

## **General Development Applications**

**(5) Application No's: PAP/2012/0078 and PAP/2012/0084**

**Land at South Street, Rear of Atherstone Garage, Atherstone, CV9 1DR**

**Demolition of existing buildings and erection of retirement living housing for the elderly, Category II sheltered housing, comprising 46 apartments, (30x1 & 16x2 bedroom units), communal facilities, landscaping and 22 car parking spaces with vehicle access from South Street, for**

**McCarthy & Stone Retirement Lifestyles Ltd.**

### **Introduction**

These applications are referred for determination in accordance with the adopted scheme of delegation as a draft Section 106 Agreement is proposed with regard to the provision of affordable housing and the significance of this site to the re-generation of Atherstone.

Application PAP/2012/0078 seeks full planning permission for the development proposed. Application PAP/2012/0084 seeks Conservation Area Consent for the demolition of the existing buildings on the site as this is within the Atherstone Conservation Area.

### **The Site**

This is a rectangular site of 0.29 hectares and comprises part of the Atherstone Garage site between Long Street and South Street. It is located to the rear of the Atherstone Garage car showroom and buildings which front Long Street; these buildings will be retained in their current commercial uses. The site has an open frontage to South Street, between a recently constructed three storey block of apartments at the junction of South Street and Woolpack Way, and an electricity sub-station and terraced properties to the south-east. On the opposite side of South Street is older three-storey residential development, the junction with Grove Road characterised by two-storey terraced housing. To the north-west is a more open aspect formed by the bowling green at the rear of the Conservative Club which fronts Long Street. To the south-east the land rises slightly to Welcome Street, where older three-storey flat-roofed blocks of flats overlook the site and garages to the rear of these back on to the application site. The site comprises industrial type buildings previously used by Atherstone Garage, as a tyre depot and latterly as a coach depot, together with large areas of hard-standing which are currently used to store vehicles.

The site is within the Atherstone Conservation Area. It is also close to a statutorily listed Grade 2 building, the Conservative Club on Long Street. Historical mapping indicates the site has a long history of commercial use, including the early development of factory buildings associated with local industries across the site and use as a tannery.

This together with the present and recent uses of the site to store vehicles and as a coach depot give rise to potential for the ground to have been subject to contamination. Ground investigations undertaken indicate the presence of contaminants and evidence of previous infilling on the site, hence a requirement for piled foundations. This was considered by the Council in granting previous permissions and is revisited in documents submitted with this application.

The site is close to the roman road of Watling Street and is considered to have the potential to contain significant archaeological remains. This is supported by archaeological assessment undertaken. Appropriate investigation of the site prior to development will therefore be required. This can be ensured by a condition to any permission granted.

## **The Proposals**

It is proposed to clear the site to construct one three-storey building of residential apartments for 'less active elderly people' (Category II sheltered housing). The development will provide a supervised residential environment, with shared communal areas and a resident house manager. The apartments will be offered for sale on a leasehold arrangement; the minimum age for purchasers will be 60 years, although the minimum age for resident partners will be 55 years. This can be ensured by condition and through lease provisions. Surveys of other similar developments indicate the average age of people entering these developments is 76 years.

The form of the building is roughly in the shape of a "T". There would be one three-storey block along the South Street frontage from where vehicular access would be gained via an arched entrance to the right hand side of the frontage, a three storey central block will provide the main access and communal facilities on the ground floor, with a shorter three-storey return block to the north end of this. In total this building would provide 46 apartments – 30 with 1 bedroom and 16 with 2 bedrooms. Communal facilities include a resident's lounge; laundry and guest room. The vehicle access would lead to a landscaped car parking and service area – with 22 car parking spaces. A landscaped communal amenity space would be on the other side of the central block facing the bowling green.

The general layout and position within the surrounding area is illustrated in Appendix A.

The development has been revised to follow a design approach that seeks to reflect the former previous factory uses on the site and the general grain of the development within the town centre; that of principal elevations to street frontages with perpendicular rear ranges declining in height.

Illustrations of the proposed appearance are attached at Appendices B and C.

The application is accompanied by a number of documents. These include a Design and Access Statement, a Planning Statement, a Traffic Impact and Parking Statement, a Summary of Community Involvement, a Drainage Survey, an Affordable Housing Statement, a Geotechnical and Ground Contamination Report, an Archaeological Assessment, a bat survey, a habitat survey and a site appraisal. There is also information on the operation and management of the applicant's housing schemes, explaining that they operate a minimum age restriction of 60 for a single person and 55

for a second person or partner living in the same apartment. A house manager would also be resident on the site.

No affordable housing is proposed to be provided on-site as is required by the Development Plan. The applicant is however offering a financial payment in lieu of £155,000. An Affordable Housing Statement and subsequent correspondence explains the reasoning for this and includes a financial appraisal of the viability of the proposed development to justify the sum offered. This would be secured by an agreement made under Section 106 of the 1990 Planning Act, as amended.

