

**Application No:** W 10 / 1103

**Town/Parish Council:** Warwick

**Registration Date:** 20/08/10

**Case Officer:**

Gary Stephens

**Expiry Date:** 15/10/10

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**Warwick Racecourse, Hampton Street, Warwick**

Erection of 100 bedroom hotel and new racecourse entrance on Warwick Racecourse land adjacent to Hampton Street, including demolition of existing bungalow and racecourse entrance building and provision of vehicle parking, landscaping, groundworks, drainage works, provision and /or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations FOR Jockey Club Racecourses Ltd

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** The objections centred on the residents concerns that the development failed to meet the Local Planning Authority Policies DP1, DP2, DAP4 & DAP8 and the adverse impact which the development would have on residents amenities arising from increased traffic, disturbance from lighting, overlooking and noise, the developments failure to concentrate positively to the Conservation Area resulting from the mass of the development being located on to a limited site.

That the Town Council recommend a refusal on the following grounds:

- i. LPA Policies DP1 & DP2 state that proposals which do not positively contribute to the quality of the environment by good design will not be approved and the mass of this development and in particular the elevation to Hampton Street is overbearing and will have an adverse impact on the amenity of those residents by loss of light and privacy.
- ii. Within a Conservation Area LPA Policy requires the special architectural and historic interest of the Conservation Area and the development which will restrict views in Friar Street and detract from the open visual setting of St Mary's Lands does not accord with this policy.
- iii. LPA DAP 4 relates to the protection of listed buildings and the proposal will by its mass dwarf the old grandstand which is a listed building.
- iv. The proposed development will generate significant traffic in streets which are currently heavily congested and restricted vehicles movements and this development will only add to those traffic problems. However, in addition to the congestion it is likely that the traffic will contribute to the deterioration of air quality. The limited access to the development will also contribute to the existing serious congestion at peak times, and this congestion will also impact on cyclists and the County Council's safer cycle routes for cyclists and especially school children.
- v. The proposed car parking relies on the use of existing public parking spaces, which are fully occupied on race days and in any case should not exclude other users of the common and adjoining Hill Close Gardens.

Adjoining residents may also suffer a loss of amenity by noise and light pollution from the development and in particular the need to endure that car park and access to the hotel are fully lit all times.

**WCC Fire and Rescue:** no objection, subject to fire hydrant condition.

**Cultural Services:** The building itself will not have an impact on the neighbouring wildlife because it follows the existing building line, and is on an existing built environment. However, there are concerns to what additional impact there will be from the extra usage the area will get, through those who will be residing at the Hotel, e.g. noise disturbance, litter etc. Considering St. Marys Lands is currently a proposed Local Wildlife site, and will in the future become a Wildlife site and a local Nature Reserve, the balance between enhancing and managing the wildlife and encouraging further access needs to be carefully considered. For a wide range of flora and fauna it is noted that this area is used by house martin, swallows and swifts for feeding, so perhaps providing suitable nesting sites attached to the new building, could be seen as mitigation for this development, as part of the overall mitigation plan. Although the trees have a role in softening the existing development and entrance to the racecourse, they are not of huge merit, don't offer much long term potential (too closely spaced and in too small a piece of ground) and most of their benefits could relatively easily be replaced through suitable planting.

**Warwickshire Police:** no objections.

**CAAF:** It was felt that the gap between the Bread and Meat Close Development and the existing stand is a link between the urban area and The Common. The Forum strongly felt that as this is now a Conservation Area there was no justification for forming at an urban edge by the provision of another large building in the form of hotel on this site. It was felt that PPS5 now requires the building to enhance the Conservation Area and it was considered that this design does not enhance the Conservation Area. At this point The Common merges with the Town and this scale of building would obliterate the views in and out from the Common. Concerns were expressed at the loss of the trees which are existing on the site and the provision of trees on the proposal, it was felt, would not be as shown on the drawing. The Forum agreed that the turret was rather alien, whilst there was some merit to the architecture in Hampton Street. Particular concern was expressed at the fact that the building would be on common land and that the original Acts of Parliament both of 1948 and 1974 would be compromised by the provision of new buildings on The Common. It was accepted the Racecourse needed to use their facilities on more than race days, however it was felt that this could be within the existing buildings including the provision of conference facilities, possibly including a single storey building on the same site with a hotel facility elsewhere.

