identifies that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The presence of two very large signs with very bright levels of illumination, in combination with other illumination at the site, is harmful to the visual amenity of this part of the countryside. They would be contrary to the provisions of Policy NW10 of the Core Strategy which seeks to avoid unacceptable impacts through the use of light and Policy NW12 which seeks to achieve high quality development which improves the appearance and environmental quality of an area.

The site lies within the Green Belt. Paragraph 81 of the NPPF identifies that local planning authorities should seek to retain and enhance the visual amenity of the Green Belt. The proposal would run contrary to that objective.

For clarity, the sign which fronts Meriden Road lies within the area of land identified as Common Land. Guidance produced by The Planning Inspectorate sets out the types of works and processes that may be carried out without the need for Section 38 Consent.

COMMON LAND GUIDANCE SHEET 1b

WORKS AND PROCESSES THAT DO NOT NEED SECTION 38 CONSENT

You should first consider whether the works you are proposing would have the effect of preventing or impeding access to or over the common. If they do not then, unless the works are for the resurfacing of land, they fall outside of the scope of the restricted works described in section 38 and no consent is needed. We recognise that deciding whether works are outside the scope of section 38 is not always straightforward and any works on common land may be challengeable through the courts. The following table lists some of the works (and processes about which we are also often asked) that we think fall outside the scope of section 38. (You should remember that to undertake works or processes on a common you may need consent under other legislation e.g. planning permission).

The list is not exhaustive and will be developed and refined over time. It is not an authoritative statement of the law – only the courts can give that.

Works that do not need consent because they: (a) are so small or of such short duration that they do not impede access (b) do not constitute a new impediment to access (c) facilitate access (d) are processes (rather than works) that do not need consent because they do not impede access	Reason for inclusion (a), (b), (c), or (d)
New gates and stiles in existing boundaries	(a) and (c)
Erecting small direction signs and information boards	(a) and (c)

There is an argument to suggest that because of the size of the sign (it is more than a small direction sign or information board) it is development requiring Section 38 Consent. However, it sits on the boundary of the land (where the former fence was situated and where the boulder wall is now situated) and there is a counter argument to say that it does not constitute a new impediment to access. This is a matter for the applicant and he should submit an S38 application as he sees fit, having regard to any advice taken from the Planning Inspectorate about the need for consent in this instance.

Removal of Unlawful Signs

Having concluded that retrospective consent for the retention of the signs cannot be supported it is necessary to consider the expediency of pursuing action to secure the removal of the signs. Given the harm identified above it is considered that it would be expedient to seek to secure their removal.

Report Implications

Any action in the Courts would still enable the owner to argue his case, but there would be an associated cost in the removal of the signs. This is not considered to be material in this case given the adverse visual and amenity impacts.

Recommendation

1. That advertisement consent be **REFUSED** for the following reason:

“The two advertisements by virtue of their height, scale, colour, location, number and particularly their illumination are harmful to the visual amenity of the area and harmful to its rural character. As such they are contrary to the objectives avoiding harm from light and of protecting and enhancing the quality and character of the local environment enshrined in Policies NW10 and NW12 of the North Warwickshire Core Strategy Adopted October 2014 and would run contrary to the National Planning Policy

Framework, March 2012 which points to the retention and enhancement of the visual amenity of the Green Belt.”

2. That the Solicitor to the Council be authorised to initiate court proceedings to secure the removal of the unauthorised signs.

3.3 Unauthorised Advertisements

- 3.3.1 Advertisements have been erected along both the Meriden and Wall Hill Road frontages. These are two pole signs and are shown illustrated at Appendix F. Site visits have confirmed that these do require Advertisement Consent but no application has been submitted. A request has been made for such an application.
- 3.3.2 In the case of advertisements, it is illegal to erect them without receipt of the appropriate Consent unlike new development which is unauthorised. The Council therefore has the option of a prosecution in this instance. However the Council's remit in dealing with Advertisements is confined to issues relating to just visual amenity and highway safety. Here it is considered that a prosecution would be unlikely to be successful. The signs are set well back from the road behind a very wide road verge and roadside trees; they are not unduly large and the level of illumination is reasonable given that the site has night time functions. In these circumstances it is recommended that officers again request the submission of the appropriate application with an indication that if it is not, then the Council will necessarily have to consider the possibility of commencing prosecution proceedings.
- 3.3.3 There have also been issues about temporary signage that appears from time to time advertising particular events. These often do not require Advertisement Consent. However if the local community consider that they

trespass onto the highway or affect visibility at the junction of the Meriden Road and Wall Hill Road, then they should be advised to contact the Warwickshire County Council as Highway Authority

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0462

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/9/16
2	Environmental Health Officer	Consultation Response	21/9/16
3	Warwickshire County Council Highways Authority	Consultation Response	27/9/16 7/10/16
4	Fillongley Parish Council	Representation	19/10/16
5	Corley Parish Council	Representation	13/9/16
6	McHugh	Representation	30/9/16
7	P Dian	Representation	3/10/16
8	J Hooke	Representation	3/10/16
9	Burrin	Representation	5/10/16
10	Shipley	Representation	5/10/16
11	Gibson	Representation	30/9/16

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.

(6) Application No: PAP/2016/0480

Retrospective application for retention of steel footbridge spanning between access driveway off Wall Hill Road and lawn on south side of old quarry pit (Warwickshire Logs 92) together with block paved sunken access ramp and timber decked pathway to restaurant entrance, for

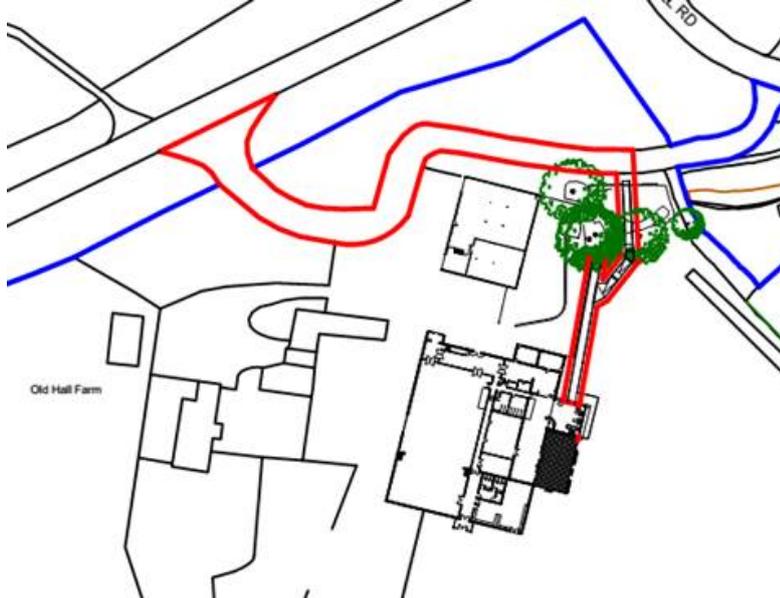
Mr Stephen Hammon - Heart Of England Promotions

Introduction

The application is reported to Board in recognition of the receipt of representations and given the planning history of the site. The report also seeks authority for enforcement action.

The Site

The application site forms part of the premises known as The Heart of England Conference and Events Centre – see plan extract below.



The Proposal

The application is a retrospective application for retention of steel footbridge ,spanning between the access driveway off Wall Hill Road and lawn on south side of old quarry pit (Warwickshire Logs 92) together with a wooden sunken access steps and timber decked pathway to a restaurant entrance.

The applicant argues that the footbridge location, near the Wall Hill Road entrance to the site, has the long term purpose of spanning the area between the proposed new hotel (main blocks) and the new car parking areas to the north of the site (permitted as part of the hotel planning approval, PAP/2013/0391). He advises that the intention behind the provision of a footbridge is to remove the need for booked-in visitors using these car parks to take a detour to reach the main hotel building, adjoining the Conference Centre. In the shorter term, the north car park can be used for restaurant

patrons and the bridge will afford more direct access to the new 'Quicken Tree' restaurant access lobby on the east side of the Conference Centre.

The works in respect of the walkway are as shown below:



The bridge is shown in the photographs below:





Background

The applicant indicates that the bridge has been designed to span the Corley sandstone quarry pit. This is the southern component of a Local Geological Site (Warwickshire No. 92, Chapel Green), which is described in the designation document as “a very accessible and well displayed section in the Upper Carboniferous Keresley Member of the Salop Formation. He advises that in recent years the bottom of the pit has become heavily clogged with invasive plant growth and accumulated rubbish.