## **Background**

Members will be aware that planning permission was first granted in 2005 for a residential re-development of the whole of the Atherstone Garage site extending from South Street through to and including the Long Street frontage. Permission for a revised residential development was granted in 2008, this permission was renewed last year and will expire in 2014. The permitted development would provide 40 residential units in a series of three-storey blocks, one facing South Street, one fronting Long Street, and four separate blocks between them (one three-storey; one two and a half storey, and the remaining ones at two-storey). Additionally the extant permission includes two office units providing 285 square metres of floor space, and a total of 40 car parking spaces. Vehicular access would be divided between South and Long Street, but with no through connection. This permission was granted subject to a Section 106 Agreement securing a payment of £260,000, in lieu of the provision of on-site affordable housing. Conservation Area Consent for the demolition of the existing buildings on the site is also extant, having been first granted in 2005, again 2008 and in 2011 with the planning permissions granted.

The proposal could be considered to be an Urban Development Proposal under the terms of the Environmental Impact Assessment Regulations 2011; however it falls under the threshold identified in the Regulations. Given that planning permission exists for the residential redevelopment of the site, it is not considered the current proposals would give rise to any significant environmental impacts over and above those known at the time that permission was granted. The site is smaller than that for which permission is extant and there is an increase in the number of dwellings proposed. However relevant matters such as traffic impact, the impact on the conservation area, for wildlife and for pollution are specifically addressed in the current application and thus are not considered to warrant an Environmental Statement.

In accordance with guidance in circular 01/2001 and the current Direction issued by the Secretary of State for the Environment, English Heritage have been notified of this application, as the proposed development will affect the character and appearance of the conservation area and exceeds the floor space threshold for notification of 1000 m<sup>2</sup>.

The applicant undertook consultation with the local community prior to submission of the application. This included posting notification to local residents of a public exhibition and meeting. Full details of this are provided in the Statement of Community Involvement submitted.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy (CP)1 (Social and Economic Regeneration); CP2 (Development Distribution), CP3 (Natural and Historic Environment), CP8 (Affordable Housing), CP11 (Quality of Development), CP12 (Implementation) and policies ENV3 (Nature Conservation), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings), HSG2 (Affordable Housing), HSG4 (Densities), HSG5 (Special Needs Accommodation), ECON3 (Protection of Existing Employment Sites), TPT 1 (Transport Considerations), TPT3 (Access and Sustainable Travel), TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

Government Policy - National Planning Policy Framework (NPPF) 2012 and the 2011 Ministerial Statement (Planning for Growth)

Council Documents – Draft Pre-Submission Core Strategy (2012); SPD (Affordable Housing), draft Atherstone Conservation Area Appraisal

Other Matters – New Homes Bonus

## **Consultations**

English Heritage consider the existing buildings and site make no positive contribution to the conservation area and that development with a suitable built form could enhance the character and appearance of the conservation area. They support the Council's Conservation and Heritage Officer's assessment of the site and the proposed development.

Warwickshire County Council as Highway Authority has no objection to the development subject to conditions to ensure existing accesses are properly re-instated where they are not to be used in the new development and to ensure measures are in place to prevent construction traffic depositing extraneous materials from the site on the highway.

Warwickshire Police has no objection.

Severn Trent Water has no objection subject to a condition to require prior approval of the details the drainage scheme.

The Council's Environmental Health Officer notes that the Geo-Technical and Geo-Environmental Report submitted was undertaken in 2003. He requires confirmation from an appropriate source that no changes have occurred at the site that may have impacted on the ground condition since the previous investigation in 2003, and also that the assumptions that have had to be made in assessing the report findings are correct. Two recommendations are made to ensure the site can be safely developed.

The Council's Conservation and Heritage Officer welcomes the overall design approach subject to a number of detailed matters which can be dealt with by conditions.

## **Representations**

Atherstone Town Council supports the development. It recommends the provision of a CCTV camera at Welcome Street.

Atherstone Civic Society welcomes the provision of high quality sheltered accommodation in the town centre and the inclusion of design features such as the arched entrance, discussed in pre-application consultation events.

One representation, received from a local resident on Welcome Street, raises concerns over the impact of the proposed vehicle access to South Street, which has "three 'T' junctions, a cross roads and parking bays in a very short space which frequently get congested; the number of parking spaces to be provided and the potential increase in demand for on-street parking on local roads, lack of a secondary emergency access, loss of space currently used by the commercial businesses operating at the site. Commenting on the original design, this is considered "un-inspiring" with the rear wall section (of the northern most block) being too wide and too tall resulting in a huge expanse of brickwork with no architectural interest. A contribution from the applicants towards improving an existing communal area / public garden at the junction of Welcome Street and Long Street is requested.

## **Relevant Considerations**

The key planning issues which the Board need to consider in determining this application are:

- does the proposed development, including the design and style of the built form preserve or enhance the character and appearance of the Conservation Area;
- does the proposed development harm the setting of the adjoining Listed Building
- is the demolition of the existing buildings justified in the context of the proposed development.
- the implications arising from the development of part only of a larger site for which planning permission is extant
- does the proposal meet a local housing need or requirement
- how the proposal accords with the Development Plan, a significant policy requirement is the provision of affordable housing
- and are the provisions of the draft legal agreement proposed under Section 106 necessary, relevant and reasonable.