**English Heritage:** No objection in principle, but were concerned about through visibility from Friars Street to the common. Consider that the incorporation of a glazed first floor appears to be an attractive feature in its own right, but one that might have relatively little effect in terms of through visibility. Conclude that views between Friars Street and Crompton Street and the Common would be adequately safeguarded. Leave detailed design issues, such as the 'drum' on the corner to DC Conservation. Subsequently, they revised their advice to accept that the views from Crompton Street would be protected but that those from Friars Street are more complex, with the view from the west end being lost while views from the Bowling Green Street end would include open countryside on and

below the horizon above the building, although the view of the Common would be largely lost in the view. This could be mitigated if the building was redesigned. Their conclusion was that the harm was less than 'substantial' and that it can be justified by helping to secure the optimum viable use of the heritage asset represented by the racecourse as a component part of the conservation area in the interests of its long-term conservation (PPS5 HE9.4)

**Severn Trent Water:** no objection subject to conditions on approval of disposal of surface water and foul drainage.

**Warwick Society:** Object to any building on this particular spot as importance of the racecourse to Warwick is in its close proximity to the town giving views from its residential streets into open countryside, which retains the ambience of its eighteenth century origins. Contrary to PPS5, Aim 2 of the Local Plan (Effective Protection of the Environment), Policy DAP4 (Protection of Listed Buildings), the adopted distance separation standards, objective 2F of the Local Plan (protect and improve air quality), objective 3B (including protection of cycle routes to schools), impact on nearby residents due to traffic, air pollution, lighting, overlooking and noise contrary to policy DP2 and objective 4D, DP3, DP7, DAP2, DP1 (design does not positively contribute to the quality and character of its environment through good design), parking will be intrusive, lack of parking on race days. They also consider that the proposal may be contrary to the 1984 Warwick District Council Act. They are not convinced that there is a need for a hotel at this location which justifies overriding the importance of protecting the landscape and local amenity, and are concerned that the decline in racing could result in a hotel but no horses.

**WCC (Ecology):** No objection subject to condition about supervision of demolition works by qualified bat worker. A landscaping scheme should also be submitted to ensure that there is no loss of biodiversity, as well as a lighting scheme, and the use of SUDS.

**WCC (Highways):** no objection subject to conditions on no direct vehicle access from Hampton Street, and applicants to submit a Green Travel Plan for both employees and visitors (to be secured via a S106 Agreement/Undertaking). They also request a condition on submitting details of the storage chambers in relation to surface water flooding alleviation and the outfall rate into Saltisford Brook.

**EHO:** consider that there is potential for noise and air pollution in terms of the heating, cooling and ventilation equipment, entertainment noise, and noise from vehicles, as well as cooking odours. They note that no details of the combined heat and power plant but consider that traffic idling while waiting to enter/exit the site are unlikely to give rise to significantly elevated levels of air pollution around the road junction. They recommend noise, and delivery hours conditions, and details of the combined heat and power system and the kitchen extraction system.

**Conservation Architect:** The scheme has been scrutinised in terms of PPS5 (in particular policies HE7.5, HE9.5 and HE10) and the Practise Guide, section 80. It was concluded that not all of the 8 characteristics had been adequately addressed, in particular that the entrance wing is such that it will significantly obliterate the view of the common from points in Friar Street. This visual link is considered to be important and has strong historical significance in terms of the development of Warwick. In terms of the building itself, it is considered that this does not adequately address section 80 of PPS5 due to the scale and massing of

the 'drum' feature on the corner and would have a more than "less than substantial" harm, so is not acceptable.