The Heart of England has recently cleared away the undergrowth and rubbish to make the feature fully visible. A small pond has been created at the bottom of the pit, fed by a waterfall contained within a mock rock surround added at the top of the sandstone rock face. Two dinosaur statues have been installed which contain motion sensors which cause the dinosaurs to roar when people pass over the bridge. One of the dinosaurs has a small nest of dinosaur babies.

When asked about the waterfall, pond and dinosaurs, the applicant’s agent indicates that they do not form any part of what he is seeking planning permission for. He claims that a waterfall and a pond have been in situ for an extended period (although he provides no evidence to show what period of time or any evidence of the original installations). To the contrary however, the applicant’s Design and Access Statement recognises the recent creation of these features and there is photographic evidence to show that the works are recent.

The photographs below show the construction of the pond in progress, the positions of the dinosaur statues and the operational waterfall.





When first presented the plans were a very poor representation of the works that were in progress. This was drawn to the applicant's attention and a revised set of drawings were presented. Although they are a better reflection of the works that have been carried out, they still contains significant omissions or inaccuracies. Although the plans purport to depict the 'as-built' development, they still do not:

1. Show the pond that is in the foot of the quarry, either in the site plan or in the cross section.
2. Show the recently constructed, and now operational, waterfall feature. The plan omits to show the presence of the rock construction and waterfall feature – see photographs below, by comparison to the plan extract below:





3. The full extent of a newly constructed decking is not shown.
4. The plans and supporting statement omit any reference to the lighting units which are positioned at height all along both sides of the pergola type structure and recessed into the decking floor. No details of their number and degree of illumination have been provided, nor has there been an assessment of the impact of the lighting.



The application makes no reference to the illumination of the bridge or to the erection of signage. The photographs below show the illuminated bridge at night, together with an image of a sign which is attached to the wooden walkway structure which is illuminated by a spotlight at night.





Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW17 (Economic Regeneration)

Other Relevant Material Considerations

The National Planning Policy Framework – (the “NPPF”).
Council’s Adopted Supplementary Planning Guidance – A Guide for the Design of Lighting Schemes, September 2003

Consultations

Environmental Health Officer – No comments.

Curator of Natural Sciences, Heritage and Culture Warwickshire County Council – Comments that construction of the bridge has the potential to provide enhanced views of the regionally important geological features exposed in the adjacent Local Geological Site. If permission for this construction is granted he would request reasonable access to the bridge by geological groups and individuals who want to view the geological features of the old quarry site. He would also like to see a formal agreement established with the developer if permission is granted, allowing the Warwickshire Geological Conservation Group to install an interpretation panel on or near the bridge, in a publically accessible position, should they choose to at some time in the future. He indicated that he would object to any works that substantially obscure geological features.

He further comments that the presence of standing or running water below the face would be undesirable for geological interpretation, in that it would prevent close-up inspection of the sandstone and its fabrics. Similarly, construction of an artificial waterfall would further obscure the features at every scale. He indicates that he would have thought that running water over the sandstone would result in considerable erosion as it is quite soft, porous and weathered. Potentially this could range from gradual washout of individual grains to displacement of sandstone blocks.

Representations

Fillongley Parish Council objects to the proposal. It comments:

- The applicants stated intention is to utilise the bridge to enable guests to more readily access the hotel can only mean that he will be encouraging guests to use the access by Moor House Cottage which has previously been specifically excluded from public access through other permissions granted. To allow this to remain would be to make a mockery of the previous conditions on other permissions.
- The application does not mention use of lighting or noise amplification. That which has been installed is causing disturbance and nuisance to neighbours, resulting in a significant loss of amenity.
- Similar lighting schemes have been rejected on two separate occasions due to the fact that this is open green belt and it is therefore inappropriate. It remains inappropriate and the applicant should be made to remove the lights immediately.

Corley Parish Council and local residents express concern that this is another example of permission being sought retrospectively and that the plans presented initially did not reflect the nature of the works actually carried out.

One resident indicates that the bright illumination of the bridge is a visual intrusion and a distraction to drivers because of glare.

Observations

The site lies in the Green Belt. The proposal is for new built development.

Planning policy for the Green Belt is set out in the National Planning Policy Framework. It identifies (paragraph 88) that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It goes on to set out that the construction of new buildings will be inappropriate development unless fitting within identified exceptions (paragraph 89)

One such exception in Paragraph 89 of the NPPF is the provision of appropriate facilities for outdoor sport or outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The development is a building within the meaning of S55 of the Town and County Planning Act, however, it cannot be described as being an appropriate facility for outdoor sport or outdoor recreation. It is to facilitate access to a restaurant and hotel, not to facilitate

access to any outdoor use. There are no other identified exceptions in Green Belt policy that would apply to the development. As such it is not appropriate development in the Green Belt and substantial weight should be attached to the harm arising from this.

In finding the development to be harmful by definition it is then necessary to assess whether the harm to the Green Belt by reason of its inappropriateness or any other harm was clearly outweighed by other considerations.

The walkway and the bridge would extend into an area of the site that is beyond the traditional extent of the farm and its yard. In the planning of the site in recent years, care has been taken to avoid the encroachment of outdoor activity onto this side of the site, partly to protect the residential amenity of the occupiers of the adjacent bungalow and partly to protect the visual amenities of the countryside. Though permission does exist for the erection of the hotel building at this position within the site it is very much on the basis that this is the back side of the built form, there are no substantial entrances and no works to facilitate a primary access to this side of the building.

The walkway would unnecessarily introduce the comings and goings of patrons to a part of the site which is the countryside, non-public, side of the site. The proposed walkway, and the encouragement for patrons to take access from a wider part of the site would be part of an ever encroaching creep into open countryside, resulting in an incremental change in the rurality of the site. It would move ever further from the origins of the site as a complex of farm buildings focussed around the historic Fillongley Old Hall, where primary access to the associated farm buildings would have been from the western side closest to the listed dwelling.

It is set out above that the wooden structure forming the walkway has been constructed more extensively than shown on the submitted drawings. It leads to a new decking area that has been formed for outdoor congregation alongside the restaurant. This is evidential of the consequent spill and encroachment described above.

There has been a longstanding dialogue with the applicant about the use of the Wall Hill Road access route not being used by visitors/customers. Indeed, the recent hotel/conference centre permission includes the agreed condition set out below:

34. The Wall Hill Road Access shall be for the use of staff, deliveries (not associated with the construction period) and emergency use only at all times.

REASON

In the interests of the amenities of the area and of occupiers of nearby residential property and in the interests of safety on the public highway.

To install a footbridge across the quarry and create a new significant public entrance to the building complex will encourage the use of the Wall Hill Road entrance for vehicular access and egress. This would be in direct conflict with the objective of the planning condition which was agreed in the interests of highway safety and residential amenity of the adjacent dwelling.

The development, though relatively minimal in physical extent, compared to the scale of the site, would because of its consequent impact on the intensification of use of different parts of the site would nevertheless result in harmful encroachment such that it would have an adverse impact on the openness of the Green Belt and would be harmful to the visual amenities of the Green Belt. This harm to visual amenity would be contrary to the objectives of protecting and enhancing the quality and character of the local environment Policies NW12 and NW13 of the North Warwickshire Core Strategy Adopted October 2014.

From the perspective of impact on the quarry, which is designated a Local Geological Site, there is no objection in principle to the formation of a bridge. It theory it will allow improved public observance of the feature. However, the introduction of the bridge has not taken place in isolation of other development affecting the Local Geological Site. It has been accompanied with development which seeks to make the quarry an attraction, as a single development operation the installation of a pond, a waterfall and movement activated roaring dinosaur statues have been installed. There is harm resulting from the installation. The action of running water on sandstone is well known to have the effect of erosion. Potentially this could range from gradual washout of individual grains to displacement of sandstone blocks. This would be harmful to the Local Geological Site. The pond and the plastic liner used to form it would be undesirable for geological interpretation, in that it would prevent close-up inspection of the sandstone and its fabrics.

The noise emitted from the dinosaurs is reported as being audible at the adjacent dwelling and is reported to be a noise disturbance, particularly at night when patrons are leaving the restaurant and the background noise is lower. This would be contrary to the objectives of protecting local amenity enshrined in Policy NW10 of the North Warwickshire Core Strategy Adopted October 2014.

The use of the new bridge by visitors arriving at night necessitates the illumination of the route across it and to the buildings. The form of illumination on the bridge and around the quarry is bright and is highly visible in the dark skies countryside setting. The visual intrusion from associated required lighting would have an adverse impact on the visual amenities of the Green Belt.