The Board will need also to consider other planning related issues:

- Access
- Car parking provision
- Land contamination
- Bio-diversity and ecology issues

The extant planning permission and Conservation Area Consent are both relevant material considerations of substantial weight.

## **Observations**

The principle of this residential re-development is in accord with the objectives and policies of the Development Plan. It will however be necessary to see whether any of the details of the proposed development would conflict with specific plan policies.

## **Existing buildings**

There are two existing buildings on the current application site. Both are single storey - the larger one has footprint of some 450m<sup>2</sup> and is a portal frame metal clad workshop building with a dual pitched roof. The second has a footprint of some 360 m<sup>2</sup> and is a painted brick built office / workshop with a 'saw-toothed roof' profile. Neither building contributes significantly to the character or the appearance of the conservation area. Neither is noted in the draft Atherstone Conservation Area appraisal. The removal of the buildings would have no detrimental affect on the character or appearance of this part of the Atherstone Conservation Area. Moreover there is an extant Consent for their demolition.

The demolition of the buildings would thus not conflict with Saved Policy ENV15 of the North Warwickshire Local Plan 2006.

## **Bio-diversity and Ecology**

An extended phase 1 Habitat Survey has been undertaken on the site. This found no evidence of protected species. There are however recorded bat sightings within 1km of the site. A further bat survey was thus recommended to establish the presence of bats at the site and bat roosts within the buildings to be demolished. This has been undertaken and found no evidence of foraging activity or of bats entering buildings. The incorporation of appropriate soft landscaping is recommended to improve the habitat for foraging and the incorporation of bird and bat boxes where practicable. Landscaping is proposed to the communal amenity areas and parking area, which would be a significant improved habitat over the present hard standing across the entire site. The proposal is thus considered to accord with Saved Policy ENV3 of the North Warwickshire Local Plan 2006.

## **Employment Site**

The proposal will result in the loss of part of an existing employment site within the Atherstone development boundary. Saved Policy ECON 3 of the North Warwickshire Local Plan 2006 seeks to retain such sites unless there would be no negative impact on the range or quality of such sites available in the settlement. This is considered to be the case here. The town centre location and proximity to residential properties are constraints which limit the range of employment uses that are suitable on this site. Atherstone has a number of allocated areas for employment uses including Carlyon Rd, Holly Lane, Abeles Way. These currently have vacant premises. The development of only part of the Atherstone Garage site does mean that a significant employment use will remain - the car showroom and its motor spares outlet. The existing buildings on the site have been unused for sometime and the impact arising from the loss of the site on actual employment will thus be limited. Given the above the loss of the employment site here is not considered to have a negative impact. Again, weight is given to the recent consents which have been renewed, for the demolition of the buildings and thus the

removal of the employment use. The proposal is thus considered to be in accord with Saved Policy ECON 3 of the North Warwickshire Local Plan 2006.

## Design

The design of the proposed built form has been revised to produce a building that draws on the previous industrial uses on the site and the general grain of the development within the town centre - that of principal elevations to street frontages with perpendicular rear ranges declining in height. The latter is compromised here by the more even height of the proposed blocks. However, given the site is largely now open and the height of the surrounding recent development, this is not considered to be detrimental to the character of this part of the conservation area. This has produced a building with simpler, more regular facades, particularly that to the north western elevation visible across the open bowling green area from Long Street, and which reflects the form of the buildings found behind principal buildings with street frontages elsewhere within the town centre.

The proposed building comprises three separate blocks. The principal elevation is to South Street. This comprises a three-storey block broken into two ranges with the south-eastern range set back to provide relief to the street frontage. It also includes the two-storey high arched vehicle entrance to the interior parking and service area. The central block runs perpendicular behind this, offset to the northeast to accommodate the parking area and vehicle access. This is also three-storey. It has a simpler façade to the town centre facing elevation, which overlooks the private communal areas and the existing bowling green. The south-east elevation, which faces the internal parking area, includes the main building access point and communal rooms in the centre. This part of the building has a wider span, and as a result the building line varies providing more relief to the façade as will a rendered central range.

The third block is returned through 90°. This is in line with the town centre facing elevation but projects inwards towards the parking area which is also three-storey. It has a relatively plain façade which faces Long Street, however this sits behind the existing Atherstone Garage showroom building, which will hide the lower level.

The roof of the building is a complex arrangement of double pitched roofs which span half the width of blocks with flat central valleys. This design presents a sloping roof plane with an appropriate pitch to all external views, whilst reducing the overall height required in order to achieve this and to minimise areas of flat roof.

With the exception of the rendered range to the centre block, all elevations will be brick. A limited range of window openings and window styles are proposed. These use only horizontal glazing bars and are a mix of smaller two panes, four panes and six panes, some of the latter will be full height; these are used to provide consistency to ranges and variation across blocks, with full height windows providing vertical relief to façades.