**Aylesford School:** 54 standard letters of objection have been received from the students on grounds of loss of a cycle route from Saltisford, Woodloes, Packmores and the Cape to Aylesford School, which would constitute a public danger.

**Public Response:** A total of 150 objectors have submitted comments opposing granting permission, with 9 supporters submitting comments in favour of the proposal highlighting the economic and tourism benefits to the town. The objections are on the grounds of traffic impacts on Hampton Street and the adjoining roads; fails to enhance or protect the Conservation Area; impact on the setting of listed buildings; too big (4 to 5 storeys next to 2 storey houses); creation of a 'tunnel environment' along Hampton Street; impact on the 'period character' of Hampton Street; will result in Warwick becoming a 'bland copy of any other town'; increased noise, disruption and disturbance from 365 days trading instead of only a very limited number of days per year; loss of light; conflicts with distance separation guidelines; increased air pollution; inadequate surface water drainage and sewerage which could lead to a higher risk of flooding; no alternative sites have been considered (DP10(b)); a budget hotel outside the town centre will not benefit the town; impact on future of St Mary's Lands as an open space; part of site not 'brown field' as it is garden of bungalow; overdevelopment of a restricted site; contrary to various Local Plan policies, starting with DP1 and DP2; loss of privacy; contrary to PPG15: Planning and the Historic Environment; proximity to geological fault line; impact on Area of Restraint (DAP2); lack of need; impact on ecology; lack of parking; loss of trees; light pollution; impact on cycleway; contrary to PPS4: Planning for Sustainable Economic Growth; impact on small hotels and bed & breakfast businesses nearby; dispute the financial evidence and highlight the financial health of the Jockey Club and that attendance figures at the Racecourse are actually increasing; question the relevance of the profits of the Jockey Club and the inability to view and comment on the confidential financial information submitted by the applicant.

Issues which are not planning matters include: the Warwick District Council Act, licensing, events elsewhere on the racecourse, and Competition Law.

### **RELEVANT POLICIES**

- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC15 - Public Art (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

Various permissions have been granted over time for a variety of buildings and works associated with the established Racecourse use, both within the area for the proposed building and within the wider racecourse site. In 2006, planning permission was granted for a two storey restaurant and offices (1707 building) which immediately adjoins the application site (W06/0405). Most recently, an application for a 100 bedroom hotel (W09/0942) was withdrawn in September 2010.

## **KEY ISSUES**

### **The Site and its Location**

The application site falls within the urban area of Warwick, and lies adjacent to the entrance to the racecourse and St. Marys Lands at the junction of Friars Street, Hampton Street, and Crompton Street. The site extends from the entrance in a south westerly direction along the frontage of Hampton Street, within the curtilage of the racecourse, and includes the racecourse entrance buildings and structures, and a bungalow. To the south west of the site are racecourse buildings, the open racecourse track to the north, and the access road to Bread and Meat Close (and the racecourse) to the north east. To the east, on the opposite side of Hampton Street, are residential properties. The site falls outside of the defined town centre for Warwick, but within the Warwick Conservation Area.

### **Details of the Development**

The proposal is to demolish the existing bungalow and single storey racecourse entrance building, and erect a new building comprising of a new racecourse entrance/ticketing area, and a hotel with 100 guest bedrooms, breakfast seating/kitchen, lounge/bar area, administration and back of house facilities, roof terrace, and roof plant. The proposed building is three storeys facing onto Hampton Street, stepping up to four storeys at the north eastern end of the building facing onto the entrance to Bread and Meat Close and to the racecourse itself. The building would have a circular 'drum' corner feature overlooking the junction, incorporating signage, with a flat roofed plant room at roof level, behind a glazed screen. The building also steps down to a two storey section at

the south western end, with the roof terrace on top overlooking the racecourse with a transparent glass balustrade.

