

**(6) Application No: PAP/2015/0305**

**Ashleigh, Coventry Road, Fillongley, CV7 8BZ**

**Erection of 5 dwellings, 2 detached garages and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room, for**

**Mr James Cassidy - The Cassidy Group**

**Introduction**

This application was referred to the Board's July meeting but determination was deferred in order to request the applicant to reconsider the proposal. He has done so and an amended proposal has come forward. This is for five rather than six units.

The case is therefore referred back to the Board for determination following the completion of re-consultation on the amended scheme.

Additionally, the High Court Decision handed down on 3 August concerning affordable housing provision is a new material change in the planning circumstances since the deferral and thus this change has to now be considered by both the applicant and the Board.

It is not proposed to repeat the matters included in the previous report as Members can refer to this at Appendix A.

**The Amended Scheme**

The amended scheme is for five rather than six dwellings. The layout is as before with access off Coventry Road leading to a short cul-de-sac at the rear of the frontage properties. This is shown in the plan at Appendix B.

The design of the houses remains as previously – one and half storey dormer bungalows with a 7.6 metres ridge height. Appendix B also illustrates the street scene.

Additionally the whole of the development would be lowered by an average of 0.75 metres throughout its length. Appendix C illustrates two cross sections through the site running from the rear of the proposed houses to Coventry Road.

The applicant argues that these amendments respond to the Board's request.

In response to the High Court Decision the applicant is proposing that an off-site contribution of £25k is made in lieu of on-site provision. This contribution would be used in affordable housing provision in the Fillongley/Corley parishes. The letter setting out the background to this contribution is at Appendix D.

## Representations

Following re-consultation on the amended plans, seven objections have been received at the time of preparing this report. If others arrive they will be reported verbally to the Board. The matters raised refer to:

- The proposal does not reflect the character of the village here – that of linear development. There is no change from the original
- It will still overlook existing property – from the new dormer windows.
- The reduction on levels is not a great change
- The plot ratio is still very high compared with the existing – the proportion of house to garden – and not in keeping with the existing development.
- There are still traffic concerns.
- The proposal doesn't address the affordable housing need
- The site is valuable open space
- There is a flooding issue in the village

Four letters of support have been received referring to:

- It will meet a need particularly from local residents who want to “downsize”
- Although we live in Coventry Road there is no apprehension about encroachment as there are reasonable separation distances.

## Observations

It is first intended to look at the actual amendments made in response to the Board's deferral. The matter of affordable housing provision will then be considered.

The Board's main concern with the original submission was the “intensification” of development in the area considering that the density was too high; that the proposal did not reflect the character of this part of Fillongley and thus that there were too many adverse impacts. The amendment still amounts to “back-land” development but as advised previously that in itself is not a reason for refusal, the key being to identify adverse impacts. It is also acknowledged that the character of the proposal has not altered. However the current proposal is now for five units which reduces the density and will have the additional benefit of reducing traffic generation and thus ease the concerns about highway safety. The reduction in ground levels is also a material further benefit. The separation distances, as said previously at between 40 and 45 metres, are well in excess of that normally sought. The site is private land and thus there is no requirement to retain it as open space in the public interest as it is not designated as such in the Development Plan.

Representations received on the amended scheme refer to issues raised at the time of the original application. However as suggested above, the changes are material and should be considered by the Board in that light.

The applicant has responded to the changed planning circumstances brought about by the recent High Court Decision by proposing an off-site contribution in lieu of on-site provision. In order to meet Development Plan requirements on site, one unit would need to be “affordable”. The applicant has however elected to make an off-site contribution in lieu. The evidence base for the value of this contribution is soundly based and can be

accepted. The Council's Housing Officer welcomes the contribution. This change in circumstance therefore is considered to overcome the objections relating to the matter.

It is now for Members to assess whether the amendments are sufficient to overcome their previous concerns bearing in mind the supportive planning policy background referred to in the previous report and the improvements made through these amended plans. The affordable housing contribution too adds weight to the recommendation as set out below.

### **Recommendation**

That subject to the completion of a Section 106 Agreement to provide the off-site contribution as set out in this report, planning permission be granted subject to the conditions set out in Appendix A with the appropriate alterations to take account of the amended plans.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0305

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	14/7/15
2	Applicant	Letter	23/7/15
3	Mr and Mrs Bailey	Objection	4/8/15
4	D Knight	Objection	8/8/15
5	P Knight	Objection	8/8/15
6	D and S Lees	Objection	10/8/15
7	A McIndoe	Objection	11/8/15
8	S McIndoe	Objection	11/8/15
9	M Goolding	Objection	13/8/15
10	P Bird	Support	13/8/15
11	R Bird	Support	13/8/15
12	W Ball	Support	4/8/15
13	P Ball	Support	4/8/15
14	Head of Development Control	Letter	5/8/15
15	Applicant	Letter	11/8/15
16	Head of Development Control	Letter	12/8/15

*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.*



(8) Application No: PAP/2015/0305

**Ashleigh, Coventry Road, Fillongley, CV7 8BZ**

**Erection of 6 dwellings, 2 detached garages and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room, for**

**Mr James Cassidy - The Cassidy Group**

### **Introduction**

This application is referred to the Board for determination at the request of a local Member who considers that different weight should be attached to the Development Plan policies than that set out in the report.

### **The Site**

This is a rectangular plot at the rear of Ashleigh and four other detached properties within a long frontage of similar residential property along the south side of the Coventry Road outside of the village centre. There is open countryside to the rear and on the other side of the Coventry Road. The frontage houses here are well set back from the road and have reasonably sized rear gardens.

The land is presently used as garden land by two of the frontage properties – Ashleigh and Penlan

The site is illustrated at Appendix A.

### **The Proposals**

The existing garage and morning room on the south-east side of Ashleigh would be demolished so as to enable a new access to be constructed running from the road, alongside Ashleigh and then turning into a cul-de sac running through the centre of the site providing access for the construction of six detached houses. Ashleigh would retain its own independent access onto the main road. The new access would be 5 metres wide over its first 12 metres and then there would be a gate, beyond which it would be 4 metres in width. A turning area is proposed at the end of this approach such that larger vehicles can leave the site in a forward direction. The estate road would be lit using low level bollard lights not by normal street columns.

The six houses would back onto the open fields beyond. Each would be provided with a minimum of two parking spaces and a new garage would be provided for Ashleigh.

The proposed layout and street scene is attached at Appendix B. This also includes a cross section through the site.

The application is accompanied by the following documents.

**A Planning Statement.** This provides an overview of the proposal by placing it in its planning policy context describing the policies of the Development Plan and the National Planning Policy Framework. It concludes that there should be no objection in principle and that as there is no other harm identified, the proposals should be supported.

**A Tree Survey.** This says that the site is used as garden land that there are a number of mature and semi-mature trees most of which are on the site boundaries. These are of moderate or low quality. It is concluded that the site can be developed for residential development providing the better trees are retained and provided adequate root protection measures are in place during construction.

**A Transport Statement.** This describes the location of the local services and public transport provision as well as referring to pre-application discussions with the Highway Authority which are said to be supportive.

**A Sustainability Statement.** This says that there are local services and facilities within a kilometre of the site and that the village has public transport links. The houses would be constructed to modern energy efficiency standards with a sustainable drainage system to be installed.

**A Utilities and Infrastructure Statement.** This includes the replies from service providers to the applicant's request for information. Severn Trent Water says that there is capacity in the existing drainage infrastructure to accommodate both foul and surface water drainage and that there is adequate mains water supply. Electricity and gas providers have not raised objections.

**A Public Consultation Statement.** This describes a consultation that the developer undertook locally. 23 neighbours were consulted by way of a hand delivered letter and a pre-paid return envelope. The letter included the plans as included with the current application. 13 replies were returned and there were 6 verbal replies. Of the replies, 39% are said to be positive.

## **Representations**

The Fillongley Parish Council objects referring to the following matters. The letter is attached in full at Appendix C.

- The housing need in Fillongley is for first time buyers and for those wishing to down size. The proposals would not meet that need.
- There is no local shop in Fillongley.
- The applicant's pre-application consultation has been mis-represented.
- It is not an allocated site.
- There will be a flooding impact in the village.
- This Greenfield site is not required.
- The application does not meet the objectively assessed need for housing.

- The emerging neighbourhood plan shows that the community values the rural character of the village.
- It impacts on the openness of the Green Belt.
- It doesn't enhance landscape or protect trees and hedgerows.
- It affects residential amenity of neighbouring property.
- It's too dense and out of character.
- The access will not be safe.

Thirteen letters of objection have been received. These refer in summary to the following matters:

- The development is not in keeping with an existing frontage character – particularly as some of these are bungalows.
- Highway safety with more traffic exiting and entering onto a fast road on the brow of a hill.
- The access is too narrow and emergency vehicles will not be able to enter. It will also be “gated”.
- Low water pressure.
- This is garden land not allocated for building.
- Street lighting will be added.
- Sunlight and light will be blocked into existing rear garden.
- Loss of privacy.
- There is no housing need.
- Over development - too dense.
- This is Green Belt.
- Loss of habitat and trees.
- There are more accidents in the village than that claimed by the applicant.
- The applicant's description of the facilities in the village is incorrect. They are in fact closing down not “thriving”
- No local facilities – the school is oversubscribed.
- Construction dangers and disruption.
- Increased likelihood of crime.

- There are restrictive covenants on the land.
- No affordable housing provided.
- The proposal does not accord with the Development Plan.
- Loss of open space – this is not brown-field land.

One letter of support has been received referring to:

- The development is attractive.
- It is not Green Belt.
- There is need for this housing and for an influx of people so as that the village is not standing still.
- There is no encroachment.

### **Consultations**

Environmental Health Officer – No objection subject to standard conditions requiring site investigation and consequential remedial measures to be agreed if necessary.

Severn Trent Water Ltd – No objection

Warwickshire County Council as Highway Authority – No objection subject to standard conditions. This is attached in full at Appendix D.

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development)  
 Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

### **Other Material Planning Considerations**

The National Planning Policy Framework 2012

Planning Contributions (Section 106 Planning Obligations) – DCLG Nov 2014

### **Observations**

#### **a) Introduction**

This site is not in the Green Belt. It is within the development boundary defined for Fillongley by the Development Plan. Moreover Fillongley is identified in the Core Strategy as a Local Service Centre and that a minimum of 30 new houses is appropriate for the settlement between 2014 and 2029. As such there is no objection in principle to this development. It is necessary to amplify this conclusion in light of some of the representations made. The first is that the housing allocation for Fillongley is a minimum figure not a maximum figure. Secondly, it is accepted that numbers will increase through

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conversions or replacements and that the recent approval at Castle Close added a further three. But this only contributes to the minimum figure. Thirdly the fact that this is not a preferred site carries little weight as the site is already “allocated” by being within the settlement’s development boundary. Fourthly and very significantly, the preferred sites for housing within Fillongley have not come forward and thus the longer the delay that there is in this, the greater the likelihood is that other sites inside the development boundary will be put forward by land owners in order to meet the minimum figure. This is an argument that will carry significant weight in any appeal. Government policy is very clear – it expects Local Planning Authorities to “significantly boost housing”. If that is not occurring on land within development boundaries where the principle of development has always been accepted, or through preferred sites, then the greater the risk there is of planning decisions taking place by appeal in an ad-hoc manner. It is considered that an objection here in principle could not be sustained at appeal.

It is agreed that this is not brown-field land or previously developed land by virtue of the NPPF definition. Whilst it is agreed that priority should be given to such land, the facts are firstly, that the site remains inside the development boundary for Fillongley and is thus already “allocated”. Secondly the preferred brown field land in the village is not coming forward for development. Therefore in order to meet the requirements of the NPPF and the Development Plan, land such as this has to be seriously considered.

The Parish Council refers to the Neighbourhood Plan. This is at an early stage of preparation with initial consultation underway. Whilst such plans can carry weight, at present, given the very early stages of that plan here, it will carry very limited weight.

It is also necessary to point out now that there is no affordable housing proposed on site or is there an off-site contribution in lieu. Members will be fully aware from previous cases that given the Government’s recent guidance on affordable housing provision there is no longer a requirement for such provision in developments of under ten dwellings as here. The Parish Council’s concerns about this development not meeting local need thus carries no weight given this recent change of approach by the Government. It is considered again that an objection on these grounds could not be sustained at appeal.

Attention therefore turns to detailed considerations and particularly on local impacts to see if these would be so harmful as to warrant refusal.

#### **b) Change in Character**

This particular issue carries weight. Clearly there would be new built development on this land where none exists now and thus there would be change as a matter of fact. The key issue is whether that is material enough to warrant refusal. That change would introduce a line of six dwellings behind existing ones which is often referred to as “back-land” development. This is not by itself a reason for refusal.

This site is inside the development boundary for Fillongley and rather than repeat the whole of the section above, it is necessary to emphasize that the principle of development here is accepted as Development Plan policy. Such developments have taken place throughout the Borough in similar circumstances. It is acknowledged that each case is determined on its own merits and here the site is not in a Conservation Area: there are no settings of Listed Buildings or other heritage matters to consider, the site is not identified as protected open space in the Development Plan, the development

would not change the overall character or built form of the village as a whole and as will be explained below, the harm caused by the proposal is considered to be limited. What is being said here is that Fillongley can “absorb” this development without causing significant harm.

### **c) Highway Impacts**

Many of the representations received refer to the potential traffic generation from the site all emerging onto the Coventry Road and the harm that that could give rise to.

The demolition of the garage and a small side extension at Ashleigh enables a new access to be proposed onto the Coventry Road. It is clear from the Highway Authority's comments that the visibility at the new junction meets standard specification; that there would be no conflict with Ashleigh retaining its own separate access, and that the geometry of the access road, its turning area and the gated arrangement does not give rise to concern. The Highway Authority has made it clear that it would not adopt the “estate” road and thus its maintenance will be a matter for the applicant and future occupiers. The County Council has however been fully involved with the design of the estate layout such that it does not cause an issue where it meets the public highway.

Parking provision is at 200% which accords fully with Development Plan policy.

There will be traffic impacts arising from this proposal but the advice from the Highway Authority is that that would not be so severe so as to warrant an objection and thus a refusal.

### **d) Amenity Impacts**

There would be new development at the rear of existing houses and thus there will be some impact here on the residential amenity of existing occupiers. The Board has to evaluate whether that would be significant. It is not considered that it would be.

There are several reasons for this. Firstly the separation distances exceed the Council's guidance in that the distance from the front elevation of the proposed houses to the rear elevations of the existing dwellings is between 35 and 45 metres, with the guide being 22 metres. Secondly there is a limited number of openings at first floor level looking towards the existing houses – see Appendix B. Thirdly it is agreed that some of the frontage properties are bungalows and that they are at a lower level than the land on which the new houses would be constructed. The street scene through the site at Appendix B shows that this does not give rise to this becoming a substantial issue. Indeed some of the proposed houses are not as tall as those fronting Coventry Road. Fourthly the estate road here would be lit by low level bollards – this can be conditioned. Fifthly the gated access is more likely to reduce access for anti-social behaviour. It is thus considered that in view of all of these matters, that the proposed built form would not give rise to significant or harmful loss of residential amenity.

It is agreed however that the line of the internal access route would be running at the rear of existing rear gardens and thus there would be vehicular movement along this line. The traffic from six houses is not considered to be so excessive as to be considered as significant or harmful. The greatest impact would be at peak times when in fact traffic noise from the Coventry Road is also likely to be at its greatest.

It is not considered that overall there would be sufficient grounds here for a refusal based in the impact on existing residential amenity.

#### **e) Design**

The proposed dwellings are not so poorly designed as to warrant refusal. Conditions can control the use of facing materials to a selection of appropriate red and rustic bricks with weathered clay tiles and slates.

#### **f) Trees**

The tree survey identified 24 individual trees on the site together with two other groups. Of the individual trees then the tree report shows that only seven are of a value worth retaining. None of the groups of trees were considered worthy of retention. The proposed layout retains all but one of the moderate quality trees as they are all in the surrounding hedgerow to the west. The retained trees would still enable the development to proceed as their root protection areas would not be affected. In these circumstances and based on the arboricultural evidence, it is not considered that a reason for refusal can be sustained. New landscaping can be conditioned.

#### **g) Other Impacts**

There is not considered to be evidence of any other adverse harmful impacts arising from the consultation responses and the details that are proposed to mitigate any such impacts –e.g. - the use of permeable surfaces.

If there are covenants attached to the land, then the land owners should look to the content of these; take their own private legal advice and follow any issues up privately.

As Members are fully aware, such Covenants are not material planning considerations.

#### **g) Conclusions**

Given that the site is within the development boundary here and that Fillongley is a settlement where new housing is proposed, it is considered that in the absence of material harm or adverse impacts that the application should be supported.