The Conservation and Heritage Officer welcomes the overall design approach subject to further clarification of some of the details illustrated and the variation of others; particularly concerning the use of brick soldier courses and contrasting brick courses, the form, type and materials of the heads, lintels or arches and cills to be provided to window and door openings, confirmation of the style of window to be provided to some openings and the reveal to be provided for windows within openings, the thickness of

window frames and window glazing bars and details of the brick, roof tiles and window frames materials to be used. These can all be required to be submitted for approval prior to the commencement of development by conditions to any permission granted.

### **Conservation Area**

The development will significantly change the character of the site and the appearance of this part of the Atherstone Conservation Area. It will however provide a building frontage to South Street, where there is currently a gap. The new building will respect the height and style of the buildings in the locality that contribute most to the character of this part of the conservation area. The proposed development, subject to the use of appropriate materials and construction, would thus enhance the appearance of this part of the conservation area.

### **Setting of Listed Building**

The proposed building is slightly offset to the rear of the Conservative Club on Long Street. This is a grade II listed building. The new building will not rise significantly above the Conservative Club, as both will be three-storeys. It will thus not detract from the appearance of the Long Street frontage, arguably the most significant view. The bowling green to the rear of the Club also provides an open area which separates the buildings when viewed from the town centre. The overall impact is thus not considered to be detrimental to the setting of the listed building.

Given the above and subject to the conditions recommended, the proposed development is considered to be in accord with Saved Policies CP11, ENV12, ENV13, ENV15 and ENV16 of the North Warwickshire Local Plan 2006.

### **Access**

Vehicular access is proposed from South Street, via the two-storey arched entrance, almost opposite the junction with Grove Way to a parking area with 22 spaces. This is less than adopted parking standards would normally require for 46 apartments. However the specialised nature of the accommodation provided, for 'less active elderly people' is significant. A Transport Assessment is provided. This models the vehicle traffic movements, trip generation and car ownership levels associated with this type of specialised residential accommodation. This is based on surveys of existing similar developments and should therefore be robust. Vehicle ownership is shown to be lower than for apartment developments with no occupancy age restriction. Although car ownership could be 80%, where one resident in an apartment is aged 60 years, car ownership falls to less than 50% at age 70 years and continues to fall with greater age. The number of parking spaces provided reflects the above with the mean age of entry at 76 years. Additionally there storage space provided and facilities for battery powered mobility vehicles are proposed. Given the town centre location, in the context of this type of development the proposed level of parking provision has been found to be adequate to meet demand.

The Highway Authority has no objection to the scheme subject to inclusion of conditions to ensure existing accesses are re-instated where these are no longer required and to ensure construction traffic will not deposit extraneous material from the site on the highway.

The proposal is thus considered to be in accord with Saved Policies ENV14, TPT1, TPT3 and TPT6 of the North Warwickshire Local Plan 2006.

### **Contamination**

In assessing the technical reports submitted, the Council's Environmental Health Officer is satisfied the site can be safely developed but makes the following recommendations, which can be required by condition, to ensure this is achieved :-

1) Areas of the land that are proposed for garden areas to be sampled and tested in accordance with a scheme agreed with the Council.

2) If the additional testing identifies remediation of the garden areas is necessary, a remediation strategy needs to be agreed with the Council. This should include submission of a validation plan, to be agreed by the Council prior to undertaking remedial works and the submission of a validation report prepared following completion of the remedial works.

### **Affordable Housing**

The applicants consider that the provision of affordable housing on site would compromise the success of the proposed development and have therefore offered a financial payment in lieu, to enable the provision of affordable housing elsewhere in Atherstone/Mancetter. They consider the proposed development would not be viable if this payment exceeds £155,000.

The Affordable Housing Statement submitted with the application identifies difficulties in providing affordable housing on-site with this type of specialised residential development. These include the service charge required to support the specialised communal living environment of category II sheltered housing. This provides for maintenance of communal areas, gardens and the salaries of resident staff. Given all occupants would have access to the same facilities, difficulties could arise from variations in the charge levied that reflected differing occupation models, e.g. privately owned / socially rented, which could result in disputes and friction between residents, create management issues and undermine the success of the development. No direct evidence to support this is included, however it is clearly perceived to be a potential risk by the developers. Whilst such risk might be reduced by building a separate block of affordable dwellings, this is effectively precluded by the relatively small size of the site. If this were to be pursued, the resulting development of two smaller blocks would be inefficient to manage and unviable to construct. Moreover it is the Council's policy not to "isolate" affordable housing occupiers within any development and to ensure as far as possible that they are accommodated throughout that development. It can also be argued that there would be a release of larger residential property in the town through new occupiers moving into the proposed development. This "down-sizing" would help stimulate the housing market more generally in the town and its catchment thus having a "cascade" effect further down the housing chain. Additionally, of course, the extant planning permission does not have on-site affordable housing provision. For all of these reasons therefore, it is considered that a refusal based on there having to be "on-site" affordable housing provision would be difficult to defend at appeal.

This therefore leads to the need to consider on “off-site” contribution, and its value.