Thought it is acknowledged that the bridge and access route would enable easier operation of the business during the construction phase of the building works, it is not the only solution to achieving safe access. It is not considered that ease of operation is sufficient reason to set aside the harms identified from the development.

It is not considered that any very special circumstances exist which would clearly outweigh the harm to the Green Belt by reason of its inappropriateness and the other identified harms. Planning permission may not therefore be supported.

Enforcement of Unauthorised Development

The commentary above sets out the inappropriateness of the bridge and walkway as sought in the planning application, however, the applicant has refused to seek permission for associated development which has been carried out in an unauthorised manner. The waterfall, pond and statue installation and the decking adjacent to the

restaurant do not benefit from planning permission and cause the harm identified in this report.

Enforcement action is recommended and authority is sought to issue an Enforcement Notice requiring the removal of the unauthorised bridge, wooden pathway structure, waterfall, pond and lining and decking and to restore the land to its former condition.

Report Implications

Financial Implications:

Because of the right of appeal against the Notice there is a risk that the Council could, if unsuccessful, have an award of costs made against it.

Legal and Human Rights Implications:

There is a right of appeal against the issue of an Enforcement Notice and any subsequent criminal proceedings, the applicant will have an opportunity to argue his case at any such appeal or in court.

The requirements of the notice will cause the operator to have to remove the structure and make provisions for the safe movement of customers around the site during construction works if the hotel redevelopment proceeds.

Sustainability and Environment Implications:

The unauthorised use adversely affects the openness and visual amenity of the Green Belt and the character and appearance of the countryside. This harm outweighs any economic advantages that are brought about by the unauthorised use.

Links to the Council's Priorities

This action aligns with the Council's priorities of protecting and improving the environment; defending the countryside and the openness of the Borough.

Recommendation

A) That the application be **REFUSED** for the following reason:

"The development would be inappropriate development in the Green Belt, it would not preserve openness and would be harmful to the visual amenities of the Green Belt and to the rural character of the area. As such it would be contrary to the provisions of the National Planning Policy Framework, March 2012. No very special circumstances have been shown which would outweigh the identified harm to the Green Belt and other harm. In this regard the harm to visual amenity would be contrary to the objectives of protecting and enhancing the quality and character of the local environment and protecting local amenity enshrined in Policies NW10, NW12 and NW13 of the North Warwickshire Core Strategy Adopted October 2014"

- B) That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the removal of the unauthorised bridge, wooden pathway, waterfall, pond and lining and decking and the restoration of the land to its former condition.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0480

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/8/16 5/10/16
2	Curator of Natural Sciences, Heritage & Culture Warwickshire	Consultation Response	27/8/16 1/9/16
3	Environmental Health Officer	Consultation Response	16/9/16
4	Fillongley Parish Council	Representation	17/9/16
5	Y McHugh	Representation	25/8/16 24/11/16
6	Corley Parish Council	Representation	13/9/16

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.

(7) Application No: PAP/2016/0366

17-19, Long Street, Atherstone, CV9 1AX

Variation of condition 2 of planning permission PAP/2009/0045 dated 11 May 2009 and discharge of details required by condition 6 and 7 of that same permission, for

Arragon Properties Ltd

Introduction

This application is reported to the Board given its past interest in this site.

The Site

This is the presently vacant corner parcel of land at the junction of Long Street with Station Street at the western end of Long Street opposite the Memorial Hall and facing the Co-op Supermarket's car park. It backs onto the newer Aldi supermarket. There is a three storey development next to the eastern Long Street frontage as well as on the other side of the road. The area is in mixed development best described as retail at ground level with residential above.

The site is within but on the edge of the Atherstone Conservation Area.

The Station, some 100 metres to the west is a Grade 2 Listed Building as are Grendon Lodge and Grendon House, 120 and 50 metres respectively to the east.

Appendix A illustrates the location of the site together with these heritage features.

Background

Planning permission was granted in 2009 for the redevelopment of this corner site. This permitted a mixed use development. The proposal involved two blocks. One was a rear extension to number 25 Long Street, solely for residential use (six one and two bedroom apartments). The second was for a frontage block turning the corner through Long Street into Station Street. It is this block that contained five retail outlets at ground floor; six self-contained offices at first floor and seven one and two bedroomed apartments on the second floor. All vehicular access would be from Station Street leading to a parking area for eleven spaces and service access. The first block has been completed and therefore this 2009 consent is extant and could be still implemented lawfully.

In 2010 an application was received to vary the design and appearance of this second block. The mix of uses and quantum of development remained unchanged. This was approved in September 2010. Because the permission was for a variation of the 2009 consent, it is also extant. In other words either the 2009 or the 2010 approval could be implemented.

In 2014 an application for a further variation of the 2009 consent was submitted. This was refused in 2015. In this case the variation included a single retail unit at ground floor but retaining the five distinct shop windows of the 2009 approval but with a single rear service stairwell and lift. An appeal was lodged, but by letter dated April 2016, this was dismissed.

The current application is thus a further submission to vary the 2009 consent and the applicant argues that it overcomes the concerns expressed by the Inspector in the 2016 decision letter.

For the benefits of Members, the 2000 approved layout and street scenes are attached at Appendix B. The 2010 variation showing the approved alternative street scenes is at Appendix C. The 2015 refused street scenes are at Appendix D and the Appeal letter is at Appendix E.

The access arrangements; parking provision and servicing arrangements are to remain as approved. The current proposals do not vary the quantum of development already approved here or the mix and proportion of uses. Hence there is no cause to consider these aspects of the 2009 approval afresh.

The Proposals

As described above the proposals relate just to the second frontage or corner block of the 2009 and 2010 plans.

The Long Street frontage would be three storey (10.5 metres to ridge) which is just taller than the property next door (number 21). There would be a chimney at the junction to mark the change in level. This frontage would then “turn the corner” onto Station Street. The ground floor would have three retail shopping frontages and there would be a reducing scale of fenestration at first and second floor.

The Station Street frontage would in effect be four different blocks each with its own character. The first would continue the Long Street frontage around the corner. The second would be the dominant unit of the frontage. It would be three storeys but have a higher ridge (13 metres) and a slightly taller eaves line. There would be chimney features at both end gables. The ground floor would continue the individual shop frontage design. The third unit would be slightly lower but would have a hipped end. The window design and proportions are changed at first and second floor. The final unit provides an arched access to the rear service yard. This has a hipped end and a lower ridge (9.8 metres) – the third floor being in the roof space.

The rear elevations of this Station Street frontage also have different fenestration but follow the three storey proportions. There is one stairwell and two lift shafts which would be accommodated within rear extensions – two of which extend to eaves height and the third just beyond.

The ground floor would be one retail unit. The first floor would provide six office spaces as well as part living accommodation to supplement the seven flats at second storey.

The proposals are illustrated at Appendix F.

In addition to varying the appearance of this block the application includes details to discharge condition 6 and 7 of the 2009 permission.

Condition 6 requires details to be submitted for a number of detailed matters – e.g. verge details; brick bonds and window materials. These are now all included.

Condition 7 requires amendments to be made to the shop frontages. These are all now in the submitted plans.

As a consequence of the comments received from the Heritage Consultant, amended plans have been received. The changes relate only to the matters of detail and do not affect the built form or its layouts. Re-consultation has taken place and representations received will be reported verbally at the meeting.

Representations

Atherstone Town Council – It issued an initial holding objection requesting additional time. It has now been re-consulted on the amended plans but at the time of preparing this report had not forwarded any comment.

Atherstone Civic Society – The Society objects to the proposals. This is attached at Appendix G. It too has yet to comment on the amended plans.

One letter of objection has been received about the potential removal of details covered by the conditions. This is a misunderstanding. The details have been submitted and will be considered as part of this application.

Consultations

Council's Heritage Consultant – No objection in principle but has requested some detailed changes. The amended plans are satisfactory.

Warwickshire County Council as Highway Authority – No objection.

Development Plan

Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW15 (Social and Economic Regeneration), NW16 (Atherstone) and NW20 (Services and Facilities).

North Warwickshire Local Plan 2006 (Saved Policies) - ENV12 (Urban Design), ENV14 (Access Design), ENV15 (Listed Buildings), ENV16 (Conservation) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

National Planning Policy Framework 2012 - (the "NPPF").