#### **Recommendation**

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

1. Standard Three year condition
2. Standard Plan numbers condition – plan numbers 6882/ 09E; 13, 14, 15, 16, 17 and 19 all received on 18/5/15.

#### **Pre-Commencement Conditions**

3. No work whatsoever shall commence on site until a site investigation into the nature and extent of contaminated land, based on a Phase 1 Assessment for the site has first been undertaken and submitted to the Local Planning Authority. This investigation shall also outline the measures to remediate any such contamination.

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REASON

To reduce the risk of pollution

4. No work shall commence on the construction of any house or road hereby approved until such time as any measures consequent to condition (iii) have first been approved in writing by the Local Planning Authority. Only the approved measures shall be undertaken.

REASON

In order to reduce the risk of pollution.

5. No work shall commence on the construction of any house hereby or road hereby approved until such time as a Verification Report has been submitted to and approved in writing by the Local Planning Authority. This Report shall contain the evidence to verify completion of the approved remediation works.

REASON

In order to reduce the risk of pollution.

6. No work shall commence on site until full details of the means of surface and foul water disposal from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In order to reduce the risks of flooding and pollution

7. No work shall commence on site until such time as the measures to be installed during construction, for the protection of the root systems of all trees to be retained as shown on the approved plan, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be installed on site and they shall only be removed with the written agreement of the Authority.

REASON

In the interests of the bio-diversity of the area and the visual amenity of the site.

8. No work shall commence on the development hereby approved until such time as full details of all of the facing materials for the houses and the surfacing materials for the road and the hard surfaced areas have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

9. No work shall commence on the development hereby approved until such time as full details of all boundary treatments and the bollards to light the estate road have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

REASON

In the interests of the visual amenities of the area

10. No work shall commence on site until such time as a detailed Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the phasing of the development; working hours, delivery hours, the location of any site compound, the means of storing materials, plant and equipment on site, details of the means turning delivery vehicles on site such that they leave in a forward direction, details of reducing/minimising the deposit of waste materials onto the public highway and contact details of a site manager. The site shall be operated in accordance with the approved Statement.

REASON

In the interests of the amenities of the area and road safety

11. No development shall commence on site until full details of a pedestrian link from the site to the opposite side of the Coventry Road have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

**Pre-Occupation Conditions**

12. There shall be no occupation of any of the houses hereby approved until such time as the pedestrian link required by condition (xi) has first been provided in full to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

13. There shall be no occupation of any house hereby approved until such time as the whole of the access arrangements as shown on the approved plan including the public highway verge crossing have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

### **Other Conditions**

14. The turning, parking and access areas as shown on the approved plan shall remain for these purposes at all times.

#### REASON

In the interests of highway safety

### **Notes**

1. The Local Planning Authority has met the requirements of the NPPF in this case by involvement in pre-application discussion and resolving issues arising with technical consultees thus meeting the requirements of the NPPF.
2. UK Coal Standing Advice
3. Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice and guidance on these Sections and the consequent Agreements is provided by the Warwickshire County Council.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0305

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/5/15
2	M Rabone	Objection	24/5/15
3	P Bird	Support	26/5/15
4	Mr & Mrs Brooke	Objection	26/5/15
5	S Bailey	Objection	27/5/15
6	Mr & Mrs Broggan	Objection	2/6/15
7	M Gooling	Objection	3/6/15
8	R Free	Objection	2/6/15
9	Environmental Health Officer	Consultation	4/6/15
10	Severn Trent Water	Consultation	3/6/15
11	P Knight	Objection	7/6/15
12	S Lees	Objection	8/6/15
13	J Bailey	Objection	8/6/15
14	P Bird	Representation	9/6/15
15	A McIndoe	Objection	10/6/15
16	D Lees	Objection	9/6/15
17	D Thomas	Objection	10/6/15
18	Fillongley Parish Council	Objection	9/6/15
19	Warwickshire County Council Highways	Consultation	15/6/15

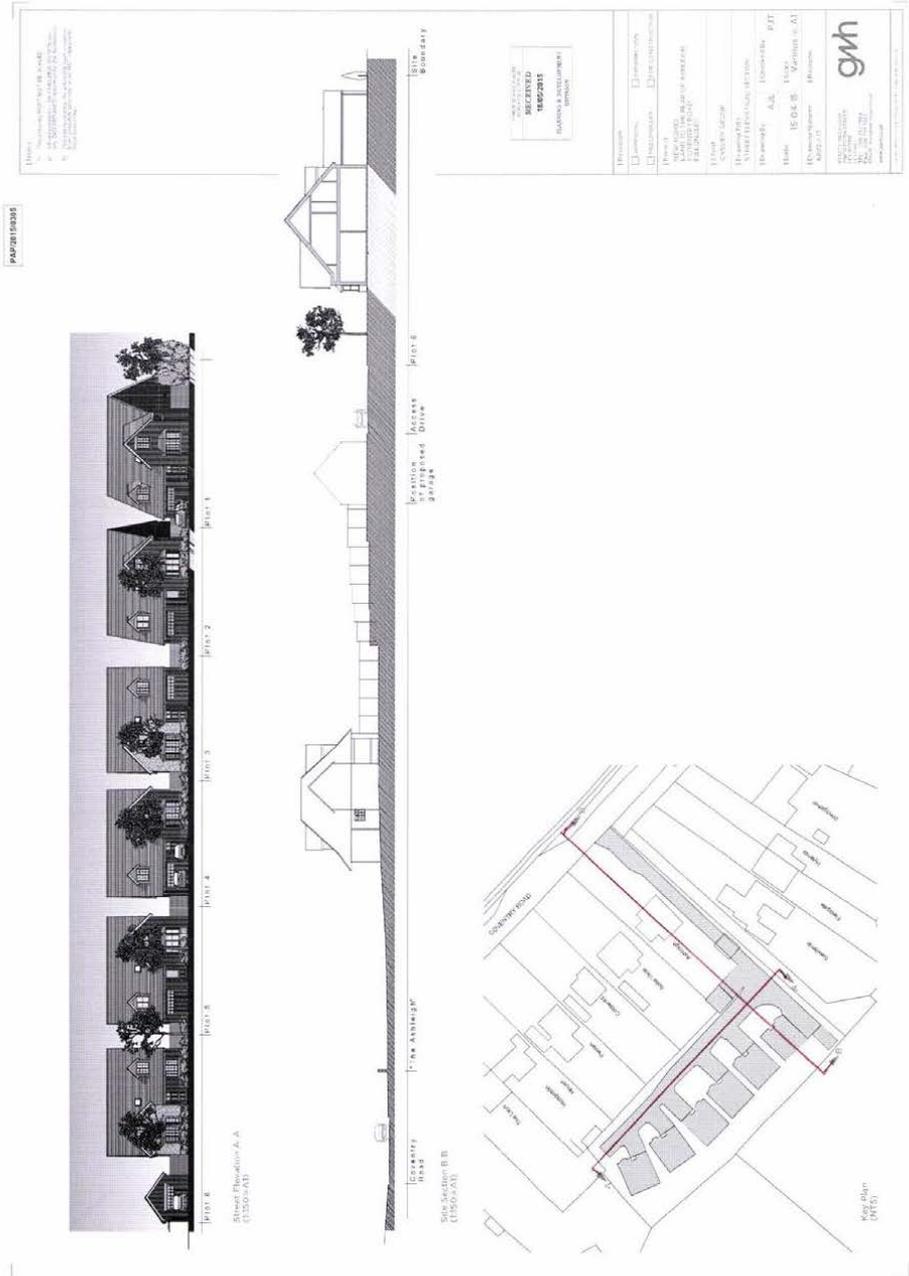
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.



## FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs Heather Badham, The Crooked Stile, St Mary's Road,  
Fillongley, Warwickshire, CV7 8EY

Telephone 01676 349193 fillongleypc@indigoriver.co.uk

Mr J Brown  
NWBC  
By Email

9th June 2015

Dear Jeff

**REF PAP/2015/0305 Ashleigh, Coventry Road, Fillongley.**

The Council wish to OBJECT to this ill-found application.

There are multiple points that need to be made as to why this should be REFUSED.

Numerous points should be noted, as for whatever reasons, the applicant makes various statements within the application which are either incorrect, misleading or both. If you were to read the application without this information, it has the danger of sounding reasonable, when in fact, when the inaccuracies are removed, the application can be seen in its true light.

Misleading/incorrect information;

- It has been established by FPC and NWBC in January 2014, that there is a small need for small sized properties both for first time buyers and also for people wishing to downsize. The specification proposed for these properties indicate that these will not be suitable for either of these groups. **Therefore to imply that this is being done for local people is misleading.** The one person who has stated that she may be interested in a property(dependent on price) has told me today that she is **not interested** at the prices suggested. This means that the proposal is contrary to Paragraph 11 of NPPF; it does not meet the development needs of the area as the applicant stated.
- "Social Role" ....help future generations"; this is again misleading, the village already has a large stock of this size property, many of which are bungalows; It is highly likely these would be enlarged (often upwards) in the future (as has happened before), which would in turn, not enhance the housing stock in Fillongley.
- A "sustainable development" argument is also negated with regard to the local people's affordability; in order for the Developer to get this location past the Planning Laws, they have to be of a high specification environmentally. The cost of these properties then makes them unaffordable to local people unless

these people, in turn, sell their houses for a lot more, in turn driving prices in the Parish up for everybody, making it harder for people to get on the housing ladder.

- The local shop referred to as a sustainable reason for development has closed. The only shops now available to residents are several miles away in all directions.
- These properties do not assist in any way with a "prosperous rural economy", in the opinion of the PC, these bungalows are not "sustainable" and therefore are inappropriate development rather than serving a need.
- The applicant states that he has worked closely with those affected and that these people are in favour of the proposals. **This is wrong.** The applicants own written evidence, when correctly added up (and removing alleged "verbal responses") shows the following:
  - 23 properties consulted, - including 2 who will directly and financially benefit from the proposals
  - there were 19 responses (presumably including the 2 beneficiaries)
  - 13 comments were received
    - 7 AGAINST
    - 2 NEUTRAL (with conditions)
    - 4 POSITIVE *though 1 has since altered their opinion.* (Presumably 2 of these are the property owners who should be discounted from calculations) **indicating 2 genuine positive, impartial comments out of 21.**

*This shows that 90.63% people directly affected DO NOT WANT THIS PROPOSAL. Or conversely that it is only supported by 10% of those consulted.*

- This site is **NOT** an NWBC allocated site therefore not subject to independent (NWBC) reports: HRA Report, ANY Sustainability Appraisals, Infrastructure Delivery Plan, Historic Environment Assessment
- The applicant states that the proposed homes are outside of a flood risk area. This is true however does not take into account the impact further into the village of additional water going into a system that is **ALREADY OVERLOADED** by current dwellings. The properties may comply with all regulations available but this does not help the people 500 metres down the hill when they are flooded again with a mixture of surface water and sewage.
- *"As a result of our investigations into existing utilities and infrastructure we can confirm that there is sufficient capacity in terms of utility services and that the existing infrastructure is capable of meeting the increased requirements of the proposed 6 dormer bungalows."* At a multi-agency meeting, organised by the National Flood Forum in conjunction with Fillongley Flood Group, Mike Wood from Severn Trent Water stated that **"a recent flow rate and capacity survey indicated that the main sewer down Coventry Road and Church Lane has inadequate capacity"**. This survey was done from the top of Coventry Road, all the way to the centre of the village. This would mean that any waste water from these houses would feed into an already over stretched system, exacerbating flooding that already occurs the length of the road and particularly affects some properties in Castle Close, the properties in the centre of the village, and Church Lane.

- In the last Census, Fillongley has 1% unemployment. To suggest that building 6 properties is going to assist these 7/8 people is misleading. It further states that traineeships would only be offered would also only be during the construction period.

**Notwithstanding these misleading inaccuracies, the Council wish to OBJECT to the application on the following grounds;**

In accordance with the Local Plan, Fillongley is required to have 30 houses in 20 years, approximately half of these are already built with planning permission granted for numerous others. This **green field site is not required**, due to the number of applications coming forward under permitted Development Rights and also the brownfield sites that will be available during the allotted time period.

The application is contrary to NPPF in that it **does not meet** the objectively assessed need for market and affordable housing.

The application is contrary to Paragraph 66 of the NPPF; FPC have already shown that over **90% of representations received by the applicant were against the proposal**, which agrees with the comments received by the Parish Council.

Fillongleys emerging Neighbourhood Plan, which has been demonstrated to have planning weight, has shown from the earliest stages that local people value and wish **to protect both the fields, the environment and the rural nature of their homes**. Paragraph 69 of the NPPF should be adhered to and local people should be listened to by the local planning authority.

This proposal is wholly inappropriate as it **directly and negatively impacts the openness of the Greenbelt**.

**The proposal is contrary to ENV 1.** This neither enhances or protects the Ancient Arden landscape that we have in our Parish.

**The proposal is contrary to ENV4.** This area is currently green space and gardens. It cannot be said in anyones language that to replace this with 6 houses and 2 garages wouldnt result in loss of "positive contribution to the quality of the local environment".

**This proposal is directly contrary to ENV 11.** The applicant themselves have demonstrated that the people most directly affected do not want this development. Many neighbours will suffer from adverse loss of amenity from loss of privacy, disturbance (due to traffic and other residents), overlooking, and noise. Just one of these should be enough to warrant rejection of the application. The adverse impact to local people would demonstrably outweigh any benefit to the wider Borough/Coventry/Birmingham, from where the purchasers would come.

**The proposal is contrary to ENV 12 and ENV 13.** The design is too high density and it is inherently contrary to local distinctiveness to put them in this location. Our

Parish is made up of dispersed settlements throughout, with a majority of ribbon development on the roads towards the crossroads at the centre of the village.

**The proposal is contrary to ENV 14 Access design.** Though the applicant states that WCC Highways have approved their plans, it is not shown, and the letter supporting states that the comment was given on plan and without a site visit. FPC can see no evidence of this application having the support of WCC for access. The access proposed is very narrow and FPC believe that this has potential to cause problems with congestion on the inclined approach in and out of the village centre.

To summarise, the applicant has used inaccurate information throughout. The Council wish to object as it is;

- Over development
- High density
- Adversely impact neighbours by loss of amenity, loss of openness
- Negative visual impact from footpath
- Adverse impact on character and appearance of local area
- Likely to exacerbate current flood problems.

The Council dispute numerous, repeated statements by the Applicant and would urge you to dismiss this application.

Yours sincerely

*H Badham*

Mrs Heather Badham  
Clerk to Fillongley Parish Council

Your ref: PAP/2015/0305  
My ref: 150305  
Your letter received: 02 June 2015



Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE  
FAO: Jeff Brown

**Economic Growth**

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tonyburrows@warwickshire.gov.uk  
www.warwickshire.gov.uk

15 June 2015

Dear Mr Brown

**PROPOSAL:** Erection of 6 dwellings, 2 detached garages and associated highways, landscaping and external works. Demolition of the "Ashleigh" garage and morning room  
**LOCATION:** Ashleigh, Coventry Road, Fillongley  
**APPLICANT:** Mr James Cassidy – The Cassidy Group

Thank you for your consultation dated 20 May 2015 in regard to the above application.

A new vehicular access to the site will be constructed on the southern side of Ashleigh, but the existing access will remain also. Conflict of vehicle movements should not be an issue as intervisibility between drivers can be considered good, all vehicles should be leaving the site using a forward gear and vehicle movements associated with Ashleigh should not be significant.

The visibility splays from the proposed vehicular access to the site appear to be in accordance with the speed limit for the site, providing splays of approximately 120 metres looking left (north-westerly) and over 120 metres looking right (south-easterly), as measured from a setback of 2.4 metres.

The new vehicular access will have to be built as a dropped kerb verge crossing, as a bellmouth access would affect the adjacent existing field gate access. But, the crossing will have to be built to withstand frequent movements by HGV's. As such, a standard dropped kerb crossing would not be strong enough, so a higher specification crossing will need to be constructed.

*Working for  
Warwickshire*

The swept path of a refuse vehicle goes over the frontage of the field gate access. So, this access will need to be strengthened also.

The proposed vehicular access to the site will be approximately 5 metres in width for a distance of 12 metres, as measured from the near edge of the public highway carriageway. This will allow for the largest vehicle most likely to visit the site to pass / or be passed by another vehicle. So, the proposed shared access could be considered acceptable.

But please note, the Highway Authority will not consider adopting any part of the vehicular access to the site, other than what will be in the existing highway extent, as the layout does not accord with adoption policies.

Gates within the proposed vehicular access to the site will be hung so as not to open within 24 metres of the near edge of the public highway carriageway. This will allow the longest vehicle to wait off the public highway whilst the gates are operated, so no obstruction of the highway should occur.