A financial appraisal is submitted to demonstrate the impact of this on the viability of the development. The appraisal effectively forecasts the financial return from the completed development, subtracts the estimated the cost of development and the cost of acquiring the land, to leave a residual value that is available for other provisions – e.g. affordable housing provision. It should be remembered however that this process does not guarantee that values will be achieved. The development return will of course depend on the prevailing conditions at the time properties are offered to the market. The report will return to this at the end of this section. In looking at these elements in this particular case, then the development return first suggested by the applicant in his initial documentation submitted with the application, appeared to include a premium over similar sized properties in the town. Secondly, the development costs can to some extent be influenced by the developer, but initially, full background for this information was not supplied at the time of the application. The cost of acquiring the land is a significant factor, but it is not however unreasonable to expect these to reflect prevailing market conditions. The applicant’s first “offer” for an affordable housing contribution as a consequence of his appraisal as submitted, was £75k.

As a consequence of the “short- comings” identified above, the applicant was requested to re-consider his appraisal. That work has been undertaken. Valuations undertaken by Knight Frank had been used to determine the appropriate existing use value for this site and thus, in this case the residual sum available for a contribution towards affordable housing provision. A valuation based on the extant planning permission has produced an existing land use value of £320,000 for the site, a further valuation based on a hypothetical development of 14 houses produced an existing use value of £450,000; this latter valuation was used to derive the initial off-site affordable housing contribution offered of £74,542. A subsequent valuation has now been carried out based on another hypothetical development with a higher density - ie. a greater number of smaller houses. This is considered to be more appropriate given the location of the site where a greater density could be expected. This has produced an existing land use value of £370,000. This downward revision of existing use value, underlies the increase in the financial sum offered to £155,000.

Secondly as indicated above, the initial appraisal included costs which were not particularly well defined. The evidence behind the costs has now been supplied and officers are satisfied that these costs are reasonable given the state of the existing site; the nature of the demolition involved, the potential remediation measures involved and the build costs for this type of development. There is thus little scope for increasing the contribution as a consequence. As such officers accept that this application is to be determined on the basis of this latest offer of £155k.

The substantial issue is thus whether the revised contribution of £155k is acceptable given Development Plan policy and that the existing offer, albeit for a larger site, is much larger at £260k.

Saved Local Plan policy HSG2 requires the provision of affordable housing within qualifying residential developments. This is expected to be provided on site and to be a minimum of 40% of the housing to be provided. Significantly, the Policy does allow for the precise amount of affordable housing provision to be determined with regard to the size of the site; the suitability of the development and particularly the economics of the

provision (viability), and the need to achieve a successful development. Given that the Council has already accepted an off-site contribution in lieu of on-site provision here already; that the current applicant's proposal reasonably argues against on-site provision, and that the final appraisal has been accepted, it is considered that the proposal does accord with the Local Plan policy.

There are other material considerations which support the proposal.

The typical built form for this type of specialised housing is a single building of around 40 apartments. This optimises the development economics, in terms of returns, costs and time taken to sell apartments to ensure the development is established in a reasonable time period. The size of the site, the specialised form of the proposed housing provided and the risk to success of the development perceived by the developer are factors that cumulatively in this case indicate that an alternative arrangement to the provision of affordable housing onsite would be appropriate. Moreover whilst there is a latent need for affordable housing in Atherstone, the actual need and type of housing has yet to be quantified through a local housing needs survey. However this development will provide specialised housing to meet a specific category of sheltered housing, not presently available in the town.

It would also regenerate this site at the entrance to the town centre and would be significant to the economic vitality of the town - less mobile elderly residents may use local businesses and services more. This would accord with Saved Policy CP1.

The open appearance of the site and the current use for vehicle storage use does not positively contribute to the character of the conservation area. The development proposed for this site would enhance the appearance of this part of the Atherstone Conservation Area.

The National Planning Policy Framework 2011 (NPPF) requires Local Planning Authorities to identify a supply of specific, deliverable housing sites to provide sufficient housing to meet their identified requirement for the next five years. Sufficient sites are currently identified in North Warwickshire to meet the requirement for 4.6 years. There is thus a shortfall in available housing sites. The current proposal would reduce this. This is significant for two reasons. Firstly, the site has an extant permission. The figures resulting from this are included in that 4.6 year calculation. A refusal here would thus lead to an enlargement of that gap, putting pressure on the release of other green field land and sites that might not be in sustainable locations. Secondly, recent appeal cases in the country show that the Planning Inspectorate is now putting substantial weight on the provision of a five year supply of deliverable residential sites, particularly where there is a shortfall and the appeal relates to land that is in a sustainable location.

In other words the weight given to the NPPF in the absence of a demonstrable five year supply has been growing in significance. This is understandable given the NPPF's emphasis on growth and economic development, and particularly so, given its objective to stimulate housing development. The application site has the benefit of an extant planning permission. That has not been taken up despite renewals of that permission. The site is in a sustainable location, very close to the town centre. The proposals would add to the range of housing provision in the town. The proposals are agreed will enhance the character of the Conservation Area in which it is located. In short, given the

five year supply provision, the likelihood of sustaining a refusal here is considered to be poor.