The Atherstone Conservation Area Designation Report 1995

The Draft Atherstone Conservation Area Appraisal 2006

The Draft Local Plan for North Warwickshire 2016

Observations

a) Introduction

There is no objection in principle here. There is an extant planning permission for this development and the adoption of the Core Strategy since the date of that permission only reinforces that position. The new draft Local Plan of 2016 does not affect this conclusion. The mix of uses is entirely appropriate here and the principle of a three storey built form which turns the corner is similarly one that can be repeated. There has neither been any new planning consideration introduced since the date of the permission to warrant a wholly different approach being taken to the redevelopment of this site.

The main issue is therefore going to be based on a judgement as to whether any harm caused to the heritage assets identified above is so substantial as to warrant refusal when weighed against any benefits from the proposals. In this respect a consideration of whether the revised design and appearance addresses the reason for refusal of the last scheme as endorsed by the appeal decision is a very useful guide.

Firstly however it is necessary to say that the parking, refuse and access arrangements remain exactly as approved. Similarly the layout and size of the living accommodation remains as previously approved. In these circumstances and given the extant permission, these matters are outside of the remit of this current application.

Secondly, it is considered that the details submitted in respect of condition 6 and 7 as set out above and following the receipt of amended plans as requested by the Consultant, are acceptable and that should consent be granted for the amended plans, then there would be no need to comply with these conditions. These details were not raised as causing an issue in the recent appeal decision.

b) The Heritage Impact

In dealing with this main issue both the Development Plan and the NPPF require that the Local Planning Authority has to establish the significance of the heritage assets involved. This needs to be described and then an assessment made as to what level of harm there might be to that significance as a consequence of the development. The NPPF then provides guidance as to the issues involved depending on whether there is substantial or less than substantial harm to the assets.

Here it is considered that the most significant asset is the Conservation Area followed by the setting of the three closest Listed Buildings.

The significance of the Conservation Area is that it covers a substantial area of the town centre reflecting the architectural and historic development of the town throughout many different periods. This is portrayed in the retention of substantial contemporaneous built form, layout and open spaces depicting different uses from industrial through to residential and the service sector. Architectural character and attributes from these different periods and uses remain. The significance is thus very much about the conservation of the whole town's diverse history. The western end of Long Street depicts these features – the line of the Roman Watling Street; the continuous three storey Georgian street frontages, the medieval rear burgage plots and the Victorian hatting and railway industries. The western end of the street also marks a distinct

boundary between the urban character of the town centre and the more open appearance and much greener approach to the town from the west.

The application site is prominent within this setting being very visible on the approach into the town. The approved 2009 scheme here was considered to enhance the significance of the Area by re-developing a vacant derelict site which is on the main approach into the town, with a three storey built form proportionate to surrounding buildings and reflecting many of their characteristics. The issue is to decide whether the current proposal echoes this conclusion.

The proposed built form here matches that of the approved schemes – namely three storey frontage development around the whole corner extending to the edge of the site. It also has different ridgelines; both horizontal and vertical emphasis, a traditional retail frontage and different fenestration proportions. So in general terms it would appear to reflect the design of the extant consent. However it is necessary to explore further just how it has addressed the main detailed matters that led to the 2016 refusal. There are three main elements to this - the overall heights of the different ridgelines; the fenestration pattern and how the service provision is dealt with at the rear.

The 2010 approval increased the heights of the 2009 ridge lines – including that of the central block in the Station Street frontage. The current proposal has the Long Street frontage at a slightly lower level than the 2010 approval; the central tallest Station Street unit at the same height, but retains the height of the third and fourth units as that in the 2016 refusal. Whilst the Long Street section is acceptable, the issue here is whether this mix of Station Street ridge lines creates an over dominant and prominent frontage, out of proportion with the general character of Long Street; the open character of the land to the west and with too much focus in the street scene when approached from the west. This would be a “bulky” frontage and the tallest in the area. However it is noteworthy that the Inspector in his 2016 letter did not consider that this was one of the factors that made up his reasons to dismiss the appeal. He did however refer to the height of the Long Street frontage. This has now been lowered by 300mm in the current revision. The plans now before the Board therefore do reflect the conclusions of the Inspector in respect of heights of buildings. However Members should still be aware that this larger frontage is taller and wider than older buildings in Long Street and thus there is therefore a degree of harm here both to the significance of the character and because it has an impact on the significance of the far western end of the Conservation Area which marks the transition from open land to town centre. The degree of harm however is considered to be less than substantial because this is a wholly new frontage which will create a new street frontage rather than add to or infill within the historic core of the town.

The second issue was the fenestration proportions on the Long Street frontage which have now been addressed by the applicant so as to meet the criticism of the Inspector.

The third issue and perhaps the one that was the main focus of the adverse reaction to the last set of proposals was the treatment of the rear elevation of the Station Street frontage – the introduction of the large service accommodation. This was found to be harmful to both the historic and architectural significance of the character of the Conservation Area. The Inspector was particularly critical in this respect. The current scheme is a welcome and well thought out alternative – three much smaller rear extensions. These no longer dominate the rear elevation, run across the grain of the medieval burgage plot lines and are not visibly intrusive when viewed from the south over the Aldi car park. It is considered that this solution is an improvement and returns

to the approach of the original 2009 design. As a consequence the harmful impact on the significance of the conservation area is much reduced. It now has less than substantial harm.

As a consequence the revised proposals in this latest application are improved over the 2016 refusal and have addressed the matters raised by the Inspector. However there is still harm – the tallest and widest buildings in the Station Street frontage. However when combined with the other changes made in response to the appeal decision letter it is considered that the overall level of harm to the significance of the Conservation Area, of the revised proposal is less than substantial.

In respect of the three Listed Buildings then the Inspector in the recent appeal did not take issue with the proposals in respect of harm to their settings. There would be no direct harm or impact to their architectural or historic attributes and special merit. The degree of harm on their setting is less than substantial because of the separation distances and because those setting would remain intact with the proposals not dominating or over-looking them.

As a consequence in terms of the impact on heritage assets it is concluded that these current proposals have less than substantial harm in terms of their impacts.

c) The Planning Balance

The Board and the Inspector both agree that a scheme involving the general built form as proposed here since 2009 is acceptable and the best solution. It is agreed that this corner site needs to be re-developed and that the mix of uses is appropriate. Two earlier proposals have been approved for the site but a third refused because in short it went too far in harming the significance of the heritage assets affecting the site. It has been found that by addressing the comments of the 2016 Inspector this latest revision is an improvement over that 2016 refusal. However it still has a harmful impact but that has been found above to be less than substantial. In these circumstances the NPPF indicates that the Council should undertake a balancing exercise to establish whether that harm is outweighed by the public benefits of the current set of plans. Those benefits are the enhancement of the prominent corner site on one of the main entrances into the town and secondly the provision of both retail and office space thus adding to the service opportunities in the town. Given that this is a new street frontage and that the poor design of Station Street rear elevation has been resolved, it is considered that the balance now lies in those benefits outweighing the less than substantial harm.

The details submitted with the application in respect of the two conditions are acceptable.

Recommendation

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

1. Standard plan numbers – 492/100A, 101B, 102E, 23 C, 24D and 25A all received on 29 November 2016. For the avoidance of doubt the details approved under application references DOC/2012/0021 dated 11 May 2012 and DOC/2011/0032 dated 7 July 2011 remain and only those details shall be commenced or installed on site.

2. The landscaping plan approved under condition 1 shall be implemented within six calendar months of the first occupation of the commercial buildings. In the event of any tree or plant failing to become established with five years thereafter each individual tree or plant shall be replaced within the next available planting season to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

3. The parking spaces hereby approved shall not be used for any purpose other than for the parking of cars.

REASON

To ensure on-site provision thus reducing the risk of on-street car parking.

4. All exterior joinery shall be painted and not stained. Notwithstanding the provision of the Town and country Planning (General Permitted Development) Order (England) 2015 the exterior joinery shall not be painted other than in colours first agreed in writing by the Local Planning Authority.

REASON

In the interests of the heritage amenities of the area.

5. The development hereby approved shall not be occupied until the fire hydrant shown on the plan has first been installed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety.

6. The retail unit hereby approved shall not be used for any other use than a use within Class A1 of the Town and county Planning (Use Classes) Order as amended.

REASON

In the interests of encouraging the vitality of the Town.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a speedy decision and addressing the heritage issues raised by a previous appeal decision.