Pedestrians will share the vehicular access to the site, which can be considered acceptable, as the access will be wide enough for vehicles to pass pedestrians without conflict.

However, pedestrian access will cease at the boundary of the site as there is no public highway footway fronting the site. The footway is on the other side of the carriageway. Therefore a suitable pedestrian crossing point should be constructed with associated pedestrian footway links to provide a continuous bound surfaced link for pedestrians.

Swept path analyses have been provided showing that the largest vehicle most likely to visit the site (a refuse vehicle 10.8 metres in length) can enter the site using a forward gear, turn around within the site and re-enter the public highway using a forward gear. This is considered necessary to accord with guidance on servicing. It still could result in vehicles being parked more than 25 metres from a dwelling, but the public highway will not be obstructed and goods will not have to be moved up to 130 metres from the public highway.

Parking provision is in accordance with policies, for the existing dwelling and proposed dwellings, and the hardstandings will be laid out so that vehicles will not have to be excessively manoeuvred.

The potential number of vehicle movements associated with the proposed development would not be considered significant compared to the existing number of vehicle movements passing the site, and should be able to be accommodated on the existing highway network.

Until the access road and manoeuvring area has been built parking and manoeuvring within the site will be restricted. As such, vehicles associated with the proposed development will probably have to park on the public highway. To ensure that any damage to the public highway will be repaired the Highway Authority will recommend that an agreement under Section 59 of the Highways Act 1980 will need to be undertaken.

Therefore, the Highway Authority's response to your consultation is one of no objection subject to the following conditions:

1. Access for vehicles to the site from the public highway (Coventry Road B4098) shall not be made other than at the position identified on the approved drawing number 6882/09E providing an access no less than 5.0 metres in width for a distance of 12 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access to the site so as to open within 20 metres of the near edge of the public highway carriageway.
2. The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the specification of the Highway Authority.
3. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.
4. Notwithstanding the plans submitted no development shall commence until full details of the pedestrian link from the site to the opposite side of Coventry Road have been submitted to and approved in writing by the Council. No building shall be occupied until the pedestrian link has been laid out in accordance with the approved details.
5. The development shall not be commenced until a parking area and a turning area has been provided within the site so as to enable general site traffic and construction vehicles to park off the public highway and to leave and re-enter the public highway in a forward gear.
6. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

Notes:

- a. Condition numbers 1, 2 and 3 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

- b. Condition number 4 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

- c. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
- d. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway

upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

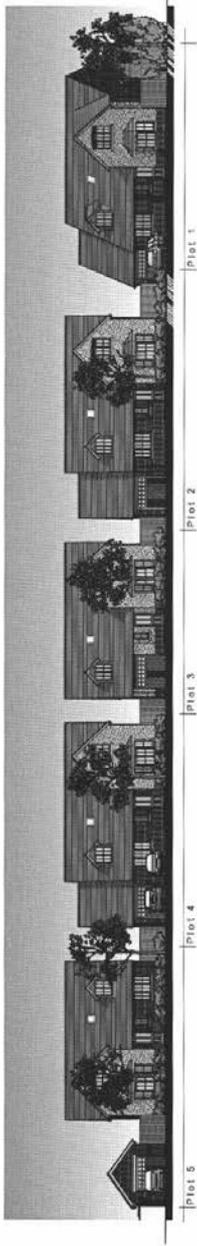
- e. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- f. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's / developer's failure to make an application for such an agreement / licence sufficiently in advance of the works requiring to be executed, or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.

Yours sincerely

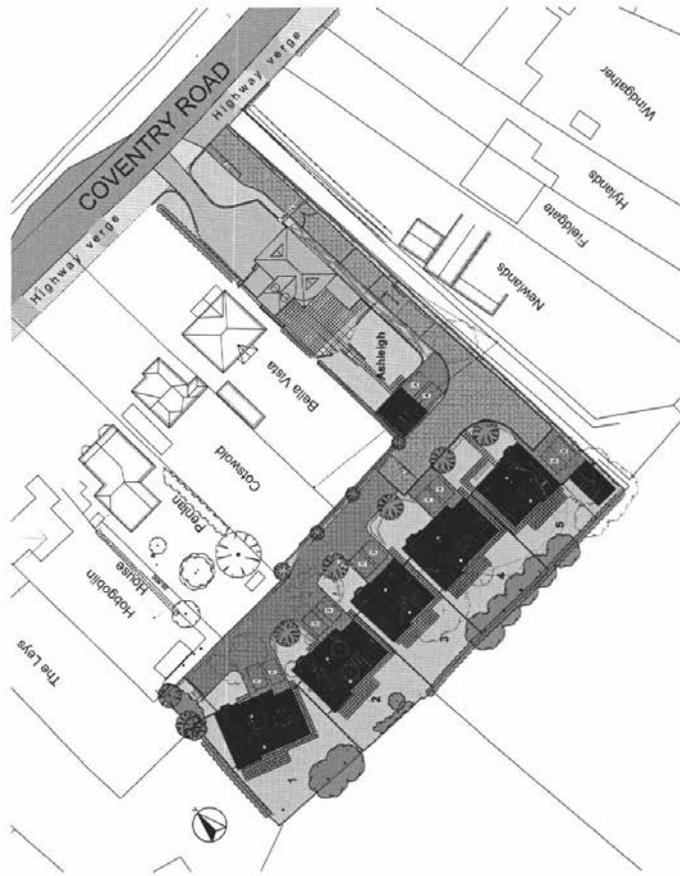
Tony Burrows  
Highway Control Engineer

Copy to; Councillor Mr C Hayfield, - Arley, for information only.

PAP/2015/0305



Proposed street elevation  
1:200 @ A2



Proposed site layout  
1:500 @ A2

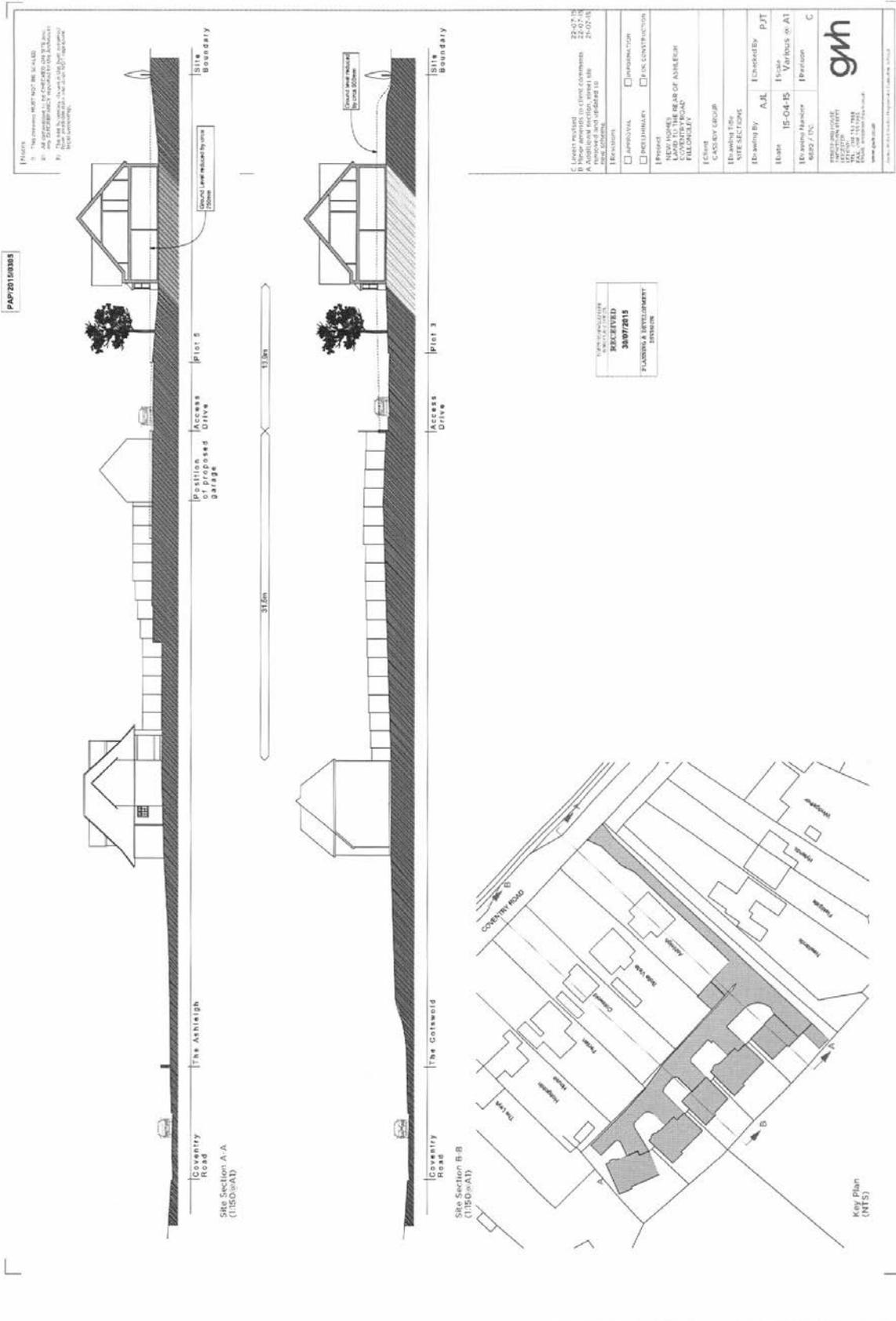
Notes

- This drawing MUST NOT BE SCALED.
- All dimensions to be CHECKED ON SITE AND any discrepancies reported to the architect.
- For any further information please refer to the information on the drawings or contact the architect.

VERITY GROUP LIMITED <b>RECEIVED</b> 30/07/2015 PLANNING & DEVELOPMENT DIVISION	APPROVAL <input type="checkbox"/> REVISION <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FOR CONSTRUCTION <input type="checkbox"/> PROJECT NEW HOMES BEAR OF ASKEIGH COVENTRY ROAD FELLONGLEY CLIENT CASSIDY GROUP DRAWING TITLE PROPOSED LAYOUT AND STREET ELEVATION DRAWING BY A.J.L. CHECKED BY P.J.T. DMR 20/01/2015 I Scale 1500 @ A3 DRAWING NUMBER 6887 / 09F REVISION F
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 VERITY HOUSE  
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# APPENDIX C





Jeff Brown  
Head of Development Control  
North Warwickshire Borough Council  
South Street  
Atherstone  
CV9 1DE

Ref: The Ashleigh PAP/2015/0305

11 August 2015

Dear Jeff

Thank you for forwarding the Affordable Housing Viability Assessment prepared by Adams Integra.

In our view the calculation that they use on page 41 & 42 under 3.7.16 are too broad and generic in there assumptions to be correct and need adjusting for individual site values and constraints which is consistent with points 3.7.11 and more specifically point 3.7.20 below in which Adams Integra state;

3.7.11

*Our suggested route is purely a mechanism to allow us to calculate a reasonable contribution and test the impact on development viability of collecting those sums of money in lieu of on-site affordable housing provision. We have selected it because it relates to land value, and so shares thinking with the study basis.*

3.7.20

*This also has to be viewed in the context of site specifics. In pure viability terms, similar considerations apply as with on-site situations. What one landowner finds acceptable as a payment for their land will be different from another. This is especially true on small sites where we could be considering garden plots, etc. In real monetary terms, the residual value of land may reduce to the point whereby landowners of small plots do not feel there is sufficient recompense to sell. Equally, where existing residential units are bought up and demolished to make way for a larger number of units, viability issues may occur. This is due to the high value of the existing residential properties that usually needs to be overcome before the new development can become viable. The approach needs to respect the market-driven basis that it would be reliant upon, not be too rigid, and be sensitive to these factors.*



Cassidy Group (UK) Limited, The Barns, Whitestitch Lane, Meriden, Warwickshire, CV7 7JE  
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Registration No. 7336211



For example they calculate the residual land value for North Warwickshire for a property at 15% of its sale value which is not realistic in our view especially for the better sites. On the Ashleigh we have a top line estimated GDV of £2,245,000 for the 5 bungalows and the Ashleigh which has to have its garage removed, a new one built and the property renovated and resold as part of the overall development. We are paying £675k plus stamp and legal fees totalling £705,250 equating to 31.41%. The actual costs we would calculate as being higher as we would add on funding costs for acquisition for a period of 12 months at £84,630 equating to £789,880 which actually results in the land value as a percentage of GDV equating to 35.18% **not 15%**

The calculation proposed based on a GDV of £2,245,000 x 15% = £336,750 I am sure you will appreciate the Ashleigh alone is costing us more than this, therefore the whole assumptions are flawed. Within the document they talk about being reasonable and allowing for Developers over heads and profit and this is the only bit that we agree with. The document you forward I do not believe has been adopted yet and is more of a guideline.

There is only one way as far as we are concerned to appraise a site and that is with an overall site appraisal. Attached is an appraisal for the site in which we have allowed a £25k for an offsite affordable housing contribution and this only shows a developers profit of 10.78%. For your information, our bank Lloyds who are funding the build on Young's for example will not entertain any funding on a scheme that does not show a minimum of 10% and that's with putting in 35% equity as banks are generally only lending 65% of net costs.

Within the appraisal we have reduced the build rate to £85 ft/2 on the assumption we will build the site out ourselves rather than contract the work out to a main Contractor on a fixed price JCT contract, otherwise the scheme would not be viable for us. This reduction, depending on tenders is a reduction of between 15% and 20%. Examples of build rates on our current schemes for developments that we have contracted out to a main Contractor are Duggins Lane, Solihull 29 units at £102 ft/2, Leicester Road Bedworth 38 units' £105 ft/2. Historically Miners Welfare site for 42 units was £97 ft/2 and Arley Working Men's Club for 16 bungalows £110 ft/2. All of the above sites exclude predevelopment costs, site clearance and fees.



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Registration No. 7356211



There are extra over costs for developing the Ashleigh site consistent with point 3.7.20 of the Adams Integra document which would not be included in a standard build rate and therefore would be treated as abnormal costs, these include;

- 50m long drive way built to adoptable standards for only 5 units
- 2400m<sup>3</sup> of muck away to reduce ground levels to lessen visual impact
- A sewage pumping chamber and holding tank
- Increased utility service cost due to lengths of drive
- Demolition of the Ashleigh double garage and works to repair Ashleigh
- Renovation works to upgrade Ashleigh for sale

In summary as stated the Affordable Housing Viability Assessment calculation prepared by Adams Integra is simply too generic however we believe this application relates more to 3.7.20 of their document in which the state *"The approach needs to respect the market-driven basis that it would be reliant upon, not be too rigid, and be sensitive to these factors"*

We stand by our figures and we are happy to open these up to scrutiny, copies of land contracts for the purchase of the sites can also be provided.