Bearing in mind all of the above, the key remaining issue is to consider the present level of contribution against the extant offer through the past approval.

The extant permission, which will not expire until 2014, would provide a sum of £260,000 for affordable housing if implemented. There are however a number of factors that need to be put into the “balance” here. Firstly, planning permission for the residential development of the whole of the Atherstone Garage site has existed since first granted in 2005 and no scheme has yet been implemented. The current application is not speculative. It is a new and very real interest in the site from a known developer with a bespoke proposal to that developer. Secondly, the existing contribution relates to the whole garage site – a site larger than the current application site. The Council will thus have a further opportunity to potentially negotiate a contribution for the remainder of the site in the future. Thirdly, the Council will benefit from the New Homes Bonus in respect of the application site if completed, which was not available when the extant permission was granted. As a consequence of the weight given to the material considerations outlined above and particularly to the need to see this site developed with a “quality” scheme, it is considered that the present arrangements are reasonable and proportionate.

Given the weight that the Board attaches to the provision of affordable housing and thus the value of any off-site contributions in lieu of that provision, it is considered that one measure could improve the affordable housing provision offered here. This would be to secure the full payment of the contribution now offered, upon commencement of the development. This would result in the full payment considerably earlier than is normal. This would benefit the Council in securing that funding at an early opportunity. The applicant has agreed to this provision. It was indicated above that values might change through the course of development. The Council in the past has looked for staged payments of the contribution such that, particularly at the end of the development, the appraisal is “re-worked” to see if there is an “up-lift” in values and thus there is a proportionate increase in the final contribution. In this case, it is considered that the full payment at the beginning of the process is the better option. The Council in short, is assured of the payment and can thus plan its’ affordable housing programme with that knowledge. Secondly, given the margins here in this development, the value of any “up-lift” is not considered to be very significant. The all round best option is to receive the full payment at commencement.

## **Recommendation**

That Conservation Area Consent and Planning Permission be granted subject to a Section 106 Agreement requiring the payment of a financial contribution of £155,000 towards “off-site” affordable housing provision in Atherstone and Mancetter at the commencement of the development hereby approved, together with the following conditions.

### **Application – PAP/2012/0084 – Conservation Area Consent**

- i) Standard Three year condition
- ii) Standard Plan numbers condition
- iii) No demolition shall take place until a plan showing the existing walls to be retained as boundary walls with adjoining properties has been submitted to and approved in writing by the Local Planning Authority. This should include details of the position of the walls to be retained, final heights and of works proposed to the retained walls. Only the approved details shall then be implemented.

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

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

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

## **Notes**

- i) Standard Note about neighbouring property
- ii) Standard Note about the Part Wall Act

## **Justification**

The existing buildings are of no significant architectural merit and do not make a positive contribution to the Conservation Area. The removal of these buildings will not detract from the character and appearance of the Conservation Area. Re-development of the site will afford the opportunity to enhance that character. The proposal is therefore considered to be in accord with saved Core Policy 3 and saved policy ENV15 of the North Warwickshire Local Plan 2006.

## **Application - PAP/2012/0078 – The Planning Permission**

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

### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 1803/1/01/revA, 1803/1/02/revA, 1803/1/03/revA, 1803/1/04/revA, 1803/1/05/revA, 1803/1/06/revA, received by the Local Planning Authority on 03/07/2012. The following specific details show on the plans referred to are not hereby permitted :- 1803/1/02/revA - the Materials Schedule, 1803/1/02/revA and 1803/1/04/revA - the brick on-end string (soldier) courses shown between the ground and first floor.

### **REASON**

To ensure that the development is carried out strictly in accordance with the approved details and plans and to avoid inappropriate detail.

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

### **REASON**

To ensure the investigation and recording of any items of archaeological interest.

4. No development shall commence until details of a sampling and testing regime for areas of land within the site proposed for garden areas has been submitted to and approved in writing by the Local Planning Authority. This should include, but not be limited to, sampling and testing for asbestos, TPH and speciated chromium. If remedial measures to address contamination of the land are found to be necessary; a remediation strategy, which should include a validation plan shall be submitted to and approved in writing by the LPA prior to undertaking remedial works and submission of a validation report prepared following completion of the remedial works.

### **REASON**

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall be commenced before details of the facing bricks and roofing tiles; surfacing materials; boundary or screen wall facing bricks to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials only shall then be used.

REASON

In the interests of the amenities of the area.

6. No works shall take place on site until clear details of the type of windows to be used and the openings to which each type will be provided, of the type of window heads, lintels or arches and cills to be provided, window frame materials, including details at 1:2 scale of the thickness of window frames and window glazing bars have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

REASON

In the interests of the character and appearance of the Conservation Area.

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

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

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

REASON

In the interests of amenity and ecology.