BACKGROUND PAPERS

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

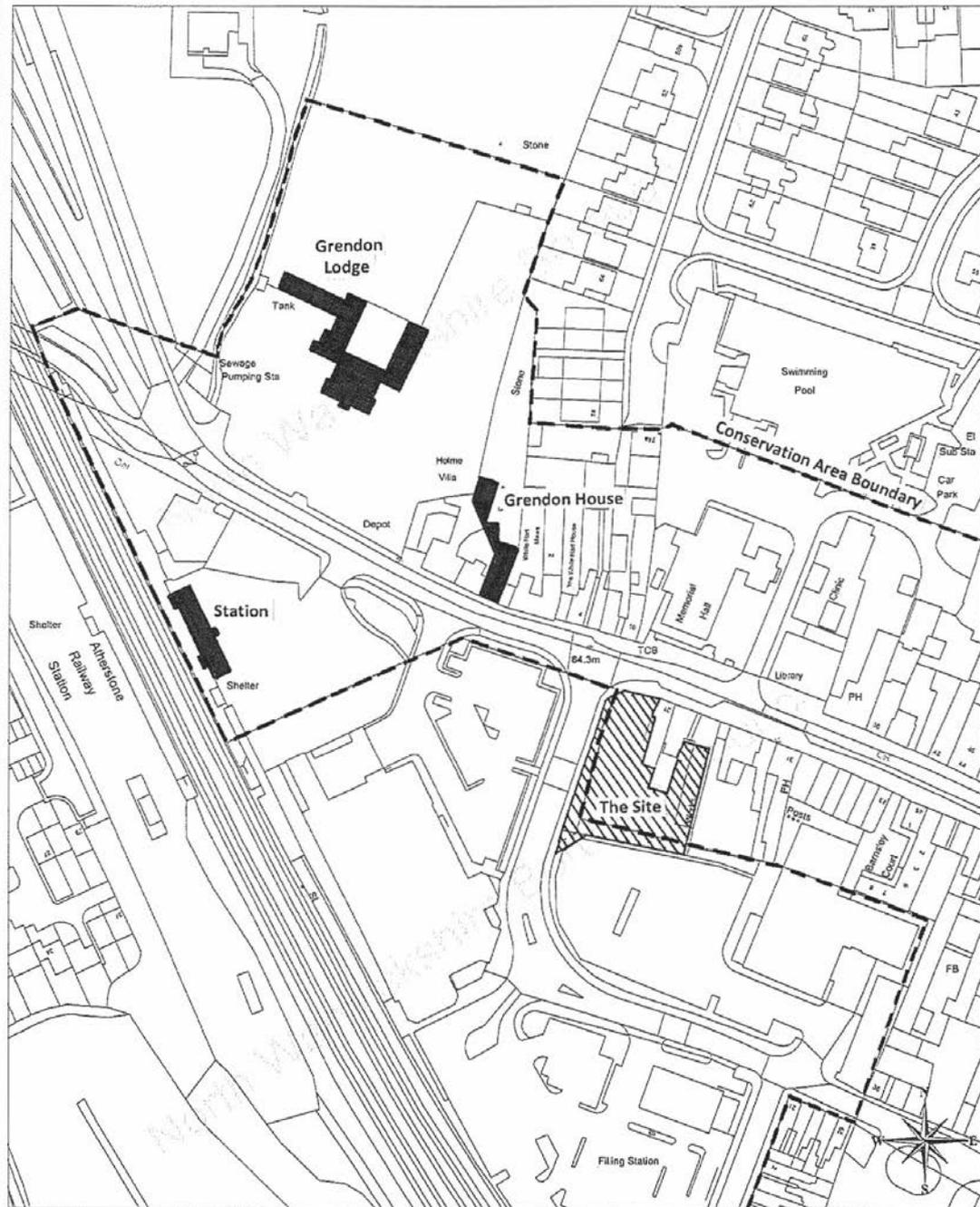
Planning Application No: PAP/2016/0366

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/6/16
2	Warwickshire County Council Highways	Consultation	16/11/16
3	Atherstone Town Council	Representation	17/11/16
4	S Bishop	Objection	18/11/16

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

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

APPENDIX A



Date: 08:12:15
Scale: 1:1500

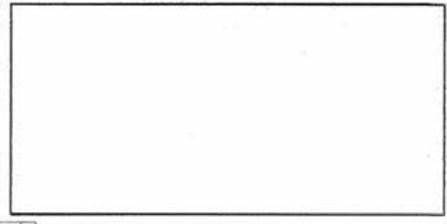
© Crown copyright and database rights 2015
Ordnance Survey 100017910



200900045

The Office of Planning and Development has reviewed the information provided and has approved the proposed development. This approval is based on the information provided and does not constitute a guarantee, warranty, or endorsement of the quality, accuracy, or completeness of the information provided. The Office of Planning and Development is not responsible for any errors or omissions in this document.

PLANNING AND DEVELOPMENT
 APPROVED
 11 MAY 2009
 HADEN RITCHIE BAILEY
 ARCHITECTS



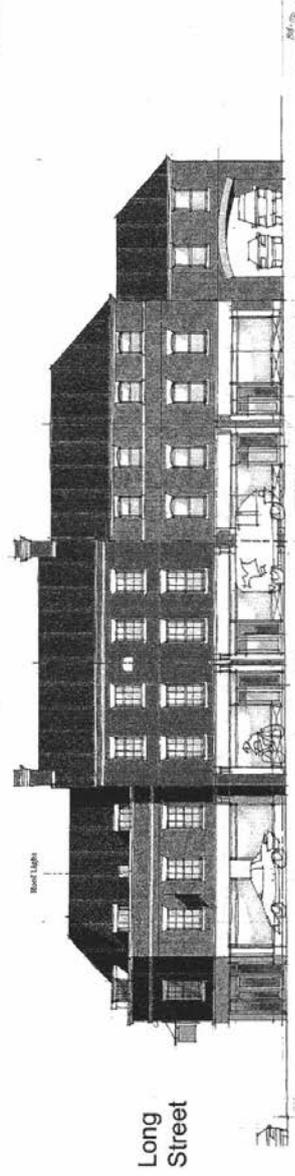
RECEIVED - 11 MAY 2009 Haden Ritchie Bailey Architects
REVISIONS
NO. DESCRIPTION
1. Roof Layout Unmodified
DATE
BY

M.G. EYOB

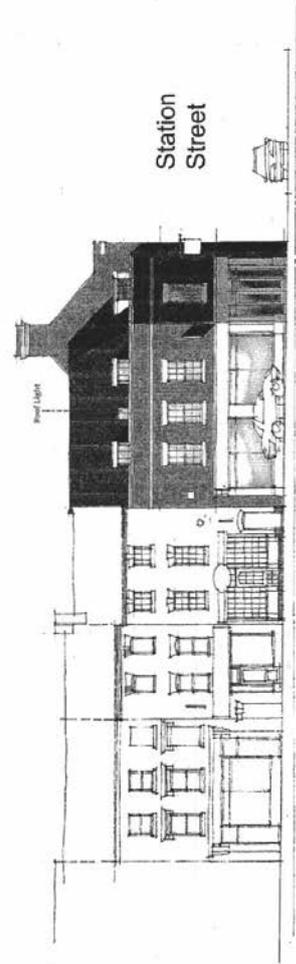
HADEN RITCHIE BAILEY
 ARCHITECTS, PLANNERS & ENGINEERS
 17 - 19 Long Street, Abstronone
 Tel: 011 853 745 1381 Fax: 011 853 745 1382

Proposed Mixed Development
 17 - 19 Long Street, Abstronone

FRONT BLOCK ELEVATIONS	
Scale	1:100
Date	19/05/09
Drawn	6665/21k



Front Elevation Facing Station Street Scale 1:100



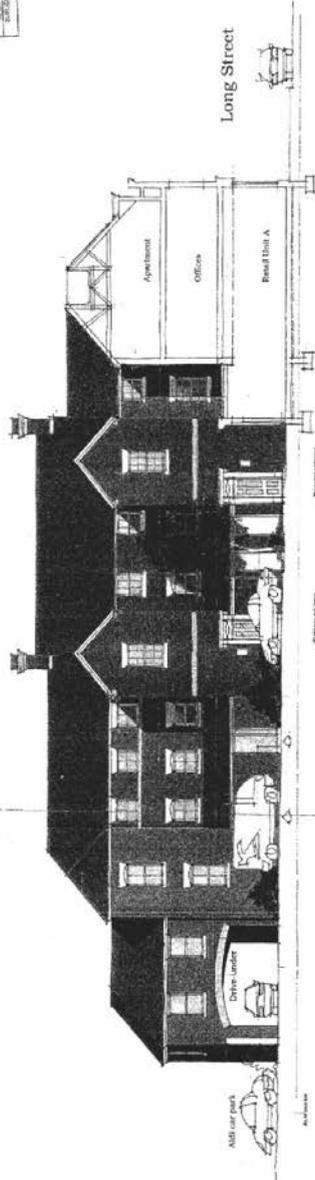
Street scene elevation facing Long street Scale 1:100

