

Application No: W 11 / 0325

Town/Parish Council: Warwick
Case Officer: Alex Smith

Registration Date: 10/03/11
Expiry Date: 05/05/11

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Warwick Castle, Castle Hill, Warwick, CV34 6PB

Proposed retention of five concrete bases and the Trebuchet 'siege' machine.
FOR Warwick Castle

This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Conservation and Design: Note the strong opposition provided and voiced at CAAF and by the Gardens Trust and others that consider this a designed 18th Century Landscape and the retention of this permanent structure is not appropriate. The possibilities of a further limited period of time could be investigated; alternatively it could be moved to an alternative location considered less obvious within the landscape.

English Heritage: "The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice".

Warwickshire Gardens Trust: Object: Believe the structure to be a permanent structure and itself requires planning permission. Warwick Castle in a scheduled ancient monument and a Grade I listed building. Warwick Castle Park and Gardens are designated Grade I on the register of historic parks and gardens. The retention of the trebuchet would be contrary to policies DAP4, DAP8 and DAP11 of the Warwick District Local Plan as they would not respect the setting of the listed building or the park and gardens. Believe that the trebuchet fails the test for acceptability under PPS 5 Practice guide and is not historically accurate to the castle.

Warwick Society: Warwick Castle in a scheduled ancient monument and a Grade I listed building. Warwick Castle Park and Gardens are designated Grade I on the register of historic parks and gardens. The retention of the trebuchet would be contrary to policies DAP4, DAP8 and DAP11 of the Warwick District Local Plan as they would not respect the setting of the listed building or the park and gardens. Believe that the trebuchet fails the test for acceptability under PPS 5 Practice guide and is not historically accurate to the castle.

Environment Agency: No objection, the applicant has received flood defence consent so no further issues are raised.

Garden History Society: Object: believe the trebuchet itself requires planning permission. The retained development would be contrary both to national planning policy relating to the historic environment as contained in PPS5, and local plan policies. For these reasons we advise that permission for this retained

development should be refused. Also concerns over the incremental development within the Grade I registered landscape of the Castle.

Warwick Chamber of Trade: Supports this application wholeheartedly. The Trebuchet is an important part of the Castle's attraction to visitors and those visitors in turn add to the economic vitality of the rest of the town's business.

CAAF: It was felt this is an 18th Century Park and the installation of a Trebuchet had no place within the Park. It was pointed out this is an erosion of the quality of Grade I Listed Park adjacent to a Grade I Listed Building and a Scheduled Ancient Monument. This particular scene had been painted by Canaletto and this form of siege machine was not acceptable as a permanent feature in this location.

Public Response: 4 objections, 3 support.

The objections received were on the grounds off:

Impact to Grade I Warwick Castle and Warwick Park and Gardens.
Historical inaccuracy.
Contrary to policies DAP4, DAP8, DAP11.

The letter of support were in relation to:

Provides a major tourist attraction.
Creation of jobs and economic development.
Unique historic attraction.
Castle is of major importance to other businesses in the town centre.

RELEVANT POLICIES

- Planning Policy Statement 5 : Planning for the Historic Environment
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Warwick Castle has been subject to a large number of planning applications over the years. The concrete bases and trebuchet were subject to the following planning applications.

W/10/0231 - Granted - Retention of 4 x gravel and 1 x concrete bases and a Trebuchet (Siege Machine) for a further 1 year temporary period.

W/05/0348 - Granted - Construction of base for trebuchet on River Island.
Granted a five year permission which expired on 30th April 2010.

KEY ISSUES

The Site and its Location

The application site is located on the river island inside the grounds of Warwick Castle. The Castle is a scheduled ancient monument and a Grade I listed building

and Warwick Park and Gardens are designated as Grade I on the English Heritage Register of Historic Parks and Gardens.

The location of the concrete bases and trebuchet are on a small island created in the River Avon, with access provided by a wooden footbridge. The trebuchet is located approximately 100m from the nearest wall of the Castle in an area of green space near the footbridge to the island.

Due to its proximity to the River Avon, the application site is located within Flood Zone 3.

Details of the Development

The application is for the permanent retention of the five concrete bases and the trebuchet (siege machine).

Assessment

The main issues relevant to the consideration of this application are as follows:

- The definition of 'development' and a 'building'.
- Economic benefit of the retention of the trebuchet.
- Impact on the historic asset and historic parks and gardens.
- Development in a flood zone

The definition of 'development' and a 'building'.

As part of the original application, the applicant applied for only the retention of the concrete bases as they believed the trebuchet itself did not require planning permission, as it is by definition a 'moveable' object.

Development is defined by section 55(1) of the Town and Country Planning Act 1990 as "the carrying out of building, engineering, mining, or other operations, in, on, over or under land or the making of any material change in use of any buildings or other land".