Kind Regards,



**James Cassidy**  
Director



Cassidy Group (UK) Limited, The Baros, Whitestitch Lane, Meriden, Warwickshire, CV7 7JE  
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Registration No. 7336211

6 Unit Scheme Appraisal



Ashleigh Site

REVENUE £ 2,245,000

Accommodation Schedule				Market Value	
3 Bed Houses (side garage) plot 1	177 m2	1 Nr. x	177 m2	£	365,000
3 Bed Houses (side garage) plot 2	177 m2	1 Nr. x	177 m2	£	365,000
3 Bed Houses (integral garage) plot 3	190 m2	1 Nr. x	190 m2	£	390,000
3 Bed Houses (side garage) plot 4	177 m2	1 Nr. x	177 m2	£	365,000
3 Bed Houses (detached garage) plot 5	166 m2	1 Nr. x	166 m2	£	375,000
			850 m2		
			9,149 FT2		
<b>Total New Units</b>		5 Nr.			
Re- Sale of the Ashleigh		1 Nr		£	425,000
<b>COSTS</b>					
<b>Land Acquisition</b>					
				£	705,250
Site Value				£	675,000
Stamp Duty		3%		£	20,250
Legal Fees				£	10,000
	per plot	£ 141,050		£	705,250
<b>Funding Cost on Land Purchase (Private Finance Funder)</b>					
				£	84,630
Set up Fee	1.0%	£ 705,250	£	7,053	
Exit Fee	1.0%	£ 705,250	£	7,053	
Loan	10%	£ 705,250	£	70,525	
			£	84,630	
<b>Costs to Obtain Planning Permission</b>					
				£	29,702
Topographical Reports				£	2,000
Topographical Report post Site Clearance				£	750
Hoarding/Securing Site				£	2,500
Site Investigation Report	Phase I			£	675
Site Investigation Report	Phase II			£	5,000
Site Signage				£	1,500
Architectural Survey				£	750
Bat & Protected Species Survey				£	1,500
Noise Survey	Provisional			£	-
Air Quality				£	-
Transport Consultant				£	-
Traffic Survey				£	-
Highways Fee Pre planning				£	500
STW Searches & Developers Pack				£	352
Planning Fee				£	1,800
Pre-planning Brochures, Visuals etc.	5 Nr. x	£	385	£	1,900
Public Consultation				£	250
Architect Fee to Planning	5 Nr. x	£	1,300	£	7,500
Engineer - pre planning				£	2,000
Landscape Design				£	500
Remediation Consultant Overview				£	1,000
Remediation Strategy				£	-
<b>Site Clearance &amp; Demolition</b>					
				£	89,200
Remediation Consultant				£	500
Remediation Report to EHO				£	1,200
Remediation Soil Testing				£	1,500
Demolition of garage and works to Ashleigh				£	23,000
Clearance of site (walls, green-houses, sheds, porhs etc)				£	3,000
Asbestos survey garage and house				£	1,000
Asbestos removal	Provisional			£	2,500
Dulk Excavation Reduce site levels by 0.75-1m				£	-
	2400 m3 x	£	25	£	60,000
<b>Section 106 Provisional</b>					
				£	26,750
Section 106 Provision for Affordable Contoloum	1 Nr. x	£	25,000	£	25,000
Legal Fees NWBC	1 Nr. x	£	1,250	£	1,250
Legal Fees cassidy	1 Nr. x	£	500	£	500
				£	26,750
<b>Construction Costs</b>					
				£	865,199
3 Bed Houses (side garage) plot 1	1,905 sq-ft	x	£	85.00	£ 161,944
3 Bed Houses (side garage) plot 2	1,905 sq-ft	x	£	85.00	£ 161,944
3 Bed Houses (integral garage) plot 3	1,615 sq-ft	x	£	85.00	£ 137,241
3 Bed Houses (side garage) plot 4	1,905 sq-ft	x	£	85.00	£ 161,944
3 Bed Houses (detached garage) plot 5	1,819 sq-ft	x	£	85.00	£ 154,605
Service Connections anomalies	5 ea	x	£	5,000.00	£ 25,000
Replacement garage for Ashleigh	1 ea	x	£	10,000	£ 10,000
Access Road (abnormal costs EIO Length)				£	15,000
Ashleigh relet: for sales purpose	160 m2	x	£	63.33	£ 25,000
Foil sewage pumping chamber				£	7,500
	9,149 sq-ft			£	865,199
<b>Contingency</b>					
				£	23,273
Contingency on construction	2.5%	x	£	930,916	£ 23,272.90
<b>Funding Cost on Construction (Lloyds Bank)</b>					
				£	79,128
Set Up Fee	1.0%	£ 933,916	£	9,339	
Exit Fee	1.0%	£ 933,916	£	9,339	
Loan Fee	6.5%	£ 933,916	£	60,510	
			£	79,128	
<b>Fees</b>					
				£	38,967
Architect	1.00%	x	£	965,199	£ 9,652
Engineer	1.25%	x	£	965,199	£ 10,815
Landscape Architect	0.00%	x	£	965,199	£ -
Bank Monitoring Surveyor	1%	x	£	1,000	£ 10,000
NHBC Registration	5 Nr.	x	£	1,000	£ 5,000
Building Regulation Fees	5 Nr.	x	£	500	£ 2,500
				£	38,967
<b>Sales Costs</b>					
				£	32,450
Sales estate Agent	1.00%	£ 2,245,000	£	22,450	
Sales Sign Boards	1 Nr	£	2,000	£	2,000
Sales Brochures / Literature	1 Nr	£	1,500	£	1,500
Rightmove Costs	1 Nr	£	1,500	£	1,500
CGI Visuals	8 Nr	£	300	£	2,400
Legals	6 Nr	£	500	£	3,000
				£	32,450
<b>Project Management</b>					
				£	28,863
Project Management Costs	1.25 %	x	£	2,245,000	
<b>COSTS £ 2,003,011</b>					
<b>PROFIT ON SALE</b>	10.78%			<b>PROFIT/OVERHEAD RECOVERY</b>	£ 241,989

**(7) Application No: PAP/2015/0307**

**Lake House, Bakehouse Lane, Nether Whitacre, B46 2EB**

**Certificate of lawfulness application for existing use as a dwelling house, for**

**Mr & Mrs Nicholas Horton**

**Introduction**

This item is referred to the Board at the discretion of the Head of Development Control in view of the interest expressed by local Members.

Members should be aware that this is **NOT** a planning application.

It is an application for a Certificate of Lawfulness for the use of an existing building as a dwelling. The applicant is claiming that the building has been used for this purpose continuously for the last four years and is thus lawful under planning legislation. If the Council agree, then the Certificate is granted. The test here for the Council is whether on the “balance of probability” the claim is true. If so, then the Certificate is issued. The applicant has submitted an amount of evidence to verify his claim. The Council has to consider this along with any other evidence that it might have – in this case rebuttal evidence from the local community.

The legal remit of the Council here therefore does NOT extend to assessing compliance with planning policy or to assess what impacts the use as a dwelling may give rise to.

Given this, the Solicitor to the Council has been consulted and he wishes to draw attention to the following three matters.

Firstly, because the determination here rests on an assessment of the evidence actually submitted, only those Members who have read all of the evidence submitted should be involved in the decision. This means the actual documents as submitted and not the summaries included in this report at the two Appendices.

Secondly he points out that the test in that assessment, is one of “on the balance of probability” and not that of “beyond reasonable doubt”. It is a lesser test.

Thirdly because of the nature of the application, any comments or matters raised in the discussion on the case which refer to planning policy or to potential impacts arising from the grant of the Certificate will carry no weight and Members are thus requested to refrain from referring to planning policy matters.

Members can access all of the submitted evidence by visiting the planning pages of the Council’s website and looking at the application under reference PAP/2015/0307.

**The Site**

The application relates to land to the south-east of Whitacre Heath where there is a fishing lake which is accessed off Bakehouse Lane. The building concerned is located on the lake’s western edge.

## **Background**

Planning permission was granted in 1998 to extend an existing fishing pool at this site. Originally this was an irrigation reservoir used by the then farmer but was then stocked as a fishing pool. A new owner sought to tidy the site and extend the lake so as to provide fifteen fishing pegs. These changes were approved as well to add a car park and a cabin to be used as a shelter and for the storage of fishing equipment. An alleged misuse of the shelter was investigated in 2004, but no permanent residential use was found.

There was a refusal for a new fishing lodge in 2003 and a subsequent appeal was dismissed in 2004.

In 2006 a retrospective planning permission was granted for an extended car park and pathways.

The current owner and applicant purchased the site in 2009. He sought advice from the Council in respect of a further lake extension to the south and a replacement cabin. In respect of the former, advice was given that there would be unlikely to be an objection in principle but intensification could have adverse impacts. In respect of a new cabin he was advised that any such replacement should be appropriate in the Green Belt as then defined by The Government's guidance in its PPG2. It had to be ancillary to a recreational use and essential for that use.

Further investigatory visits were made in early 2015 as it was alleged that building materials had been moved to the site. It was said in response that these were to repair existing paths and posts and fences. The owner confirmed that the present cabin was a replacement for the one on site when the site was acquired but that it was the same size. The Council's investigation concluded that a new building had been erected and that it appeared that a breach of planning control had thus occurred.

The applicant has elected to submit this Certificate application in order to remedy that breach.

## **The Applicant's Evidence**

### **a) Summary**

The applicant has submitted a covering statement which outlines his evidence.

It is said that the owner acquired the site in April 2009 and that the land benefits from the 1998 permission as a recreational fishing pool. This included a cabin/shelter, the details of which were subsequently approved later in 1998. The cabin's approved dimensions were 5.5 by 4.2 metres and 2.7 metres to its ridge. A cabin was placed on the site shortly afterwards.

He says that he acquired the site with a view to it being for his own private use and thus activity at the site reduced considerably. However the applicant says that the security of the site left a lot to be desired and that he had to spend a lot of time on site in the cabin as a consequence. This he says was larger than the approved dimensions – 8 by 7 and 3.6 metres tall. He commenced refurbishment of this shelter to form a residential dwelling which he says was completed at the end of July 2009. The refurbishment involved re-location closer to the lake. The refurbishment included a bathroom, kitchen, lounge and two bedrooms. Additionally a small storage shed was added and his caravan was parked here too. He says that he lives here on Wednesdays to Sundays and at his Sutton address on the other days. He says that he registered with his bank and HMRC in 2012 that this is his address. It is registered for address purposes – since 2013 – but not for Council Tax. This however has now commenced.

He forwards witness statements from tradesmen who did some of the refurbishment work. The applicant did work too. He agrees that the inside was “completely transformed”. He says that the works were completed in 2009. He says that he has not attempted to conceal this work – the physical setting of the site is not hidden; tradesmen and others have visited and he has formally set up the address. Witness Statements are included and dated relating to the installation of a land line; water, mains electricity and calor gas provision. Water was pumped from the lake and filtered. Several personal statements are included from people describing the use of the site.

He concludes by saying that his employment records, financial details, home insurance details and general postal correspondence is here. Utilities and TV Licensing are also registered here.

#### **b) The Detailed Evidence**

As indicated above a significant number of documents are attached to his application. Each has had to be considered and an assessment made as to how much weight can be attached to each. This is provided in full at Appendix A.

#### **Rebuttal Evidence**

Evidence has been submitted in rebuttal of the application from local residents and the Parish Council. This revolves around several matters. Residents who live nearby and those who regularly walk their dogs in the area close to the site or who own equestrian land along the access track say they have not witnessed any residential use; that delivery vehicles turn back and that the site gate is always locked

A record of this evidence is attached at Appendix B again highlighting the weight that can be given to each document.

## **The Applicant's Response**

The applicant was invited to comment on the rebuttal evidence set out in Appendix B.

The comments are as follows:

- The building as now on site was substantially completed in mid-2009. Mains services were added from 2011 onwards but prior to this there was an on-site generator.
- None of the rebuttal statements refer to any of the witnesses actually visiting the site itself; being inside the building or witnessing activity within it and around it.
- There is no opportunity to observe the applicant's home from the public footpaths
- The applicant's evidence must be treated as a whole. It comes from a variety of different sources. The rebuttal evidence is not based on any personal witness of activity on the site
- Delivery suggests that there is a site address. It is not inconsistent for applicant to be away on business.
- The extent of the refurbishment is to a scale equivalent to a residence not a shelter
- When the applicant is away he leaves at 0630 not returning to 2000 hours.

In respect of the utility bills schedule then the applicant says:

In respect of gas the applicant has provided evidence of use from 2009. That use would involve gas consumption. Moreover why would gas bottles for business use be delivered here?

In respect of the electricity position then invoices quite commonly relate to actuals and estimates for any household. The nature of the usage is agreed as being small but the applicant lives here alone; he is at work during the day, it is small building with only the TV, washing machine and lighting using electricity. Heating and cooking is from gas. When the electricity and gas invoices are added together they indicate regular and frequent use.

## **Comments from the Objectors**

The applicant responses to the rebuttal evidence have been passed to the objectors for further comment. Those responding repeat that they do not see anyone regularly on the site and that the utility schedule doesn't show evidence of full residential use over the four years.

## **Observations**

### **a) Introduction**

The Council has to review all of the evidence as submitted and then decide whether the building has been continuously used as a dwelling house over the past four years – that is from Spring 2011 to the present. Its assessment of the available evidence is on the basis of whether; “on the balance of probability” the applicant's claim can be supported. This is a lesser test than one of, “beyond reasonable doubt”.

It is proposed to discuss this through a series of steps.

## **b) The Building**

The first issue is that of the building itself. It is considered that the applicant has provided sufficient evidence to show that the building now on site has been there since probably mid-2009 and at that time, it was substantially complete. There is no evidence to suggest that since then it has been extended or altered materially. There is no rebuttal evidence to contradict this conclusion. It is thus considered that the building the subject of the application has been present continuously for the last four years.

## **c) The Accommodation Provided**

The second issue is to look at the accommodation that the building provides. The applicant has submitted significant evidence from a variety of different sources and independent corroborative sources, apart from his own account, which strongly points to the conclusion that the building has been fitted out as a residential unit akin to a C3 Use under the Use Classes Order. This relates to the accommodation provided and to the services and utilities installed. The building is considered to be capable of full residential use, and it is agreed that this appears to have been the case for the last four years. It is agreed that services have been added at various times during that period, but that does not detract from the conclusion that even in 2011 the building was capable of full residential use. The use of a generator; calor gas cylinders and a water filtration system may not be conventional but they do enable that residential use to continue. There has been no rebuttal evidence submitted to counter this conclusion. On the balance of probability therefore it is agreed that the building has been capable of a C3 use throughout the relevant four years.

## **d) The Use of the Building**

This is the key issue here and it perhaps neatly can be summarised as whether the occupancy has been occasional or permanent. The applicant's account of his occupancy is not conventional and is clearly related to his own personal circumstances. In this case there are several matters which, when taken together carry weight. Firstly weight is given to his own account as he has first-hand knowledge of the use. This is corroborated by his wife and several visitors to the site, both friends and people engaged to do work. Their evidence is indicative of residential use but not fully supportive as they only visit on occasions. However the numbers of statements and their descriptions are of weight. Additionally the evidence from professional organisations is of weight as they have to contact the applicant and have no "private" or "social" connection with him. The rebuttal evidence is of limited weight here for two reasons. It is not based on an actual presence on the site or experience of the use of the building. Secondly it is significant that the building too cannot be seen from the footpaths where people walk their dogs. Their evidence suggests some use which they assume to be "occasional". But if the applicant is here on his own for periods as he claims, then that is likely not to be noticed. Thirdly as indicated above, the building is considered to be capable of full C3 Use. That Use Class does not stipulate or define a mode of living – one person or a household, nor does it preclude a person residing at two addresses, both being C3 use, or a second house being used as a holiday or second home. It is worth noting at this point that dwellings occupied as second homes; as time share property or as holiday lets are all for planning purposes treated as being C3 residential uses. In all of these cases, the property can be left vacant for days or indeed for weeks. This would appear to be the case here where occupancy is not "conventional". The nature of that occupancy however is residential in character; the building itself is capable of independent residential use and the use made as described

in the evidence is considered to be materially different to that of a “shelter” - it suggests something more than a weekend “retreat” or a “leisure” plot. In all of these circumstances it is considered that on the balance of probability, the applicant has been able to verify his claim

**e) Legal Advice**

The issue with Certificate applications is to assess submitted evidence with no reference at all to planning policy matters. As a consequence Members should benefit from a legal assessment of the weight of the evidence submitted. The Council’s Solicitor was therefore asked to review the case file and to come to a view based on the evidence submitted by both applicant and the local residents. His conclusion concurs with the above that on balance, it is more likely than not, that the applicant has resided and continues to reside to a sufficient extent to constitute a material change of use to that of a dwelling house.