Mixed Development at 17 - 19 Long Street Atherstone

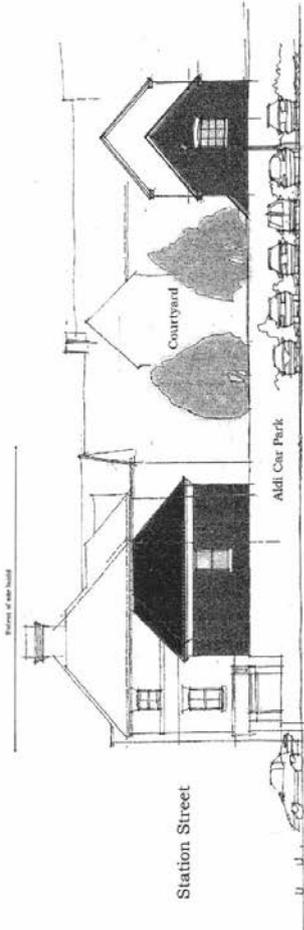
2009/0045

NOT FOR CONSTRUCTION
UNAPPROVED
11 MAY 2009
M. G. RITCHIE

The Client is to provide and verify all building data and drawings. The Client is to provide and verify all building data and drawings. The Client is to provide and verify all building data and drawings. The Client is to provide and verify all building data and drawings.



Sectional rear elevation facing courtyard Scale 1:100



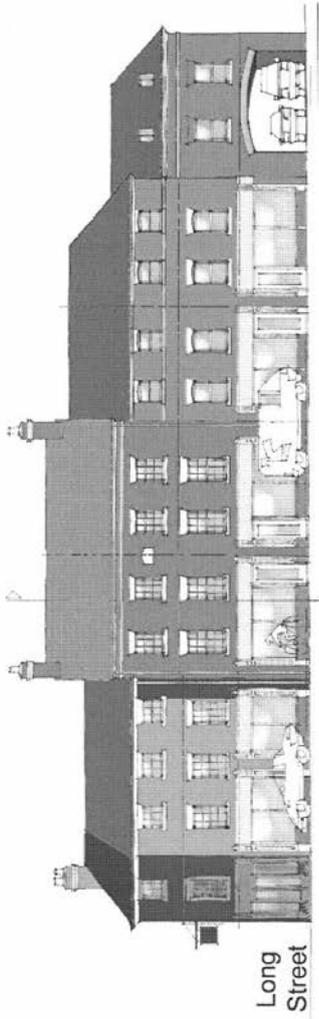
Side elevation facing Aldi car park Scale 1:100

DATE	11 MAY 2009
BY	M. G. RITCHIE
PROJECT	Mixed Development at 17 - 19 Long Street, Atherstone
DESCRIPTION	Architectural Elevation
SCALE	1:100
NO.	5655.23A

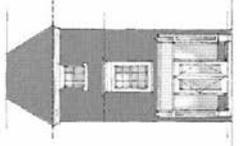
M. G. RITCHIE
HADEN RITCHIE BAILEY
 ARCHITECTS, PLANNERS & LANDSCAPE ARCHITECTS
 17 - 19 Long Street, Atherstone
 Warwick, CV35 9EF
 Tel: 01827 565523
 Fax: 01827 565524
 Email: hrb@hadenritchiebailey.co.uk
 Website: www.hadenritchiebailey.co.uk

Mixed Development at 17 - 19 Long Street Atherstone

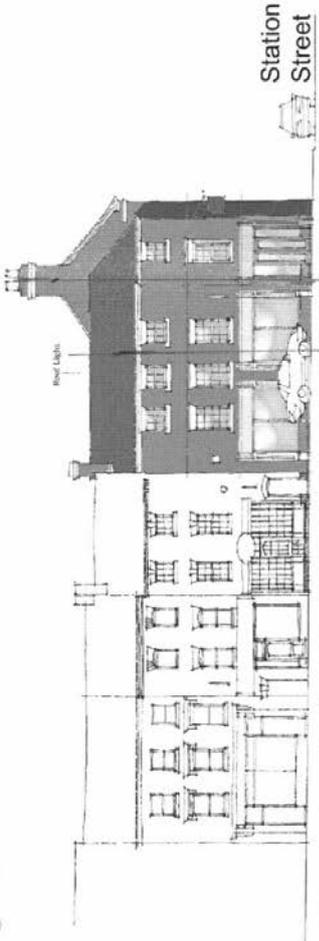
2010/00226



Front Elevation Facing Station Street @ 1:100



Corner Elevation Between Long and Station Street @ 1:100

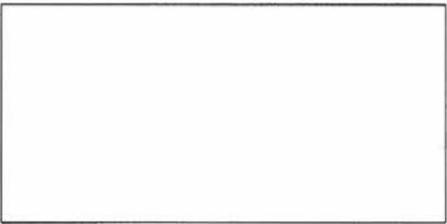


Street Scene Elevation Facing Long Street @ 1:100

NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
Oct 04, 2010
FOR THE PROVISION OF
THE ABOVE DEVELOPMENT
SUBJECT TO CONDITIONS
ON NOTICE

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
17-SEP-10
PLANNING & DEVELOPMENT
DIVISION

This plan is the property of the Planning Department of North Warwickshire Borough Council. It is not to be used for any other purpose without the written consent of the Council. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Council.

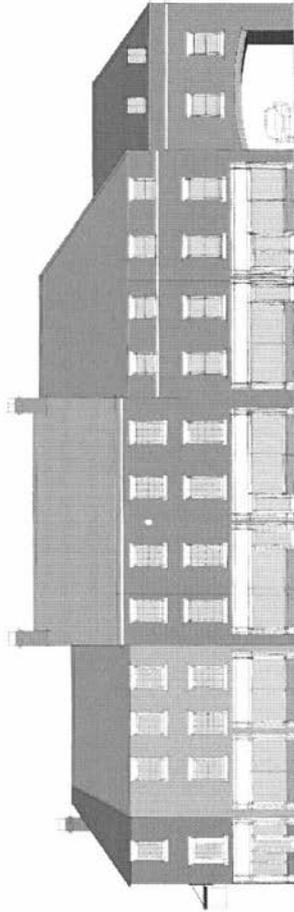


DATE	2010/00226
DESCRIPTION	Proposed Mixed Development
APPROVED	17-SEP-10
FOR THE PROVISION OF	THE ABOVE DEVELOPMENT
SUBJECT TO CONDITIONS	ON NOTICE

M G EVANS
HADEN RITCHIE BAILEY
PLANNING CONSULTANTS
17 - 19 Long Street, Atherstone
Proposed Mixed Development
17 - 19 Long Street, Atherstone
FRONT ROOF ELEVATIONS
1:100
JAN 08
REV 1
5655.50

Mixed Development at 17 - 19 Long Street Atherstone

PM/2014/0275



1:100 Front Elevation Facing Station Street

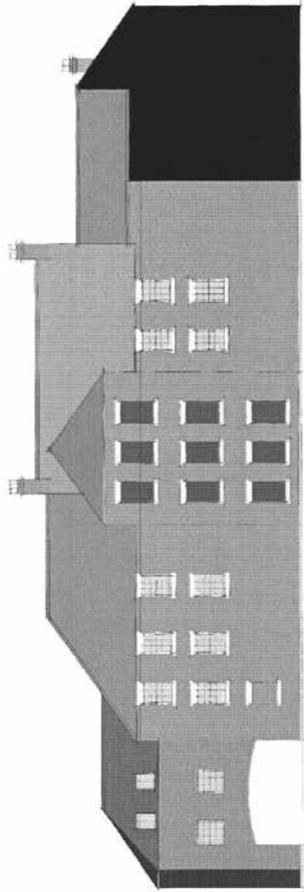


1:100 Side Elevation Facing Long Street

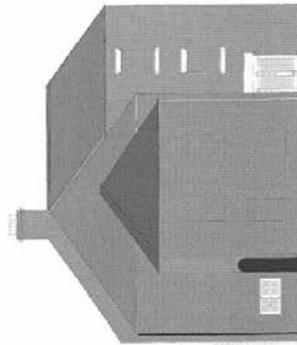
RECEIVED
 01/07/2015
 PLANNING & DEVELOPMENT
 DIVISION