Three factors have been identified in case law, and endorsed by the court of appeal, as to what constitutes a building. These three factors are *size, permanence and physical attachment to the ground*. The applicant stated in their application that as the object is composed of separate components, can be dismantled and moved and is not physically attached to the ground, that it does not constitute a 'building' and does not require planning permission.

Having reviewed this argument, I disagree with the applicant and believe the trebuchet requires planning permission to be retained. The frame of the trebuchet is 8.67m tall and when the arm is in raised position this extends to 17.54m, with the bulk of the machinery below forming a sizeable object. Whilst the trebuchet could be moved, it has remained in the same location for 6 years and would become a permanent feature should this application be granted. Whilst the trebuchet is not directly attached to the ground, it requires the concrete bases built into the ground to operate safely. For these reasons, I am of the opinion that the trebuchet constitutes a building and requires planning permission for its permanent retention in this location.

Having provided these views to the applicant, an e-mail was received by the District Planning Authority on 12th April 2011 asking the application to be changed to "proposed retention of trebuchet and supporting concrete bases".

Economic benefit of the retention of the trebuchet.

In the Ministerial Statement 'Planning for Growth' issued on 23rd March 2011, the Government's expectation was highlighted for the answer to development and growth to be 'yes', unless it would compromise key sustainable development principles. In a letter dated 31st March 2011 to the Council's Chief Planning Officer, it was emphasised that this Ministerial Statement should be a material consideration in decision making.

Warwick Castle is a major employer in the town and the tourism it attracts provides customers and trade for other businesses within the town centre. As the applicant has stated in their application, the 'offer' that the castle provides needs to be maintained and updated, to ensure repeat business and stop visitor numbers declining. The applicant has highlighted the trebuchet as one of the main features of the castle which attracts tourists and believes that the loss of such an attraction would impact on trade.

In addition to this, a number of local businesses have provided letters of support to the retention of the trebuchet, highlighting the Castle's ongoing success as key to tourism and economic development in the town.

Therefore, I am of the opinion that unless the proposed development would contravene the key sustainable development principles, that it should be granted permission as a permanent feature.

Impact on the historic asset and historic parks and gardens.

During the consultation process the proposed development has received objections from a number of conservation bodies including the conservation officer, Warwickshire Gardens Trust, The Warwick Society, CAAF and the Historic Gardens Society due to its impact on the setting of the Listed Building and Listed Parks and Gardens. The objectors, therefore, deemed the application to be contrary to Policies DAP4 and DAP11 of the Warwick District Local Plan.

Policy HE11 of PPS 5 states that "Local Planning Authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan". The applicant has stated that the cost of maintaining the Castle and Listed Park and Gardens is dependent upon the tourist trade, which is dependent upon attractions such as the trebuchet. Therefore, I am of the opinion that granting this application contrary to Policies DAP4 and DAP11 would be within the guidance of PPS5 as the maintenance of the Castle and Gardens is largely dependent on the tourist trade, which attractions such as the trebuchet create.

Whilst the retention of the trebuchet and the concrete bases would impact on the setting of the listed castle and gardens, there would be no physical alteration to the Castle or Gardens which hasn't been in existence over the last 6 years. Outside of the consultation for the planning applications, the Castle has never received any direct complaints about the impact of the trebuchet on the setting of the heritage assets from members of the public.

Both the applicant and the objectors to the scheme have pointed to historical evidence for and against the historical accuracy of retaining a Trebuchet at

Warwick Castle. However, I am of the opinion that the location would not be so incongruous from a historical point of view as to warrant a refusal of this application.

A major concern would be that the trebuchet would remain in position once not operational as a decorative feature of the castle. As this would no longer provide the benefit of drawing tourists, I would recommend a condition is attached requiring a method statement to be submitted to and approved by the District Planning Authority detailing how the concrete bases and trebuchet are to be removed once no longer in operational use.

Development in a flood zone

The trebuchet and bases are located within Flood Zone 3 due to their proximity of the River Avon. After consultation with the Environment Agency they have raised no objection to this development being retained in the flood zone.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 5031/B 03, 5031/B 05 & 5031/B 06 and specification contained therein, submitted on 10th March 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 The development hereby approved shall not be in operational use until a method statement is submitted to and approved by the District Planning Authority for the removal of the trebuchet and concrete bases once no longer in operation. **REASON:** To ensure that the protection of the heritage assets and to satisfy the requirements of Policies DAP4 and DAP11 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed development does not have such a significant adverse effect on the historic integrity, character or setting of the listed building, or to significantly affect the character and appearance of the Conservation Area within which the property is situated. The proposal is therefore considered to not contravene key sustainable development principles and therefore to broadly comply with the policies listed.