**Recommendation**

That the Certificate be **GRANTED**

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0307

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/5/15
2	D Starkey	Objection	2/6/15
3	Nether Whitacre Parish Council	Objection	4/6/15
4	Case Officer	E-mail	5/6/15
5	Case Officer	E-mail	8/6/15
6	S Dunbar	Objection	9/6/15
7	Mr & Mrs Young	Objection	8/6/15
8	B Wollaston	Objection	8/6/15
9	J Crawshaw	Objection	9/6/15
10	Mr & Mrs Young	Objection	9/6/15
11	D Starkey	Objection	10/6/15
12	Nether Whitacre Parish Council	E-mail	9/6/15
13	Case Officer	E-mail	9/6/15
14	Mrs Dunbar	Objection	9/6/15
15	Case Officer	E-mail	9/6/15
16	D Starkey	Objection	12/6/15
17	D and G Ross	Objection	13/6/15
18	M Clare	Objection	22/6/15
19	Case Officer	Letter	15/6/15
20	Applicant	E-mail	6/7/15
21	Mr & Mrs Taylor	Objection	24/6/15
22	Applicant	Letter	26/6/15
23	Mrs Dunbar	Objection	3/7/145
24	Applicant	E-mail	6/7/15
25	D Starkey	Letter	12/7/15
26	Nether Whitacre Parish Council	Letter	12/7/15
27	Mr & Mrs Young	E-mail	12/7/15
28	M Clare	E-mail	16/7/15
29	Mrs Dunbar	E-mail	17/7/15
30	Applicant	E-mail	20/7/15
31	Applicant	E-mail	28/7/15
32	Applicant	E-mail	30/7/15
33	Applicant	E-mail	30/7/15
34	Applicant	E-mail	30/7/15
35	Solicitor to the Council	Note	31/7/15
36	Applicant	E-mail	5/68/15
37	Case Officer	E-mail	14/8/15

38	Nether Whitacre Parish council	E-mail	17/8/15
39	Case Officer	E-mail	18/8/15
40	Applicant	E-mail	18/8/15
41	D Starkey	Letter	19/8/15
42	Applicant	E-mail	21/8/15

*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

	Document	Content	Weight
1	Title Documents	Two title documents which suggest the applicant owns the whole of the application site.	Evidence of ownership
2	Planning permission Notice 123/98	Permission for an extended lake plus shelter.	Not relevant
3	Planning Notice dated 24/9/98	Consent for the design and size of the shelter – 5.5 by 4.2 by 2.7 metres	Not relevant
4	Location Plan		
5	NWBC Letter dated 11/12/15	This describes the site. It refers to a building of 8 by 7 and 3.6 metres high moved closer to the lake. An internal description refers to accommodation and services.	Supportive in respect of the accommodation present and the building.
6	Applicant's letter 19/2/15	<p>In early 2009 he moved the existing building on site and extended it. He added windows, cavity insulation, full electricity. Internally he provided a bathroom, kitchen, lounge and two bedrooms completed by early August 2009.</p> <p>He has lived here – Wednesdays to Sundays – since the summer of 2009.</p> <p>This does change – due to the weather and his commitments. He is at the site 3 or 4 times a week most weeks of the year.</p> <p>Registered with his Bank and HMRC in 2012 that this was his address when he thought this would be a long term situation.</p> <p>Registered the address with the Council in November 2013. Has commenced Council tax registration early 2015.</p> <p>Photographs showing internal accommodation.</p>	<p>Supportive as to works undertaken and when.</p> <p>Supportive</p> <p>Raises doubt about continuous use</p> <p>Not a full four years' worth of evidence</p> <p>As above</p> <p>Supportive as to dates</p>

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		Invoices added from Wheelers dated the summer of 2009 for timber and building materials.	Supportive as to dates.
7	The Applicant's wife 18/3/15	Confirms purchase in early 2009  Her husband to live here. She and sons have visited	Supportive  Supportive
8	Mr Spittle	The applicant has lived here since 2009  He has been employed as a gardener since July 2009. He visits once a week in summer and once a fortnight in winter. The applicant continues to live here. He is usually there when Mr S is.  He usually stays on site all day. The applicant is there 80% of the time. The wife and sons often come once a month.  Payment slips are attached	Supportive as the witness is regularly on site from 2009  Supportive  Supportive  Supportive
9	Mr Turvey	He has carried out electrical work here over the last six years. The applicant lives here. Started in 2009 – he installed the wiring for the kitchen, bedroom and lounge. Installed to residential standard. The applicant was always there. He added mains electrics. He has attended emergencies.  He attached Invoices from 2009 to 2014	Supportive as to the works carried out over time and on use  Supportive
10	Mr Hollins	Employed in 2009 to move and renovate an existing building. The applicant could then live here.  He has been back to do work. He stayed there too in 2010 and 2012. He has visited too without notice. The applicant has been there.	Supportive  Supportive
11	AE Fisheries	He surveys fish stocks here. Since 2009 always the home of the applicant. The applicant on site each day.	Supportive

APPENDIX A

12	Mr Osbourne	Worked here in 2009 to fit out the building.  Stayed over at weekends and calls in without notice but the applicant not always in.	Supportive  Inconclusive
13	Mr Williams	On site as a carpenter in summer 2009 for two weeks. The applicant was there six of the ten days. The building was furnished for residential use.	Supportive as to the works, less so on the use.
14	Mr Grace	The applicant has been resident 2 or 3 times a week and most weeks since 2010. This is because he acted professionally for the applicant and had to contact him	Supportive in respect of use
15	NWBC  TV  Gas supply  BT  Western Power  Npower  STW  Mr Trumpeter	Registration of address dated 3/11/13  Address in 2012  New customer at this address 13/8/13  Supply 9/11/11  Connection 24/7/12  Connection 25/7/12  Connection 28/12/11  The applicant's company admin officer. This is the applicant's sole address for payroll and pensions since 2009. He has overseen the installation of utilities – electricity in 2001 (formerly a generator), Calor Gas in 2013 (formerly gas cylinders), BT landline in 2012, plus sorting his address and mailing issues.	Supportive  Supportive  Supportive  Supportive  Supportive  Supportive  Supportive
16	D Cahill	Has known the applicant for 20 years. He has resided here since 2009. His wife tells her he is at the site.	Hearsay evidence
17	Mr Grice	As above – same letter	Hearsay evidence
18	Select Lifestyles	Confirms the payroll and pension address is here.	Supportive

19	DSN Accountants	Acted for the applicant since 2012. His address is here and has been his principle address since 2009. Confirms that utility bills are for here. Mains provided in 2009, prior to that a generator was used.	Supportive
20	Mr Clifford	The address has been insured for household purposes as a main residence since 2009.	Supportive
21	Mr Badger	Confirms residency since 2009. He has stayed there and sent post. He was there when Mr B visited on ad-hoc occasions.	Supportive
22	J Duffy	Owns the land next door. The applicant "stops" at the property.	Inconclusive
23	Mr Carr	Has visited once or twice a year. The applicant is always there. The property is well furnished.	Supportive
24	J Turner	The applicant is her brother-in-law. In 2009 he decided to live here. They visit and stay. The building is well furnished.	Supportive
25	S Lear	The applicant is a friend and lives here. He has stayed here and the building has full facilities.	Supportive
26	C Hodivala	She understands he has been here since 2009. She has visited. The applicant is always there. The accommodation is fully equipped.	Supportive
27	NWBC	Letter	Not relevant
28	Photographs of accommodation – indicative - undated		Inconclusive
29	NWBC	Letter 24/3/10	Not relevant

Following consideration of the above a schedule of utility bills has also been submitted. This evidence when taken as a whole is considered to be supportive.

Gas – these suggest regular supply of gas bottles from 2009 to "a couple of years ago" when a Calor Gas Tank was fitted outside of the property.

Electricity – bills go back to 2013. Npower were appointed in 2012 and prior to this there was a generator (shown in photographs).

Water – water was extracted from the lake in 2009 via a filtration system and evidence is submitted to this effect. Mains were added in 2011.

Waste – the property has a septic tank. Evidence is submitted that this was emptied in 2013, and that this tank replaced two portaloos and that these were emptied in 2009, 2010 and 2011.

APPENDIX B

	Document	Content	Weight
1	The Parish Council	<p>Neighbours say that there is no permanent use. The applicant said it was for retirement; gates are padlocked. Deliveries do not enter if unscheduled.</p> <p>There is probably concealment.</p> <p>No dispute that works were done in 2009 and services installed since 2011.</p> <p>Family and friend visits are not evidence of residential use, only occasional use.</p> <p>Invoices for maintenance not evidence of full residential use.</p>	<p>Hearsay</p> <p>Supposition</p> <p>Supportive</p> <p>Comment, not evidence</p> <p>As above</p>
2	Mrs Dunbar	<p>Nearby landowner and present on her land most days.</p> <p>Repeats the comments above.</p> <p>Some deliveries to the site have not been met by the applicant.</p> <p>Gates are locked from the outside.</p> <p>The applicant is rarely seen.</p>	<p>Comment</p> <p>Inconclusive</p> <p>As above</p> <p>As above</p>
3	Mrs Wollaston	<p>Owns the stables next to the access track – on site most days.</p> <p>Deliveries do not enter as no-one is there.</p> <p>He said this was a retirement project.</p> <p>Gates are generally locked from the outside.</p> <p>Never occurred to her that someone was living here.</p>	<p>Assumption</p> <p>As above</p> <p>As above</p> <p>As above</p>
4	Mr and Mrs Young	<p>They have walked the dog over the last five years twice a day – no evidence with no parked cars and gates locked from the outside.</p> <p>Occasional use only</p>	<p>Inconclusive</p> <p>Assumption</p>

APPENDIX B

5	J Crawshaw	Has lived on the lane for five years. Walks dogs on 8 or 10 occasions a week. But there are long periods when no-one is there.	Inconclusive
6	Mr and Mrs Young	Between 13/4/15 and 7/6/15 dogs have been walked twice a day. No vehicles parked here and gates locked. Sometimes they meet workmen.	Inconclusive.
7	Mr and Mrs Starkey	Have lived here since 2001. Walk the dog daily. No evidence of occupancy.  The applicant viewed their house in 2011 saying that they wanted to live close to the fishery.  The applicant evidence suggests recent occupancy perhaps from 2011. The land registry plans obtained in 2012.	Inconclusive.  Inconclusive  Comment
8	Mr and Mrs Taylor	They walk here most days. Not seen evidence of residential use.	Inconclusive
9	Mrs Clare	Walks this way 2 or 3 times a week. Never seen the applicant here or experienced normal residential activity.	Inconclusive
10	Messrs D and G Ross	Not aware that anyone was living there.	Inconclusive.

In respect of the additional evidence on the utility bill schedule, the comments are:

Calor Gas cylinders or bottles are not evidence of residential use, they could be used in relation to the applicant's business interests.

In respect of the septic tank there are no invoices provided to evidence emptying in 2009, 2010 and 2011 and that the tank appears only to have been emptied once in the last four years.

In respect of electricity bills then there is a mixture of estimates and actuals and the values suggest limited use.

**(8)**

**1. PAP/2015/0344**

**Beech House, 19 Market Street, Atherstone**

**Listed Building Consent to restore and repair the structure internally and externally in a manner that preserves the original fabric, replaces lost features and sympathetically adds modern facilities**

**2. PAP/2015/0284**

**Post Office Yard, rear of 100 Long Street, Atherstone**

**Conversion of ex-telephone exchange into three one bedroom dwellings**

**3. PAP/2015/0375 and PAP/2015/0283**

**Bank Gardens, rear of 94/96 Long Street, Atherstone**

**Planning and Listed Building Applications for the erection of three dwellings**

**4. PAP/2015/0285**

**Land rear of 108 Long Street, Atherstone**

**Erection of two dwellings**

**all for Arragon Construction Ltd**

**Introduction**

Members will be aware that there have been several planning and Listed Building applications submitted in respect of these properties in Atherstone such that there is a lengthy planning history associated with them. In short these applications have not been successful and there have been repeated proposals in order to try and overcome earlier refusals. The last “set” of applications was withdrawn at the end of last year. The applications described above have been submitted in order to overcome the recommendations of refusal made in respect of those last proposals.

These applications will be dealt with together as a “package”. This is because the applicant is saying that the cost of repair and restoration to Beech House as proposed is unviable without the additional new development. That new development thus “enables” the restoration.

This report notes the receipt of this revised package of applications and describes the sites and the proposals together with an outline of the relevant Development Plan policies that will need to be considered when a determination report is prepared following consultation.

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

**Beech House**

**a) Introduction**

Beech House at 19 Market Street is a Grade 2 star Listed Building fronting the Market Square in the centre of Atherstone. It is also on the register of buildings “At Risk” prepared by Historic England. It is a three storey town house constructed in 1708. It has a basement and a walled rear garden but no vehicular access. It lies within a street

frontage of similarly proportioned buildings facing the square. These accommodate a variety of uses – restaurants, public houses, shops and offices with some residential uses in the upper floors. There is a substantial copper beech tree in the rear garden which is protected by a Tree Preservation Order. The premises have been vacant for several years.

A more detailed description of the building is contained in a Historic Building analysis submitted with the application. This is available on the application website or copies can be obtained from the office if Members wish to see this document. It describes a significant and prominent 18<sup>th</sup> Century town house with substantive contemporaneous internal and external architectural features.

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

### **b) The Proposals**

In short it is proposed to repair and restore the building such that it remains as a single dwelling house. The rear walled garden would remain intact with no proposed rear vehicular access or car parking provision.

A full description of the proposed works is attached at Appendix B.

## **The Former Telephone Exchange**

### **a) Introduction**

This is a single storey brick and slate roof building dating from the 1930's. It measures 6.5 metres by 16.5 metres in footprint and is at right angles to North Street. It has a ridge height of 6 metres. It is located immediately at the rear of the walled garden to Beech House. Between it and North Street are two recently constructed houses that front North Street. The land falls away to Long Street and this lower level land provides access and parking for residential property in Long Street and to its immediate rear. The building fronts this access – some 4.5 metres wide. Opposite are the single storey offices of the Town Council.

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

### **b) The Proposals**

It is proposed to convert this building into three residential units. The conversion works would entail removing the existing roof structure and replacing it to the same eaves and ridge height and pitch in order to provide the first floor accommodation.

Each of the three residential units would accommodate a single bedroom in the roof space. This will require three small two-light dormers for the bedrooms and three small roof lights over the stairwells in the front (east facing) elevation as well as three roof lights for the bathrooms in the rear elevation facing the rear of Beech House. The front elevation would be redesigned so as to accommodate door and window openings.

No car parking is proposed

Plans at Appendices C and D illustrate the proposals

## **Old Bank Gardens**

### **a) Introduction**

This is a walled garden at the rear of numbers 94/96 Long Street. These properties are presently occupied by Lloyd's Bank and a café. They are three storey buildings within the northern frontage of Long Street and are Listed as Grade 2 buildings. They both have rear ranges extending back from their respective Long Street frontages. Number 96 (the Bank) has a two storey range to its rear, but this falls short of reaching the rear boundary of the premises beyond which is the application site. To the rear of number 94 (the café) is a longer two storey range and this extends back to the application site boundary. The walled Old Bank Garden to the rear has a stepped pedestrian access through to the Beech House garden. Adjoining this walled garden and to the east is the former telephone exchange building. Vehicular access is obtained from North Street to a parking and access yard at the rear of numbers 98 and 100 Long Street for a small number of cottages and residential conversions of these frontage properties. At the rear of 98 Long Street there is one small one and a half storey rear range giving way to a more recent two storey range. At the rear of 100 is a wide large single storey range. There are one and a half storey cottages tucked in behind this. Numbers 98, 100, 102 and 108 Long Street are all Grade 2 Listed Buildings. The ground level of the Long Street properties is at a lower level than that of North Street and hence the land rises in a series of different levels towards North Street. The overall height difference is about 1.3 metres.

The site is wholly within the Atherstone Conservation Area.

### **b) The Proposals**

In short this is to construct three cottages within the rear walled garden. One, a two bedroom property would adjoin the end of the existing range at the rear of the Bank. It would measure 5.5 by 8 metres and be 7.4 metres to its ridge. It would be single aspect facing west with only roof lights in its eastern elevation. Its northern gable would also provide fenestration at both ground and first floor levels. The other two, again both with two bedrooms would be constructed as one range extending back from the café at Bakers Croft. The closest to the existing would measure 9.5 by 4.8 metres and be 7.1 metres to its ridge. It would have openings in its east facing elevation as well as its southern facing elevation. The third cottage would adjoin this. It would measure 9.6 by 4.8 metres and be 7.2 metres to its ridgeline. It would have openings in its east and north facing elevations.

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

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

The site is wholly within the Atherstone Conservation Area

The Proposals are illustrated at Appendices E and F.

## **108 Long Street**

### **a) Introduction**

This is a three storey listed building that fronts Long Street close to its junction with Ratcliffe Street. It lies between the buildings presently occupied by TNT and the former WCC offices. It has rear ranges extending back into a long rear yard. A more recent residential block – containing two units - sits at the immediate rear of the premises beyond which is the rear yard from where vehicular access is gained from North Street. The offices of the Town Council are immediately adjacent to this rear access. The car park to the WCC offices is located between the site and Ratcliffe Road. The main building at 108 has a shop at the ground floor frontage with Long Street and its upper floors together with the recent block are now in residential use – 9 apartments. The site slopes down from North Street to the more recent block at the rear of Long Street – a drop of around 1.3 metres.

The site is wholly within the Atherstone Conservation Area

### **b) The Proposals**

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

No car parking provision is to be made.

The proposals are illustrated at Appendices G and H.

## **Summary of the Combined Proposals**

Beech House would be repaired and restored such that it could be used as now, as a single dwelling house. The combined proposals add up to eight new dwellings. This is

through the construction of five new dwellings – at 108 and in the Bank Gardens – together with three new dwellings created through conversion of the former telephone exchange building. These would comprise four one bedroom units and four two bedroom units. No new car parking is proposed.

No affordable housing is proposed or an off-site contribution in lieu.

The applicant is saying that the cost of the repairs and restoration of Beech House is such that it would still not create a property with sufficient value to sell on the open market. Additional development is thus required to “enable” value to be created in order to cover the cost of the deficit arising from the Beech House situation.

## **Background**

Beech House has remained vacant for over ten years. It was last used as a single dwelling house. The current applicant acquired it and his first proposal to change its use to office accommodation was refused, with this decision being upheld at appeal in 2005.

In recent years there have been applications submitted individually for the proposals described above at 108 Long Street; the former telephone exchange and at Old Bank Gardens. These have all been refused planning permission and appeals have been dismissed – in 2012, 2010 and in 2009 respectively. Copies of the decision letters are attached at Appendices I to L.