PA/2014/0275

A.R. Taylor Ltd



1:100 Rear Elevation



1:100 Side Elevation

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 01/07/2015
PLANNING & DEVELOPMENT DIVISION

July 1, 2015

Project Location | 12-13 Long Street, Stratford-upon-Avon

A 02

Appeal Decision

Site visit made on 17 March 2016

by **David Nicholson** RIBA IHBC

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

Decision date: 06 April 2016

Appeal Ref: APP/R3705/W/15/3137909 Long Street, Atherstone CV9 1AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Arragon Properties against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2014/0275, dated 22 May 2014, was refused by notice dated 14 July 2015.
- The application sought planning permission for proposed mixed use development, comprising of [sic] a front block with five retail units on ground floor, six self contained office units on first floor and 6 one and two bedroom apartments on second floor, a rear block with 7 one and two bedroom apartments, 11 shared car parking spaces in rear courtyard without complying with conditions attached to planning permission Ref.PAP/2009/0045, dated 11 May 2009.
- The conditions in dispute are Nos. 2, 6 and 7 which state that:
 2. The development hereby approved shall not be carried out otherwise than in accordance with ... [list of plan numbers - see preliminary matters below]
 6. No development shall commence on site until details of the following have been submitted to and approved in writing by the local planning authority: Eaves, verge, roof ridge and hip details; window materials, cill, head and reveal details; brick bond and mortar colour to be used; brick string course details; chimney details; roof light details; vehicular access arch details; external joinery details, elevations to be provided at 1:20 scale, sections at 1:2 scale. The works shall be undertaken in accordance with the approved details and be so maintained.
 7. The shopfront design as show on plan 5655.21A is indicative only as confirmed by the agents in their communication dated 7/5/2009. Notwithstanding the indicative shopfront details depicted on plan 5655.21A, the shopfronts shall have single rather than double entrances and be recessed, display windows shall omit horizontal toplights and be divided into vertically proportioned panes by mullions. In accordance with the above details of the shopfronts, to include elevation details at 1:20 scale and sectional details at 1:2 scale shall be submitted to and approved in writing by the local planning authority before the commencement of any development.
- The reasons given for the conditions are:
 2. To ensure that the development is carried out strictly in accordance with the approved plans.
 6. In the interests of the character and amenities of the Conservation Area.
 7. In the interests of the character of the Conservation Area.

Decision

1. **The appeal is dismissed.**

Application for costs

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

Preliminary matters

3. The permission was varied on 4 October 2010, Ref.PAP/2010/0226, so that the drawings previously approved in condition 2 were revised to drawing numbers 5655/LP, /05G, /20A and /50/1 and I have reached my Decision of the basis of that fallback position. Various conditions were approved on 11 May 2011 pursuant to application Ref.DOC/2012/0021. These included condition 6 but only for the rear block. The parties confirmed, by email dated 17 March 2016, the drawing numbers considered by the Council and I have reached my decision on the basis of these drawings.

Main Issue

4. From the representations received, and my inspection of the site and surroundings, I consider that the main issue in this appeal is the effect of varying the conditions on the character and appearance of the Atherstone Conservation Area.

Reasons

5. Long Street is Atherstone's main thoroughfare and is on the line of the Roman Watling Street. It became a market town in Anglo-Saxon times and burgage plots were laid out on either side of the street in the 13th century. The ownership of the appeal site, at Nos.17-19 Long Street, can be traced back to the 16th century when it was a half-burgage copyhold plot. The frontage buildings to the site were demolished during the last century and the site became a prominent corner location, entering from the A5 junction, when Station Road was re-aligned to make way for the Co-operative supermarket which now stands there. More recently, two modern factory buildings to the rear were demolished to make way for a flagship Aldi store and car park.
6. The Atherstone Conservation Area covers Long Street, a wide margin either side including burgage plots, and most of the land between this area and the railway. However, the recent Co-operative and Aldi supermarkets are excluded so that the rear of the appeal site is right on the boundary of the conservation area. A draft Atherstone Conservation Area Appraisal was published for public consultation in March 2006. While I give this limited weight as a policy document it provides useful information on the historic interest of the area including the Western Approach. In my assessment, from this, what I saw on site, and the other representations, the significance of the conservation area lies mainly in the pattern of Roman road, burgage plots and the quality of the surviving historic buildings around these.
7. The 2009 permission, described above and as revised in October 2010, was for a mixed use block alongside Station Road and a parallel block of apartments. The rationale for this was so that the buildings and gaps between would echo the burgage plots. In this original scheme, the Long Street façade would have retail development on the ground floor, offices above, and residential accommodation on the second floor. The fenestration would reflect this hierarchy being graded from full height shop windows, through tall sash windows, to shallow, two-pane high windows to the flats. Although the eaves

and ridge would be higher than the adjoining building, they would be comparable with those of the next building along. To the rear, facing the Aldi car park, would be a hipped roof end above a single window to the end of the mixed block alongside Station Road. The elevation onto the courtyard behind Station Road would alternate between small narrow protruding gables, above staircases, and the flush areas of higher level wall in between. The permission has been implemented through the erection of the rear block and is therefore extant. However, the bulk of the permission, including the street frontages, has not started still leaving a prominent derelict corner site. It was accepted at that time that the proposals would amount to an enhancement of the derelict site.

8. The Design and Access statement sets out the variations now put forward which would revise a number of features. It states that: the ground floor would be for one occupier and that its height would be increased (although this is not apparent from the height of the shop windows); the multi-access points on the rear elevation would be removed in favour of a single access point in one large protruding element containing a single staircase, a new lift shaft, and a further room of no designated purpose; and that the roof height adjoining Long Street would be slightly increased. Along Station Road, the southern end would be increased in height and width although the eaves would remain the same. The parking layout has been revised but there would be no loss of spaces. The reasons given for the changes are that the appellant has been approached by single retailer and so needs to increase the height of the ground floor. Furthermore, it is possible, but unconfirmed, that there would be a requirement for some first floor storage (which would require a separate application).
9. I accept that, when entering the town, the re-development would be a significant enhancement compared with the vacant and featureless site at present and that if development would not go ahead if constrained by the approved drawings then revisions should be permitted. However, I am not persuaded that combining the retail area into a single unit, and providing the desired lift, require such a bulky and poorly articulated rear elevation, or that the single window end elevation must be replaced by unattractive blank window shapes in brickwork. In particular, on the basis of the information before me, I see no reason why the proposed stairs and lift shaft, if required in this conservation area in order to comply with the Building Regulations, could not be separately accommodated into similar extensions to those permitted or into some other design of comparable quality. In the absence of a full justification as to why the proposed alterations are essential and, if so, why they could not be incorporated into a much better design, I am not persuaded that the harm is unavoidable.
10. While I accept that the slight increases in ridge heights are unlikely to be obvious from the ground, I find that the change in window heights along the Long Street frontage, and so their hierarchy, would reduce the quality of this façade and this adds to the harm I have found above. Although some details would still be controlled by conditions, the forms shown on the revised drawings, including their proportions and articulation, do not attain the standard of design that could reasonably be expected of this key site.
11. I acknowledge that the surrounding area to the rear is now occupied by supermarkets which do not follow the character of the conservation area or its

burgage plots. However, that does not justify more development that would be out of character with the historic context. Moreover, these developments are outside the conservation area and the prominence and planning history of these sites is quite different. I accept that the proposed rear courtyard elevation would only usually be seen at an oblique angle. However, it would still be visible across a very well used car park where it should be compared with the pleasant views currently available of the north side of Long Street. Furthermore, it would be viewed from a development which displays an information board explaining the historic significance of the site.

12. I therefore conclude that varying the conditions to allow the revised layouts would not reflect the historic townscape context but would cause avoidable harm to the character and appearance of the conservation area. I acknowledge that this would amount to less than substantial harm, under paragraph 134 of the National Planning Policy Framework (NPPF), and so have weighed it against the public benefits. While I might otherwise give substantial weight to the benefit of developing the vacant site, as it is likely that this could be achieved anyway with a better design, I give this limited weight. The revised scheme would also conflict with relevant parts of adopted North Warwickshire Borough Council Core Strategy policies NW10, NW12, NW14 and NW18 which echo Chapter 12 of the NPPF on Conserving and enhancing the historic environment.
13. The proposals would be contrary to Chapter 7 of the NPPF, which requires good design. This is a matter to which the government attaches great importance and is a key aspect of sustainable development which is indivisible from good planning. In particular, NPPF paragraph 14 expects permission to be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
14. I have noted that the Council's officer's report recommended approval but, for the above reasons, I cannot agree with its judgement. In any event, the committee took a different view and I have assessed it afresh and on its own merits. I have considered the nearby listed buildings and their settings but find that any impact on these would be of a very much lower order than the impact on the conservation area and, with regard to these settings, any concerns should be given limited or no weight.
15. For the reasons given above I conclude that the appeal should be dismissed.