9. No development shall commence on site until details of measures to be taken to prevent extraneous material being deposited on the public highway from vehicles leaving the site during the construction period have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully installed and implemented before the development commences and shall be retained for the duration of the construction period in order that no vehicle shall leave the site unless it has been cleaned sufficiently to prevent material being deposited onto the highway.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

11. All materials arising from demolition of buildings or structures on site shall be permanently removed from the site within twenty eight days of demolition being completed.

REASON

In the interests of amenity.

12. No external lighting shall be placed or erected on the building or within site until details have been submitted submitted to, and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenity.

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

REASON

To ensure adequate on-site parking provision for the approved apartments and to discourage parking on the public highway in the interests of amenity and highway safety.

**Notes**

- i) Standard Central Networks informative.
- ii) Standard Warwickshire Police informative about "Secured by Design" recommendations.
- iii) Standard Neighbouring Property Note
- iv) Standard Note about the Party Wall Act

## **Justification**

The proposal will enhance the Atherstone Conservation Area. The site is in a sustainable location and already benefits from a planning permission for residential re-development. This current proposal offers an opportunity to deliver housing of a type not yet represented in the town and will assist in providing to the five year supply. There are no objections from the technical consultations responses other than those that can be dealt with by condition. The built form and appearance of the development is considered to enhance the character and appearance of the Conservation Area and is in-keeping. There are no adverse impacts on the setting of the adjoining Listed Building. The whole proposal is important for the re-generation of Atherstone. It is accepted that the provision of on-site affordable housing here within the development is not reasonable given the evidence submitted. As such the off-site financial contribution is welcomed and is in line with the previous position on this site. The size of the contribution has been evidenced and bearing in mind that this proposal relates to only around two-thirds of the overall site the subject of the past permission and accompanying contribution, it is considered to be reasonable and proportionate. The scheme overall provides a satisfactory balance between all of the policy considerations and objectives set out in the NPPF and saved core policies 1,2,3,11 and 12 of the North Warwickshire Local Plan 2006 together with saved policies ENV6,11,12,13,14, 15 and 16, HSG2 and TPT6 of that same Plan.

## BACKGROUND PAPERS

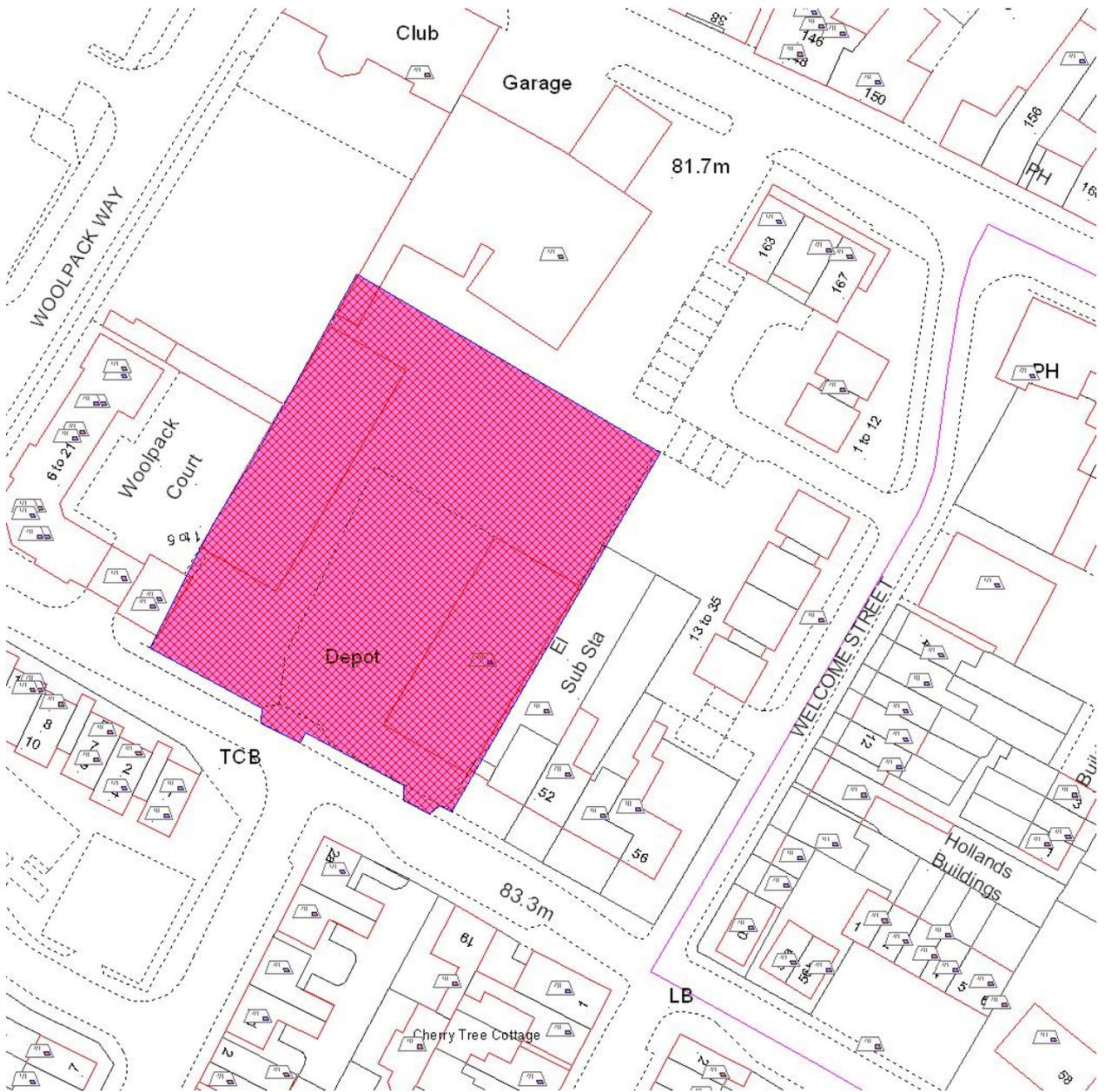
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0078