More recently the applicant’s attention has focused on Beech House itself as in short it was losing value due to the economic downturn. An application to provide a vehicular access into the rear garden off North Street was submitted in order to make it more “attractive”, but this was refused due to the adverse heritage impact of breaching the garden wall and having cars parked in the rear garden. More recently an application was submitted in 2010 to convert the house into three apartments including a rear extension to provide a new stairwell to access the upper floors. This was accompanied by other applications as a “package”. It was argued that these other developments would enable the works to Beech House. These other applications were equivalent to the ones now submitted. However all of these applications were withdrawn in late 2014, having been recommended for refusal. It was considered that the harm to Beech House as a consequence of the proposed sub-division was too great in itself to warrant any support.

The current package of applications has been submitted as a consequence of this withdrawal.

## **The Differences**

There are a number of differences between the proposals withdrawn in late 2014 and the current submissions. These are:

- Retention of Beech House as a single dwelling house with no internal subdivision or external extension and its rear walled garden retained intact.
- Conversion of the former telephone exchange into three rather than two one bedroom dwellings. The former proposals included garage space for the use of Beech House with a new pedestrian access through the rear wall into the garden.
- Two of the new dwellings in Old Bank Gardens to be constructed in a single range rather than as two detached houses.

## **Development Plan**

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

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration); ENV4 (Trees and Hedgerows), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage and Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

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

English Heritage Policy Statement on Enabling Development – 1999

English Heritage Statement on the Conservation of Heritage Assets and Guidance on Enabling Development and the Conservation of Significant Assets – 2008

The Atherstone Conservation Area Designation Report - 1994

The Draft Atherstone Conservation Area Appraisal- 2006

## **Observations**

At this stage this report is for information so as to acquaint Members with the recent applications. A full determination report will be prepared in due course once the consultation responses have been received and the proposals assessed against Development Plan policy and the National Planning Policy Framework. The previous report set out in full detail the various criteria in respect of assessing a proposal that caused harm to the significance of a heritage asset – Beech House. That may not be necessary in respect of the current proposals as they do not involve alteration or change to Beech House. However the scope and scale of the repair and restoration work will still require assessment to ascertain if there is any harm to the significance of the asset. If not, then the Board will have to consider the prospect of enabling development in order to cover the cost of that refurbishment and restoration. Historic England’s guidance will thus come into consideration here. If that is favourable then the Board will need to assess whether the overall benefit of retaining a restored Beech House outweighs any other harm that might be caused to other heritage assets as a consequence of the enabling development itself. The final report will therefore have to deal with the proposals in a number of steps. At this stage however, Members are asked to note that the current proposals do represent a materially different starting position from previous cases – that of retaining Beech House as a single dwelling.

## **Recommendation**

That the applications be noted at the present time.

## BACKGROUND PAPERS

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

Planning Application Nos: PAP/2015/0344 – PAP/2015/0284 – PAP/2015/0375 – PAP/2015/0283 and PAP/2015/0285

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	31/7/15

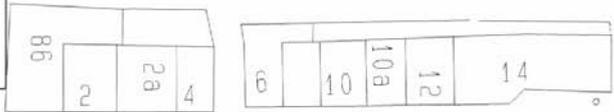
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.*



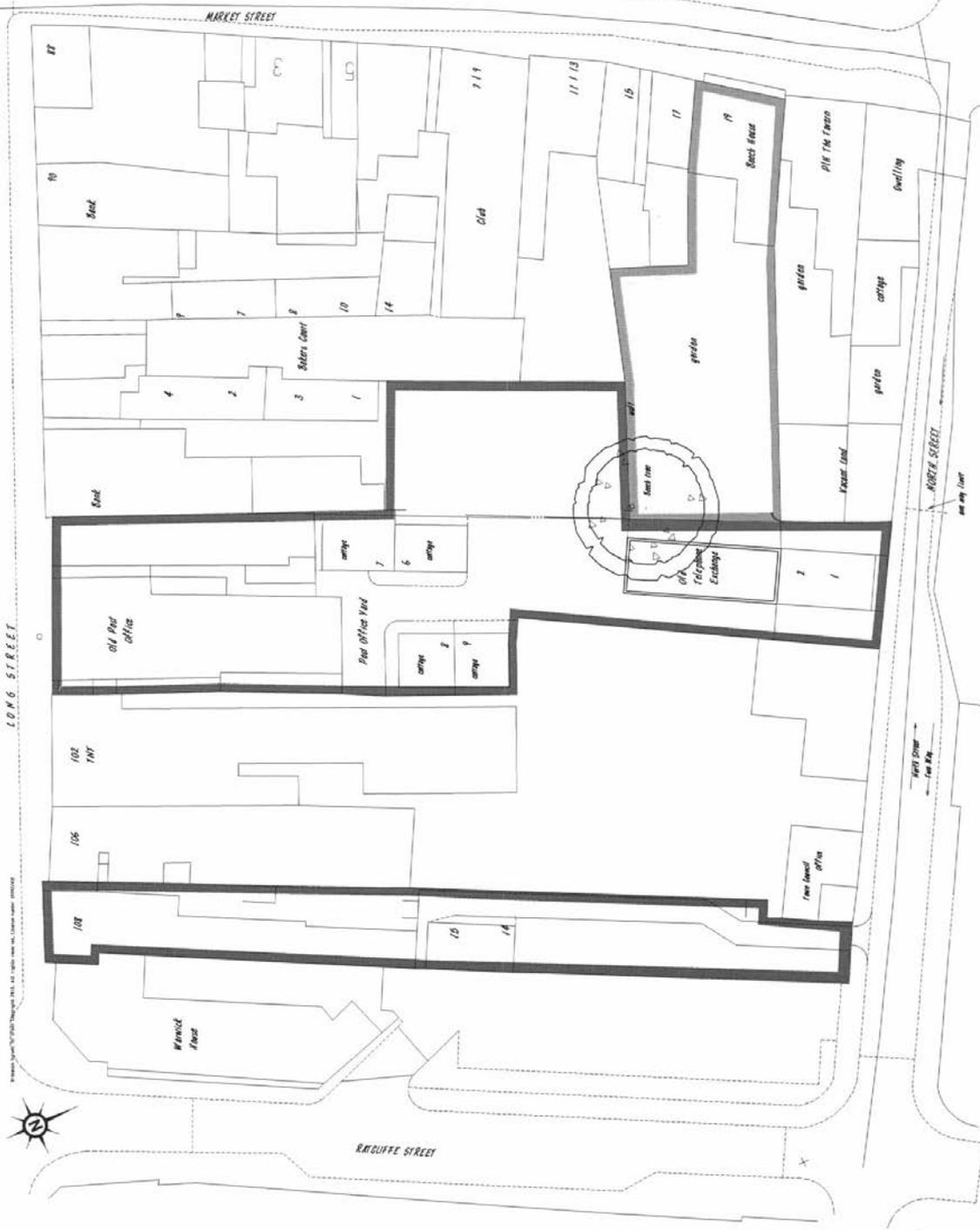
# APPENDIX A

PAP/2015/03344



RECEIVED
31/07/2015
PLANNING & DEVELOPMENT
DIVISION

141-043  
 Arup Construction Ltd  
 Land Between North Street & South Street  
 Aberdeen  
 Block 1 of 200  
 741-04 8



LONG STREET

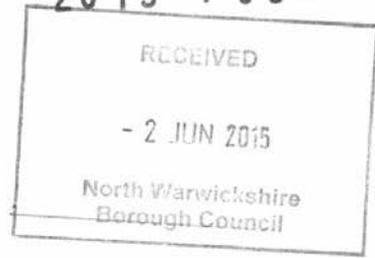
MARKET STREET

RALPH STREET

NORTH STREET



2015 / 0344



22<sup>nd</sup> April 2015

**BEECH HOUSE**

**SCHEDULE OF WORKS**

This schedule has been prepared following a detailed inspection of the premises noting the present condition and identifying, aside from obvious repair, the preventative maintenance and refurbishment that can be carried out now to ensure the longevity of the building.

Somewhat obviously, the majority of the higher cost items are concerned with exterior repair and refurbishment together with comprehensive damp prevention measures and the provision of modern utility installations.

Aside from the necessity to provide modern utilities however, the repair and refurbishment seeks to replace like for like and, in many cases, actually strives to reinstate certain original features that have been lost in recent decades.

All areas are to be fully photographed and recorded prior to commencement of works.

**LOWER GROUND**

**See General Notes – Damp Eradication and Prevention**

**Kitchen**

- 1 Lift and relay ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring with waterproof membrane. Replace existing ceramic tiles wherever possible and use reclaimed tiles to replace any areas that are broken or unsalvageable.
- 2 Refurbish original door, frame and glazed top lights together with door furniture and over door shelf. **(See General Note – Internal Joinery)**
- 3 Remove remaining wall panel and set aside for reinstallation. Hack off existing perished lime based plasterwork and replace with traditional type material to existing specification.
- 4 Remove and replace lath and plaster ceiling ensuring that existing ceiling height is maintained
- 5 Repair/replace 2 No. windows (these are not original) to the present specification. **(See General Note – Internal Joinery)**
- 6 Refurbish hooks and beam above windows.
- 7 Clean and refurbish fireplace and associated flue and mantel shelf.
- 8 Clean and clear alcove flue associated with absent baking oven.
- 9 Refurbish narrow spit rack cupboard

COST

**Sub Total £4,100.00**

**Cool Store**

- 1 Refurbish/ repair door and frame and re-hang door.
- 2 Take up and relay ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane. Replace existing ceramic tiles wherever possible and use reclaimed tiles to replace any areas that are broken or unsalvageable.
- 3 Repair/refurbish 1 No. window to the present original specification.
- 4 Remove and replace lath and plaster ceiling ensuring that existing ceiling height is maintained. Refurbish and reinstall meat hooks.
- 5 Repair and refurbish 2 No. meat lockers and associated interior and exterior shelving to original specification.

**Sub Total £1,450.00**

**Larder**

- 1 Refurbish/repair door frame and construct new door to replace the missing original.
- 2 Take up and relay brick and screed floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane. Replace existing bricks wherever possible and use reclaimed brick to replace any areas that are broken or unsalvageable.
- 3 Clean off and repair lime-washed brick walls replacing any damaged bricks with reclaimed materials.
- 4 Refurbish/repair exposed ceiling beams and joists (**See General Note – Floors and Ceilings – Structural Timbers**)

**Sub Total £1,450.00**

**Beverage Cellar**

- 1 Refurbish/repair door frame and construct new door to replace the missing original. Also refurbish/repair horizontal board and stud partitioning adjacent to doorway.
- 2 Take up and relay screed floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane.
- 3 Clean off and repair lime-washed brick walls replacing any damaged bricks with reclaimed materials.
- 4 Refurbish/repair exposed ceiling beams and joists (**See General Note – Floors and Ceilings – Structural Timbers**)

**Sub Total £1,300.00**

**Lower Ground Floor Hallway**

- 1 Refurbish/repair stud framed and boarded partition
- 2 Remove and replace asbestos ceiling ensuring that existing ceiling height is maintained
- 3 Take up and relay ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane.

**Sub Total £1,150.00**

**Scullery**

- 1 Refurbish/repair brick steps to upper floor replacing any damaged bricks with reclaimed materials
- 2 Refurbish/ repair door and frame and re-hang door.
- 3 Take up and relay the brick and ceramic tiled floor after removal and replacement of perished substructure with appropriate flooring incorporating waterproof membrane. Replace any damaged bricks or tiles with reclaimed materials.
- 4 Repair/refurbish 1 No. window to the present original specification.
- 5 Refurbish/repair exposed ceiling beams and joists (**See General Note – Floors and Ceilings – Structural Timbers**) also remove and replace lath and plaster ceiling ensuring that existing ceiling height is maintained.
- 6 Remove existing stone sink and supports prior to floor reinstatement, repair/refurbish as required and reinstate in the same location upon completion of the work.
- 7 Refurbish/repair redundant internal light share window between scullery and lower ground floor hallway to original specification.

**Sub Total £3,500.00**

**GROUND FLOOR**

**Entrance Hallway**

- 1 Refurbish/repair internal faces of the entrance door joinery and over fanlight together with the adjacent sash window (**See General Note – Internal Joinery**)

- 2 Refurbish/repair paneling, architraves, skirting and dado (**See General Note – Internal Joinery**)
- 3 Refurbish/repair and refinish oak floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 4 Refurbish/repair/ refinish corner fireplace including hearth and firebox and clean flue and chimney
- 5 Refurbish/repair Reception Room door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 6 Repair/replace plaster wall finishes as required (**See General Note – Internal Wall and ceiling finishes**)

**Sub Total £3,100.00**

**Front Reception Room**

- 1 Carefully remove and set aside wall paneling and associated skirting, dado and bolection moulding.
- 2 Hack off and replace damaged, addled or damp affected sub panel render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Refurbish/repair open fronted cabinets (**See General Notes – Joinery Internal**)
- 4 Repair/refurbish 2 No. windows to the present original specification (**See General Note – Internal Joinery**)
- 5 Refurbish/repair/ refinish corner fireplace including hearth and firebox and clean flue and chimney
- 6 Refurbish/repair and refinish oak floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)

**Sub Total £5,450.00**

**Inner Staircase Hallway**

- 1 Refurbish/repair paneling, hallway side of dining room door, architraves, skirting, dado and cupboards flanking the approach to the kitchen (**See General Note – Internal Joinery**)
- 2 Refurbish/repair and refinish oak floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)

- 3 Remove existing louvred door to former servant's stairwell and recreate staircase using traditional methods to replicate the removed original.
- 4 Repair/refurbish 1 No. window to the present original specification.

**Sub Total £4,500.00**

#### **Kitchen**

1. Replace 20<sup>th</sup> C door with new door manufactured to original period specification
2. Repair/refurbish 1 No. window to the present original specification (**See General Note – Internal Joinery**)
3. Strip out existing fittings and hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
4. Remove existing floor covering and refurbish/repair and refinish floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 5 Replace floor covering with ceramic tile to period specification and style
- 7 Install modern fitted kitchen with heritage style units, fixtures and fittings

**Sub Total £20,200.00**

#### **Rear Vestibule**

1. Replace 20<sup>th</sup> C rear exit door with new door manufactured to original period specification
2. Repair/refurbish 1 No. window to the present original specification.
3. Refurbish/repair serving hatch (**See General Notes – Joinery**) **Internal**

**Sub Total £1,250.00**

#### **Dining Room**

1. Refurbish/repair rear side of Dining Room door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

- 3 Remove existing floor covering and refurbish/repair and refinish floorboards **(See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)**
- 4 Repair/refurbish 1 No. window and 1 No. glazed door to the present original specification **(See General Note – Internal Joinery)**
- 5 Refurbish/repair/ refinish fireplace including hearth and firebox and clean flue and chimney

**Sub Total £4,800.00**

**Staircase Stairwell & Half Landings to all Floors**

1. Remove and set aside the wall paneling and mouldings reinstating on completion of stairwell and staircase remedial works.
2. Hack off and replace damaged, addled or damp affected render/plasterwork to walls and soffits replacing the same to traditional specification **(See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes)**
3. Remove existing floor covering and refurbish/repair and refinish floorboards **(See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)**
4. Repair/refurbish entire string, balusters, handrails and bearers **(See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)**
5. Repair/refurbish 1 No. window to the present original specification **(See General Note – Internal Joinery)**
6. Refurbish/repair stairwell/landing side of door frames and doors (10 No.) and associated fittings giving access to first and second floor rooms **(See General Note – Internal Joinery)**

**Sub Total £9,400.00**

**FIRST FLOOR**

**Front Bedroom**

- 1 Remove existing floor covering and refurbish/repair and refinish floorboards **(See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers)**
- 2 Repair/refurbish 2 No. window to the present original specification **(See General Note – Internal Joinery)**
- 3 Refurbish/repair room side of door frame and door and associated fittings **(See General Note – Internal Joinery)**
- 4 Refurbish/repair/ refinish corner fireplace including hearth and firebox and clean flue and chimney

- 5 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

**Sub Total £2,550.00**

#### **Front Reception Room**

- 1 Carefully remove and set aside wall paneling and associated skirting, dado and bolection moulding.
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Refurbish/repair room side of door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 4 Remove existing floor covering and refurbish/repair and refinish floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 5 Repair/refurbish 3 No. windows to the present original specification (**See General Note – Internal Joinery**)
- 6 Refurbish/repair/ refinish fireplace including hearth and firebox and clean flue and chimney
- 8 Refurbish/repair and refit all wall paneling, skirting, dado and mouldings including the cupboard