David Nicholson

INSPECTOR



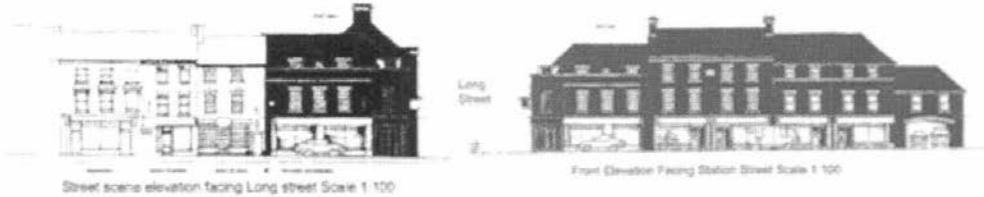
Atherstone Civic Society

OBJECTION: PAP/2016/0366 DEVELOPMENT BY ARRAGON PROPERTIES 17-19 STATION STREET ATHERSTONE

BACKGROUND

The original plans for development on this site were based on drawings submitted on behalf of the client by architects Haden Ritchie Bailey which were earlier **APPROVED** by the planning board. Atherstone Civic Society were enthusiastic and supportive of this development as scheme was well designed and detailed and visually acceptable in the townscape of a conservation area

FURTHER SUBMISSION



ORIGINAL APPROVED SCHEME PREPARED BY ARCHITECTS

However, a further submission was made by Arragan with variations to the plans and elevations to accommodate a single retail unit on the ground floor. The result was that the character and scale of elevations were out of proportion to the building as a whole. The rear elevation was changed significantly with the incursion of a goods lift, dummy windows and roof line which were out of character.

This scheme was **REJECTED** unanimously by the Planning Board. The applicants agent was close questioned by the Vice Chair of the Planning Board about the changes in the design and stated that the revised application fell short of the quality of detail in the original application.

In respect of the **RETAIL** element it, was emphasised that the design should reflect the existing ethos of Atherstone's shops and be for individual and artisanal type traders.

Further to this, the applicant **APPEALED** against the decision made by NWBC, but it was **REFUSED** by Government Inspectorate.



THE SITE LOCATION

The site is prominent within the Conservation area of Atherstone, adjacent to other notable buildings in the conservation area.

Development on this site should not be considered as secondary or an 'add on' of lesser importance. It should form part of the townscape and be in harmony in design and detail of the adjacent buildings. A development in this place will be a 'first sight' of Atherstone from the direction of the railway station and A5. It is therefore essential that its design and scale should be to the highest standards.



CURRENT APPLICATION

The resubmitted plans no way measure up to the quality of design of the original and successful design by a qualified chartered architect. The plans have the hallmark of the work of a building technician. The visual appearance of the elevations, window lines and proportions, fall far short of a design standard required for a large building mass in a town that has a conscious approach to building conservation. There is the lack of information on the drawings regarding detailing of brickwork, cornices, windows cills and lintels. The monotony of curved and splayed lintels could be varied to give more visual interest. Should the ground floor be occupied by a single trader the windows may be blanked or the potential of shop fitting units visible in the windows.



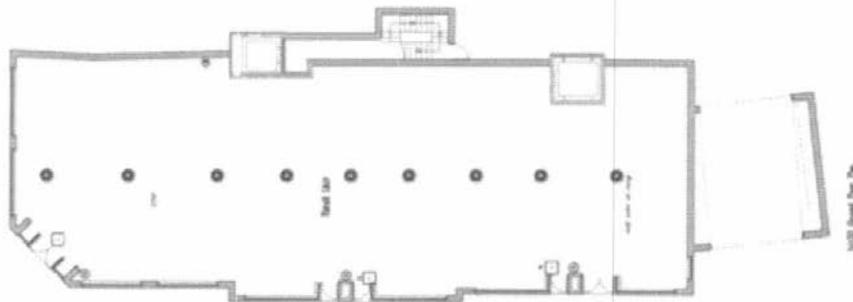
The rear elevation (above) shows no consideration in design and detail. The lift shafts and stair wells reflect the arrangement of the interior layout. It gives the appearance of a tenement block. Again far short of the gabled arrangement in the first approved scheme. A rear view should be considered as equal in importance as the frontage.

ROOF/BUILDING

The mass of the roof appears to be a greater mass than that of original design. The elevations of the lift shafts are ill-considered. The feeble attempt to make a three gable feature is an ugly solution with windows or blanks just placed in an ad hoc manner. Rear elevations of buildings are just as important. The entrances and access to the first and second floor are not clearly evident on the plans. Should there be a fire separation for office and residential access? The original scheme made provision for separate access to each unit.

FIVE RETAIL UNITS AT GROUND FLOOR

The application includes for **FIVE RETAIL** units. The ground floor indicates a **SINGLE** unit. If the intention was for more than one unit it may be necessary to have fire breaks subdivisions and toilets for each shop. There is no provision for rear access to each retail unit or any fire escape. The rear doors would affect that elevation. There are five doors to the roadway on the front elevation. Off loading, especially by HGV's would have to be across the pavement causing a traffic hazard. There is section through the roof showing Duo plain tiles, but the Description refers to Siga **concrete grey tiles**. Most buildings in the area are **clay tiles or welsh slate**



A modification of these plans to accommodate fire escapes and access would require a variation to these drawings. Some windows on the front elevation are dummy ones as shown on floor plans Office A-B and Flat 7-8. Is the proposal for 13 flats or 6 Offices and 7 residential units?

RESIDENTIAL ACCOMODATION

The residential accommodation offers a poor living environment on 1st and 2nd floor. No recreation facilities for children/provision for bins, minimal parking and services. The access and exit doors appear to minimal for fire and emergency exits. The parking provision is minimal and some of the spaces are not realistic and prevent access to the rear doors.



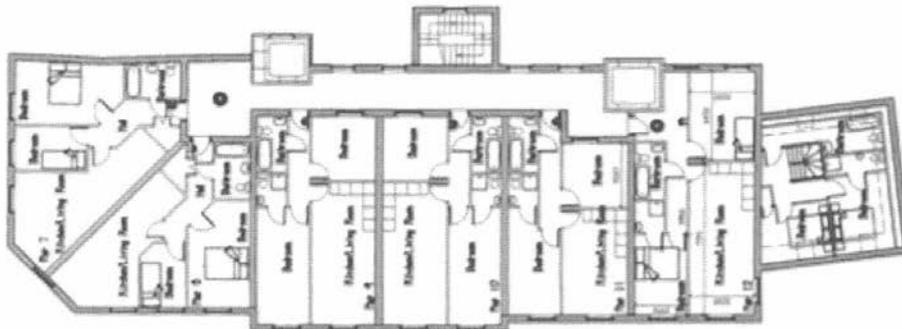
DEMISE LINE TRAFFIC AND EXTENT OF DEVELOPMENT.

The ground plan submitted shows a hatched line which indicates the position of an existing wall and a overgrown grassed area. This is a busy point where at times a high volume of traffic from the A5 turns into Station Street. The grassed area acts as a buffer between pedestrians and the edge of the existing pavement.

The pavement has a minimum width of 1,5 Metres (5 feet) in one point

there is a services box, when relating to the drawings it would align directly in front doors.

No provision has been made for this on the front elevations. There will be problems for the offloading of goods to service the retail unit(s).



CONCLUSION

All in all, it is a poor scheme and should be **REJECTED**. With the lack of detail and inconsistencies in the drawings, it is impossible to make an assertion that this scheme reaches the standard required for an important and prominent position in a conservation area.

The developer cannot claim that he is fulfilling a housing and retail need here. Atherstone has a good number of unoccupied and uncompleted properties which have planning permission in the town. There appears to be no urgency for completion of many of these developments.

None of the criticisms from the last **PLANNING** board **REJECTION** have been addressed. There are a high number of vagaries in the plans and open to misinterpretation at the construction stage.

Patrick Woodcock for The Atherstone Civic Society. 27th Nov 2015

2 Penny Hapenny Court
Atherstone
01827 769046