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application forms, plans and statements	13/2/12 3/7/12 6/7/12 27/7/12 3/8/12
2	Atherstone TC	Consultation response	8/3/12
3	J Nakielski	Representation	15/3/12
4	ST Water	Consultation response	7/3/12
5	Atherstone CS	Consultation response	13/3/12
6	English Heritage	Consultation response	18/3/12
7	Warwickshire Police	Consultation response	19/3/12 1/8/12
8	WCC Highways	Consultation response	3/7/12
9	NWBC Conservation Officer	Consultation response	22/02/12 3/7/12
10	NWBC Env. Health	Consultation response	3/5/12 6/7/12
		Consultation response	
		Consultation response	

*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.*





2012.0078

2012.0078

Window Style A - Scale 1/20

Window Style B - Scale 1/20

1:200 @ A1 SCALE

DATE: 01/10/12

PROJECT: 2012.0078

CLIENT: [REDACTED]

DESIGNER: [REDACTED]

DATE: 01/10/12

PROJECT: 2012.0078

DATE: 01/10/12

PROJECT: 2012.0078

DATE: 01/10/12

Perspective 1 - Proposed South Street Frontage

Perspective 2 - Proposals from Bowling Green

Perspective 3 - Proposed communal gardens

Elevation A-A Facing South Street

Elevation B-B Facing Bowling Green

Elevation Key

**MATERIALS SCHEDULE**

ROOFING: [REDACTED]

WALLS: [REDACTED]

FLOORING: [REDACTED]

GLAZING: [REDACTED]

PAINTS: [REDACTED]

IRONWORK: [REDACTED]

CLADDING: [REDACTED]

LANDSCAPE: [REDACTED]

PLANTING: [REDACTED]

SEWERAGE: [REDACTED]

WATER: [REDACTED]

HEATING: [REDACTED]

VENTILATION: [REDACTED]

INSULATION: [REDACTED]

GLAZING: [REDACTED]

PAINTS: [REDACTED]

IRONWORK: [REDACTED]

CLADDING: [REDACTED]

LANDSCAPE: [REDACTED]

PLANTING: [REDACTED]

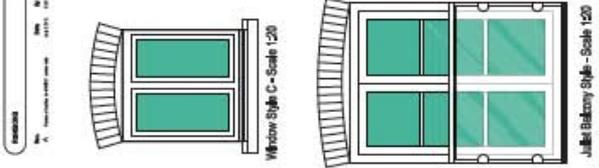
SEWERAGE: [REDACTED]

WATER: [REDACTED]

HEATING: [REDACTED]

VENTILATION: [REDACTED]

INSULATION: [REDACTED]



Window Style C - Scale 1:20

Juliet Balcony Style - Scale 1:20

1:200 @ A1 SCALE

PROJECT: 1803/1/04 A

DATE: 18/03/10

PROJECT NO: 1803/1/04

DATE: 18/03/10

PROJECT NO: 1803/1/04

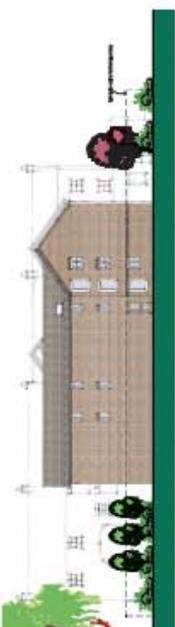
DATE: 18/03/10

PROJECT NO: 1803/1/04

DATE: 18/03/10



Elevation C-C Facing Car Parking Courtyard



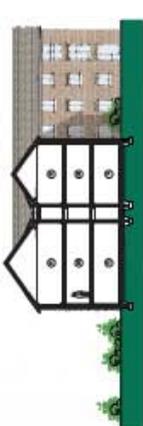
Elevation D-D North Facing Elevation



Perspective 4 - Parking Courtyard



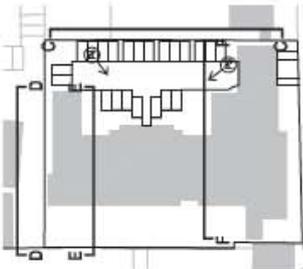
Perspective 5 - Parking Courtyard



Sectional Elevation E-E



Sectional Elevation F-F



Elevation Key