**Sub Total £7,250.00**

#### **Bathroom**

- 1 Repair/refurbish 1 No. window and lightshare to the present original specification (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Remove and replace existing bathroom fittings replacing the same with an appropriate period style suite with commensurate floor covering and wall tiling
- 4 Reaffix service bell to wall after completion of works
- 5 Remove 1960's door furniture and replace with period style or reclaimed fittings

**Sub Total £1,225.00**

**Lavatory**

- 1 Repair/refurbish 1 No. window and lightshare to the present original specification (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Remove and replace existing bathroom fittings replacing the same with an appropriate period style suite with commensurate floor covering and wall tiling
- 4 Remove 1960's door and replace with period style or reclaimed door to match door patterns of adjacent rooms

**Sub Total £875.00**

**Rear Bedroom**

- 1 Refurbish/repair room side of door frame and door and associated fittings (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
- 3 Remove existing floor covering and refurbish/repair and refinish floorboards (**See General Notes – Internal Joinery and Floors and Ceilings – Structural Timbers**)
- 4 Repair/refurbish 1 No. window and fanlight to the present original specification (**See General Note – Internal Joinery**)

**Sub Total £2,400.00**

**SECOND FLOOR**

**Front Bedroom**

- 1 Refurbish/repair room side of door frames and doors and associated fittings (**See General Note – Internal Joinery**)
- 2 Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)

3 Remove existing floor covering and refurbish/repair and refinish floorboards  
(See General Notes – Internal Joinery and Floors and Ceilings –  
Structural Timbers)

4 Repair/refurbish 1 No. window to the present original specification (See  
General Note – Internal Joinery)

**Sub Total £1,700.00**

**Front Bedroom**

1 Refurbish/repair room side of door frames and doors and associated fittings  
(See General Note – Internal Joinery)

2 Hack off and replace damaged, addled or damp affected render/plasterwork  
to walls and ceilings and replacing the same to traditional specification (See  
General Notes – Damp Eradication and Prevention, Floors & Ceilings –  
Structural Timbers and Remedial Wall and Ceiling Finishes)

3 Remove existing floor covering and refurbish/repair and refinish floorboards  
(See General Notes – Internal Joinery and Floors and Ceilings –  
Structural Timbers)

4 Repair/refurbish 1 No. window to the present original specification (See  
General Note – Internal Joinery)

**Sub Total £1,700.00**

**Rear Bedroom**

1 Refurbish/repair room side of door frames and doors and associated fittings  
(See General Note – Internal Joinery)

2 Hack off and replace damaged, addled or damp affected render/plasterwork  
to walls and ceilings and replacing the same to traditional specification (See  
General Notes – Damp Eradication and Prevention, Floors & Ceilings –  
Structural Timbers and Remedial Wall and Ceiling Finishes)

3 Remove existing floor covering and refurbish/repair and refinish floorboards  
(See General Notes – Internal Joinery and Floors and Ceilings –  
Structural Timbers)

4 Repair/refurbish 1 No. window to the present original specification (See  
General Note – Internal Joinery)

**Sub Total £1,700.00**

**Bathroom**

1 Refurbish/repair room side of door frames and doors and associated fittings  
(See General Note – Internal Joinery)

2. Repair/refurbish 1 No. window to the present original specification (**See General Note – Internal Joinery**)
3. Hack off and replace damaged, addled or damp affected render/plasterwork to walls and ceilings and replacing the same to traditional specification (**See General Notes – Damp Eradication and Prevention, Floors & Ceilings – Structural Timbers and Remedial Wall and Ceiling Finishes**)
4. Remove and replace existing bathroom fittings replacing the same with an appropriate period style suite with commensurate floor covering and wall tiling.

**Sub Total £850.00**

## **EXTERIOR**

### **Elevations**

1. Clean off all elevations and chimney stacks carefully removing paintwork from stone dressings, banded rustication, columns, modillions, string and keystones.
2. Rake out any perished pointing to the cleaned brickwork and cut out any individually failed or friable bricks replacing with handmade or reclaimed equivalent. Re-point where necessary with traditional mortar.
3. Repair any areas of friable or failing stone to banded rustication, columns, strings and keystones together with the stone lower floor elevation facing material.
4. Clean off and restore low frontage wall, railings and gate ensuring that metal surfaces are thoroughly cleaned and corrosion inhibited prior to eventual redecoration

**Sub Total £26,750.00**

### **External Joinery & Rainwater Goods**

1. Overhaul the exterior surfaces of all existing windows and doors to the present original specification (**See General Note - External Joinery**)
2. Remove, and thoroughly overhaul all rainwater goods including gutters hopper heads and downspouts ensuring that metals surfaces are thoroughly cleaned and corrosion inhibited prior to eventual decoration.

**Sub Total £5,400.00**

### **Main Roof Structure**

1. As a contingency allow for the repair of 50% of the rafters, ridge boards and purlins.
2. Carefully strip the roof tile covering and clean and set aside all existing tiles on end at ground floor level discarding any that exhibit cracks or delamination

along their length sourcing replacement similar reclaimed or new equivalent clay tiles.

3. Remove all battens and renew with new battens and counter battens on Tyvek or similar underlay. Refit roof tiles with new Code 5 rolled lead corner cappings to hips, dormers and chimney stacks.

**Sub Total £41,750.00**

#### **Redecoration**

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

**Sub Total £17,800.00**

### **GENERAL NOTES**

#### **Internal Joinery**

Overhaul and repair and/or replace all internal joinery to its original specification. In the case of doors and cupboards these shall be adjusted and lubricated as necessary to achieve a good fit in both the open and closed positions and ensure free movement in relation to fixed surrounds. Broken, distorted or poorly fitting catches, hinges and other furniture shall be repaired or replaced to match the original pattern.

Where windows require removal to facilitate repair then overhaul the internal faces of windows will be included as part of **External Joinery**. Where windows do not require removal then repairs will extent so as to provide a fully operational and weather tight window. All mechanisms, hinges and catches etc are to be lubricated and replaced as necessary to achieve a good fit in both open and closed positions and ensure free movement in relation to fixed surrounds.

Paneling, architraves, skirting, dado railing and some staircase components will be required to be removed as part of the process of removal and replacement of defective plaster and render. Removal should be carefully carried out marking the position of each component to ensure accurate replacement. Whilst not in situ, all components are to be cleaned, refurbished/refinished with any rot affected areas cut out and replaced with material to match the original pattern.

Where floor boarding is not required to be removed as part of repairs necessary under the category of **Floors and Ceilings – Structural Timbers** then overhaul will involve the lifting and relaying of any uneven and warped boards ensuring that they reinstated to their original locations so far as practicable. Any rot or beetle infestation affected timbers will be replaced with suitable reclaimed boards of similar material and dimensions. Where margins were intended to be exposed, i.e. to the periphery of the main rooms, those areas will be traditionally re-stained and polished on completion of refurbishment.

#### **External Joinery**

Overhaul and repair and/or replace all external joinery including front main, side servants and rear entrance doorways cutting out any areas of rot affected timber and replacing the same using traditional methods. Broken, distorted or poorly fitting catches, hinges and other furniture shall be repaired or replaced to match the original pattern.

Overhaul all windows to include repairing the window sashes, frame and cill to provide a fully operational and weather tight window. All balances, weights, pulleys, mechanisms, hinges, catches, keeps, cords and chain to be adjusted, lubricated and replaced as necessary to achieve good fit in both open and closed positions and ensure free movement in relation to fixed surrounds. Where sections of sash box, window frame, cill member, sash/casement frame, parting beads and stops are rotten, damaged or missing, if in situ or off site repairs to the damaged elements are not possible then wholly or partially replace sections to match existing and to provide a permanent repair for the lifetime of the window.

#### **Damp Eradication & Prevention**

Damp eradication will be implemented following the removal of damp affected areas of plaster and render and will centre predominately upon the lower floor basement and the flanking join at the roof verge between the adjacent premises at number 17 and the Market Tavern.

The sub ground level basement will benefit from a tanking method of preventing penetrating and rising damp to be applied whilst the surface finishes of the wall are removed. A similar technique will be employed at the junction of the adjoining roof verges.

A traditional damp proof course will be applied above ground level to eliminate the possibility of rising damp.

All damp prevention work will be carried out according to the recommendations of a specialist contractor.

**Sub Total £26,750.00**

#### **Floors & Ceilings – Structural Timbers**

A full examination of the structural timbers that provide the necessary support to the floors and ceilings will be required as part of the refurbishment, particularly where such timbers are primary supported by walls presently affected by damp.

The timbers present are largely reclaimed from earlier structures and contingency should allow for 25% replacement/repair for defects including rot, beetle infestation and shakes.

On completion of any remedial work and prior to the reinstallation/replacement of any floor or ceiling finishes, all timbers are to be treated to prevent any further rot or beetle infestation.

**Sub Total £19,300.00**

**Sub Total £6,750.00**

**Health & Safety Plan**

Preparation of a Construction Phase Health & Safety Plan to incorporate method statements and risk assessments for each phase of work

**Sub Total £2,500.00**

**Scaffolding**

Provision of hire scaffolding for 30 weeks at £650.00 per week

**Sub Total £19,500.00**

**Total Cost of Works**

**£356,090.00**

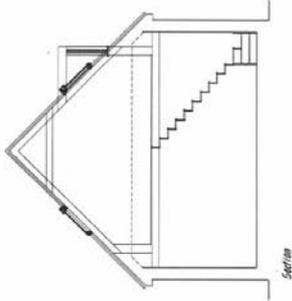
APPENDIX C



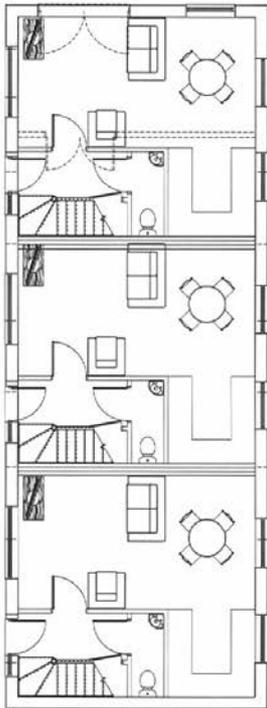
APPENDIX D

PAP/2015/0214

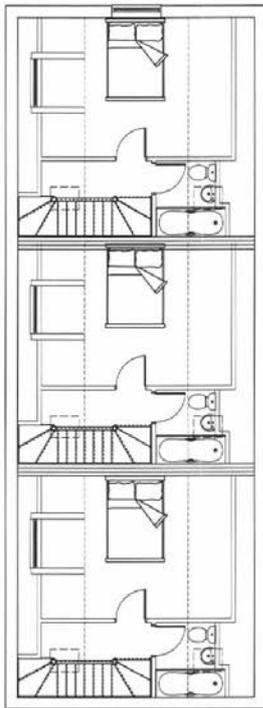
741-31  
Arrigo Construction Co  
Post Office Yard North Street  
Aberdeen  
Er Telephone Exchange  
Scale 1 : 50  
As Proposed



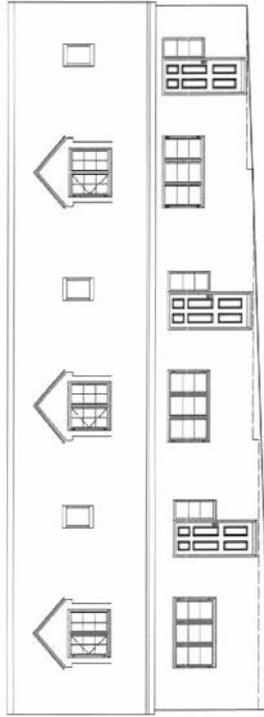
Section



Ground Floor Plan

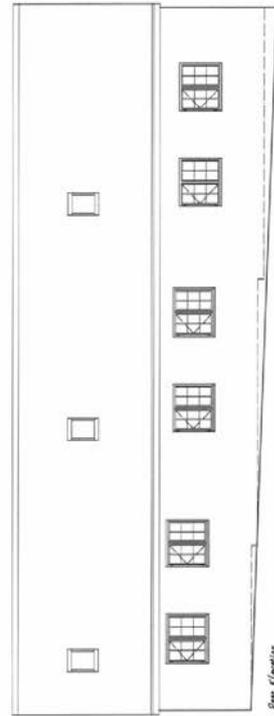


First Floor Plan

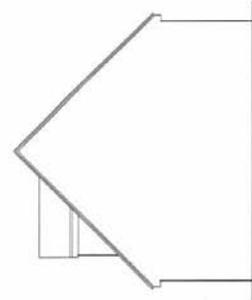


Front Elevation

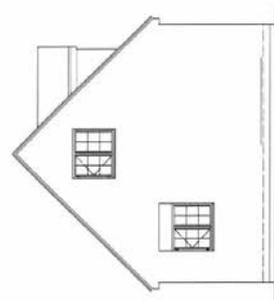
RECEIVED  
31072015  
PLANNING & DEVELOPMENT  
DPT/2015



Side Elevation

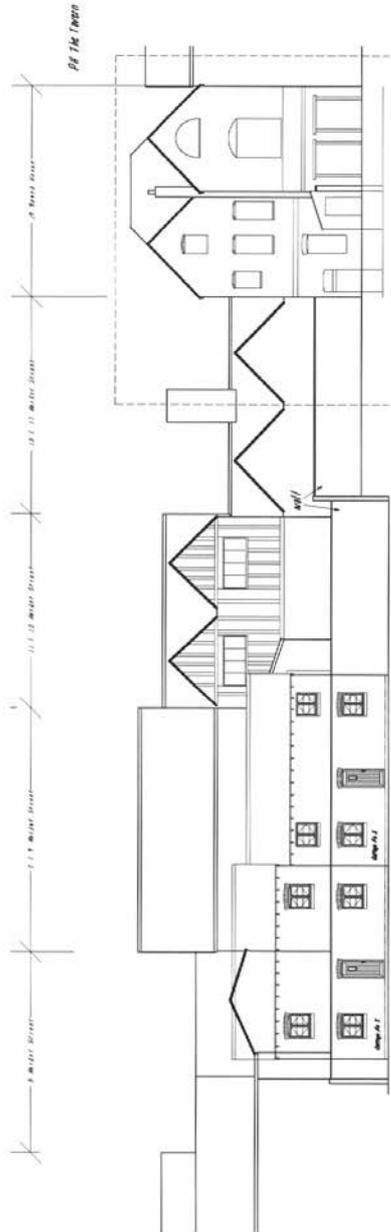


Elevation N. facing Gable

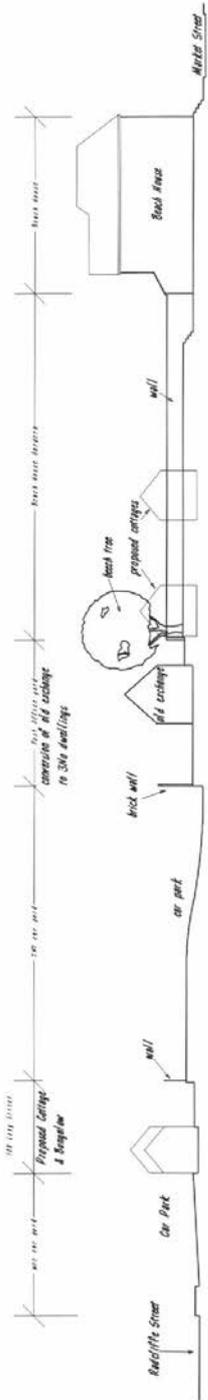


Elevation Facing Long Street





Bank Street Campus

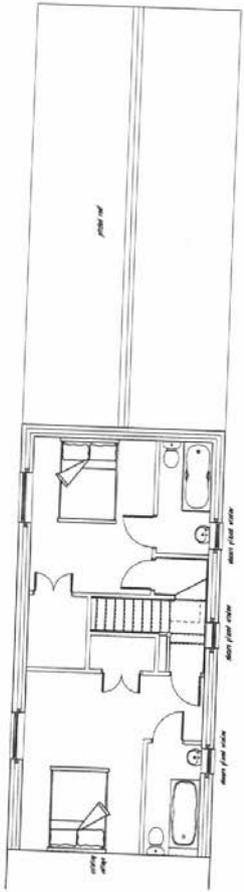
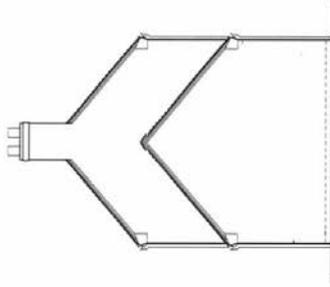


Redcliffe Street, Market Street, General Section

741-141  
 Arup Construction Ltd  
 Civil Services  
 Plan of 14/16 Long Street  
 Machine  
 Elevations & Section  
 Scale 1:100 & 1:200

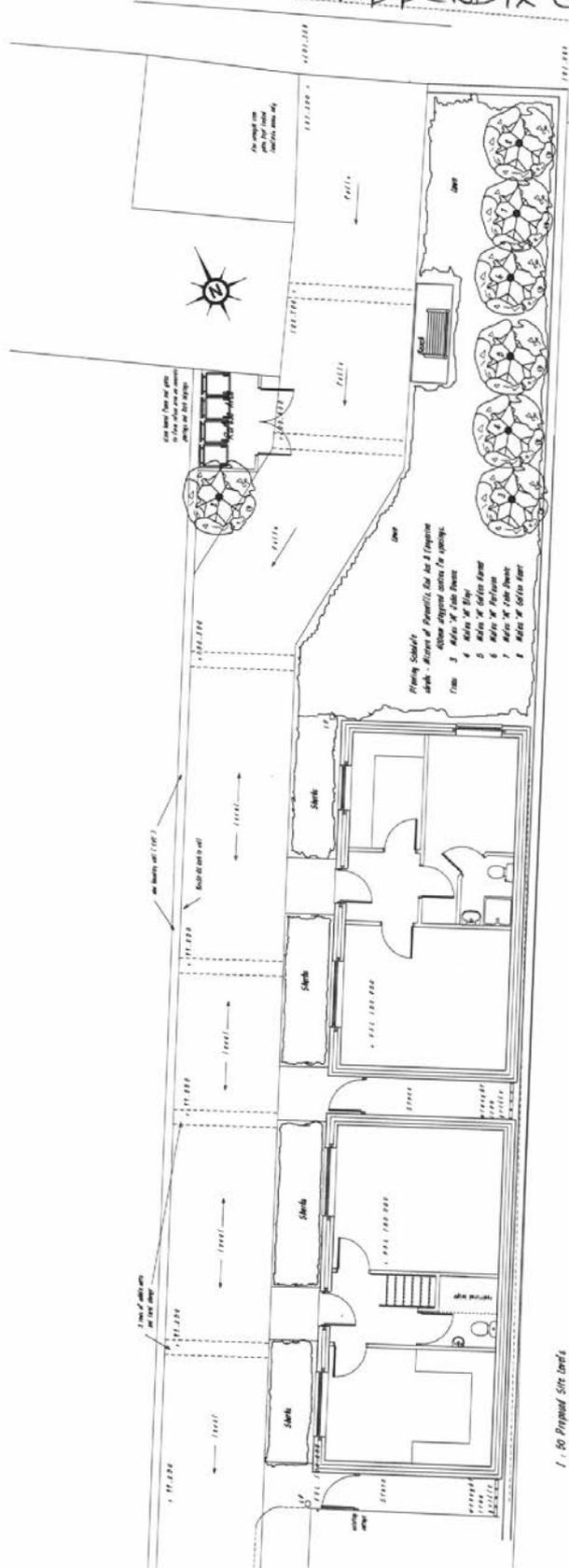
P-AP/20150285

7/1/21  
SITE LAYOUT and PLANS  
Arroyo Construction Co  
Rear of 100 Long Street  
Alhambra  
Scale 1" = 50'



PLANNING AND ARCHITECTURE  
3107 W. 10TH ST  
LOS ANGELES, CA 90007  
PLANNING AND ARCHITECTURE  
3107 W. 10TH ST  
LOS ANGELES, CA 90007

# APPENDIX G

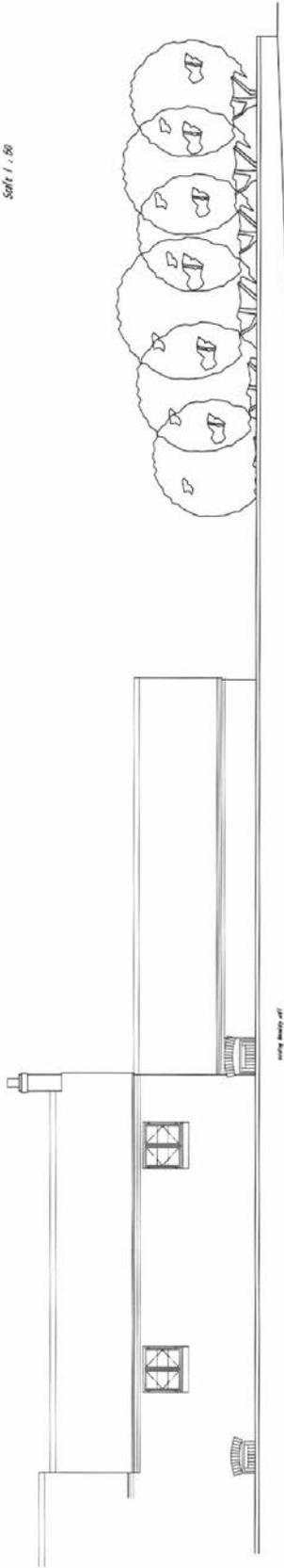


- Planting Schedule  
 1. 10' x 10' x 10' (10' x 10' x 10')  
 2. 10' x 10' x 10' (10' x 10' x 10')  
 3. 10' x 10' x 10' (10' x 10' x 10')  
 4. 10' x 10' x 10' (10' x 10' x 10')  
 5. 10' x 10' x 10' (10' x 10' x 10')  
 6. 10' x 10' x 10' (10' x 10' x 10')  
 7. 10' x 10' x 10' (10' x 10' x 10')  
 8. 10' x 10' x 10' (10' x 10' x 10')

1" = 50' Proposed Site Area

PAP0100285

741-22  
Angeles Construction Ltd  
Rise of 108 Long Street  
Melbourne  
Elevation  
Sheet 1 of 50



Pacific Street Elevation

RECEIVED  
31/07/2015  
TEARAWANG & ASSOCIATES ARCHITECTS  
MELBOURNE



Internal View Elevation

APPENDIX H.



## Appeal Decision

Site visit made on 20 January 2009

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

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

The Planning Inspectorate  
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Bristol BS1 6PN

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Decision date:  
11 February 2009

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

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

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

#### Decision

1. I dismiss the appeal.

#### Main issues

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

#### Reasons

##### *Character and appearance*

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

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

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

*Listed buildings*

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

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

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

*Living conditions*

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

**Conclusions**

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

*E A Hill*

INSPECTOR

**RECEIVED**  
28 SEP 2010



**Appeal Decision**

Site visit made on 13 September 2010

by **Graham C Cundale BA(Hons) MSc**  
MRTPI MIEEM

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

The Planning Inspectorate  
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Bristol BS1 6PN

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email: enquiries@pins.gov.uk

Decision date:  
27 September 2010

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

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

**Decision**

**1. I dismiss the appeal.**

**Preliminary matter**

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

**Main issues**

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

**Reasons**

*Amenities*

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

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

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

*Character and appearance*

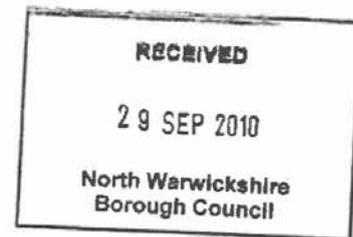
6. I find that the above-mentioned beech tree is an important, well-formed and attractive feature that contributes very positively to the mature character and appearance of the Conservation Area. It is protected by a Tree Preservation Order. The appellant's tree survey describes the tree as an excellent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

*Other matters and overall conclusion*

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

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

  
Inspector





## Appeal Decision

Site visit made on 13 September 2010

by **Graham C Cundale BA(Hons) MSc**  
MRTPI MIEEM

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

The Planning Inspectorate  
4/11 Eagle Wing  
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Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
1 October 2010

**Appeal Ref: APP/R3705/A/10/2123414**

**Bank Gardens, rear of 94/96 Long Street, Atherstone CV9 1AP**

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

### Decision

1. **I dismiss the appeal.**

### Procedural matters

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

### Main issues

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

### Reasons

#### *Character and appearance*

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

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

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

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

*Road safety*

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

*Conclusion*

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

*G C Cundale*

Inspector



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## Appeal Decision

Site visit made on 9 January 2012

by **Alan M Wood MSc FRICS**

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

Decision date: 24 January 2012

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

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

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

### Decision

1. The appeal is dismissed.

### Procedural Matter

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

### Application for costs

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

### Main Issues

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

### Reasons

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

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

6. Although these open spaces have been compromised to some degree by subsequent development, open areas are still evident within the 'Back Lands' in this part of the Conservation Area. In this regard, I concur with the Inspector's comments in relation to an appeal<sup>1</sup> at 98 Long Street where she asserted that the open areas are important in maintaining the locally distinctive urban form of the central area of the town. The appeal site remains as open land and is currently in the form of a car park which was required by conditions attached to the permission when the rear of the retail unit to No 108 was established as apartments. A subsequent appeal decision<sup>2</sup> however removed the need for the provision of car parking relating to the development. I observed that the site materially contributes to the open setting at the junction of North Street and Ratcliffe Street.
7. The appeal proposal, which indicates a development of two attached dwellings extending from the rear elevation of the apartments, was preceded by a number of proposals to develop the plot in a similar manner with a terrace of three dwellings. These were resisted by the Council because of their height, length and scale. The proposed development would be reduced in size in comparison to the previous proposals. However, from my observations, the introduction of the proposed dwellings, because of their length and overall scale, would, in my judgement, still unacceptably detract from the openness of this 'Back Lands' site and its wider setting.
8. Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) promotes the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It also requires decision makers to treat favourably proposals which preserve those elements of the setting of heritage assets (e.g. Conservation Areas) that make a positive contribution to the significance of the asset. In this case the openness of this area of 'The Back Lands' would be unacceptably eroded thereby harming the local distinctiveness of the surrounding area and the setting of the Conservation Area.
9. The proposed dwellings would also significantly obstruct the views across the site, particularly from Ratcliffe Street, to the rear facades of Nos 11 and 13 Market Street, both Grade II Listed Buildings. The Inspector, in a recent appeal decision<sup>3</sup> relating to Nos 94/96 Long Street, referred to these rear elevations as being impressive and interesting for their visual amenity and architectural interest. From my observations, I agree with him. The proposal would therefore further harm the setting of this part of the Conservation Area. Where harm has been identified, PPS5 requires that it be weighed against the benefits of the development. In this case there are no significant benefits which would outweigh the harm.
10. Consequently the proposed dwellings would fail to preserve the elements of its setting which make a positive contribution to the Conservation Area. The proposal would therefore fail to preserve or enhance the character or

<sup>1</sup> APP/R3705/A/08/2079002

<sup>2</sup> APP/R3705/A/08/2079008

<sup>3</sup> APP/R3705/A/10/2123414

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

**Conclusion**

11. Accordingly, I find that the proposed development would conflict with PPS5, and Policy ENV15 of the North Warwickshire Local Plan (2006) which requires that new development should not have a harmful effect on the character, appearance or setting of a Conservation Area and should harmonise with its setting.
12. Having taken full account of all of the matters before me, for the reasons given above, the appeal does not succeed.

  
Inspector

**(9) Application No: PAP/2015/0481**

**Recreational Field, Hurley Common, Hurley,**

**Variation of condition no: 2 of planning permission ref: PAP/2015/0100 relating to the creation of a overflow car park, increase height of boundary fence and amend the location of the pit head winding wheel amendments to the proposal; in respect of Development of Erection of new changing room pavilion, junior football pitch, improved access and car park, for**

**Ms Alethea Wilson - North Warwickshire Borough Council**

**Introduction**

The application is referred to the Board as the Council is both applicant and land owner.

**Background**

Planning permission was granted for the refurbishment of this former and dis-used recreation ground in April 2015. Work has commenced and the current application seeks a number of amendments.

**The Proposals**

These are threefold and are illustrated on the plan at Appendix A.

Firstly it is proposed to extend the car park at the northern end of the site so as to provide 21 extra spaces with a surfacing of recycled road planings. The additional space is to allow for overflow parking when tournaments are held here.

Secondly, it is proposed to increase the height of the southern boundary fence where there is a public footpath. It would be increased from 1.8 to 2.4 metres but remain as a welded mesh fence. This is add security by decreasing the likelihood of trespass

Thirdly it is proposed to re-locate the Daw Mill pithead winding wheel from the main entrance gateway to the south-west corner of the field. This is to make the wheel more visible throughout the whole site and to allow extra space around it for privacy.

**Representations**

An objection has been received from a local resident referring to three matters:

- The increased height is unsightly to local residents
- It will not deter vandals as other fences are 1.8 metres
- There is no gate to allow players to retrieve footballs should they be kicked over the fence.

**Development Plan**

The Core Strategy 2014 – NW3 (Green Belt); NW10 (Development Considerations) and NW12 (Quality of Development)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

### **Observations**

There is no objection to the extended car parking area as there is sufficient space on the site for this. The re-location of the wheel is again considered to be reasonable as it allows more space to be provided around it.

In respect of the fence then the additional height is required because this boundary abuts a public footpath and is thus more readily accessible and any trespasser would have to travel further. There is already a secure gate installed in the length where the fence is lower. If such a gate were also introduced in the taller fence section it might attract would-be trespassers. It is acknowledged that a taller fence would be more visible but there has to be a balance reached between that impact and the re-introduction of a valuable community facility. A three metre fence surrounding the site would deter trespass but the visual impact would be even greater. This is considered to be a reasonable balance.

### **Recommendation**

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

1. Standard Three year condition
2. Standard Plan numbers – 205/031/1007 received on 27/7/15

### **Notes**

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by assessing the balance between the different planning interests in the case.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0481

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27/7/15
2	Mr and Mrs Bond	Objection	3/8/15
3	Applicant	E-mail	3/8/15

*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.*



**(10) Application No: PAP/2015/0493**

**Land At Wooded Area, Coleshill Road, Curdworth,**

**Works to trees covered by Tree Preservation Order to crown lift ash trees, and to fell sycamore and elder trees, for**

**Miss Alethea Wilson - North Warwickshire Borough Council**

**Introduction**

The application is referred to the Board in view of the applicant being North Warwickshire Borough Council.

**The Site**

The proposal relates to an area of open land to the east of Oaklands and to the west of Coleshill Road in Curdworth.

**The Proposal**

These two groups of trees are protected by Tree Preservation Orders. The proposal for the group of Ash trees, is to crown lift the trees up to 3.5 metres over the footpaths of Coleshill Road and at Oaklands up to 6 metres over the highway. This is to allow the free passage of vehicles and pedestrians.

The proposal for the second group of trees is to fell ten self-set small young Sycamores and to fell one small young Elder at one metre height in order to prevent rubbing on the adjoining residential building.

**Representations**

Curdworth Parish Council – It supports the application

**Development Plan**

The Core Strategy 2014 – Policies NW16 (Green Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows)

**Other Relevant Material Considerations**

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

**Observations**

The group of trees in question form part of a roadside shelter belt which was protected by a Tree Preservation Order within an Area Order made in 1975. The group of trees comprise silver birch, beech, sycamore, wych-elm, mountain ash, and ash. This

proposal is to crown lift the ash trees so that they allow the free passage of vehicles and pedestrians.

The County Council's Arboriculturalist has surveyed the trees in question on behalf of the applicant. The Borough Council is classed as a responsible authority for undertaking such works to these protected trees.

With regards to the self-set Sycamores and Elder, these trees would not have been included in the Group Order which was made in 1975 and so do not require any permissions for their removal.

Based on the above it is considered that the proposed works can be supported.

### **Recommendation**

That the application be **No Objection**:

Based on the information submitted there are no objections to the proposed works to crown lift the Mature Ash Trees alongside Coleshill Road and Oaklands.

### **Notes**

1. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0493

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant	Application Forms and Plans	30/7/15
2	Curdworth Parish Council	Letter of support	12/8/15

*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.*

**(11) Application No: PAP/2015/0495**

**Recreation Ground, Johnson Street / Smith Street / Johnson Street, Wood End, Atherstone,**

**Works to trees covered by Tree Preservation Order for**

**Miss Alethea Wilson - North Warwickshire Borough Council**

**Introduction**

The application is brought to the Board given that North Warwickshire Borough Council is the applicant.

**The Site**

The application site is a recreation park area sited off Pinewood Avenue, Smith Street and Johnson Street, Wood End.

**The Proposal**

The trees are sited behind dwellings on Pinewood Avenue and are protected by a Tree Preservation Order. The proposal is for various works to these English Oak Trees including crown lifts, removal of growths and reducing the tree back over gardens.

The schedule of works is set out in Appendix 1 along with a location plan of the trees. A series of photos of the site are at Appendix 2.

**Background**

The trees are part of a larger Preservation Order for Wood End and previous applications have been submitted for works to protected trees.

**Development Plan**

North Warwickshire Core Strategy - NW10 (Quality of Development); NW12 (Development Considerations) and NW13 (Natural Environment)

Saved policy of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows)

**Other Relevant Material Considerations**

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

BS5837-2012 – Trees in Relation to design, demolition and construction – recommendations

BS 3998:2010 Tree work - Recommendations