The roofs facing towards Hampton Street and the racecourse would be finished in slate, with zinc/lead clad dormer windows for the fourth floor accommodation facing towards the racecourse. The roof area at the north eastern end of the building overlooking the entrance to Bread and Meat Close would be flat, with reconstituted stone copings to the edges. The elevation walls would be finished in red brick, with metal framed windows and Juliet balconies on the windows facing the racecourse, and the same stone copings to match Warwick stone.

The proposal also includes external landscaping, public art at the entrance, bin store and service areas, and the provision of 81 car parking spaces (including 5 accessible spaces).

The application is accompanied by a Design and Access Statement, Transport Statement, Ecological Survey, Heritage Report, Flood Risk Assessment, Drainage Investigation Report, Green Travel Plan Framework, Energy Statement, Sequential Sites Assessment, Arboricultural Assessment, Statement of Community Engagement, and Financial Appraisal (in part submitted as private and confidential and not for public review due to the commercially sensitive nature of the information).

## **Assessment**

The main considerations in determining this application are as follows;

- Whether the proposal accords with national policies with regard to its impact on the town centre;
- Whether the proposal accords with national and Local Plan policies with regard to its design and impact on the historic environment;
- Whether the proposal accords with Local Plan policies which seek to protect the amenity of residents from new development;
- Whether the proposal accords with Local Plan policies which seek to protect and enhance the natural environment;
- Whether the proposal accords with Local Plan policies which seek to promote sustainable travel, avoid adverse impact from traffic generation, and make appropriate provision for parking; and,
- Whether there are any material considerations that outweigh any harm caused.

## **Impact on the Town Centre**

The Local Plan does not contain policies that guide the location of new hotels, and therefore it is relevant to rely in this case on national policies within the National Planning Policy Framework (NPPF).

### **Sequential Approach**

Paragraph 24 of the NPPF requires local authorities to apply a sequential test to planning applications for main town centre uses (such as hotels), with all in-centre options having been thoroughly assessed for their availability and suitability before less central sites are considered. The applicant has assessed 43 potential sites within Warwick and Leamington Spa town centres, and concluded that none of the sites were available, suitable and viable for the proposed hotel use.

In relation to Warwick town centre, whilst it is noted there are a number of potential opportunity sites for development as highlighted in the Warwick Town Centre Plan (AAP) Issues Paper, none of these sites have materialised through this process to an extent which it might be concluded they are both available and suitable for a hotel use. This includes buildings which are either vacant or part vacant; such as 2-22 Northgate Street, the former Fire Station and Police Station, and the Works on Theatre Street, where the ability of the landowner to satisfactorily develop the site for a hotel has not been proven. In relation to Leamington town centre, the upper floors of the Regency Arcade, and the Bedford Street car park have both been granted planning permission for a hotel use which are yet to be fully implemented. In addition, there are other vacant buildings that might be suitable for reuse or redevelopment for a hotel use. None of the landowners for these sites have however objected to this application on the grounds they have a more sequentially preferable site for a hotel, possibly as they do not see this proposal in Warwick as direct competition to their schemes or potential schemes.

In this respect, it is therefore concluded that there are no in-centre options that would be materially affected by the proposal. In these circumstances, the NPPF requires that preference is given to accessible locations which are well connected to the town centre. As the application site lies immediately adjacent to the town centre boundary, the applicant has demonstrated compliance with the requirements of the sequential approach in the NPPF.

#### Impact

The NPPF also requires an assessment of the proposals impact on centres. Firstly, of relevance to this proposal, their impact on existing, committed or planned investment in centres within the catchment of the proposal, and secondly, their impact on viability and vitality of that centre.

Warwick town centre contains a number of existing hotels of a smaller scale than the proposal, although there is no significant committed or planned investment in the centre. The applicant acknowledges there maybe some impact on existing hotels in the town centre in terms of lost business, however they do not consider this to be significant, and argue this would be outweighed by additional overnight visitors to the town and their expenditure in the town centre. They also argue they would be able to enter the 2-3 day conference market using their existing facilities, which would not therefore compete with existing hotels. Objections have been received to this argument, including from a local hotelier in the town centre concerned at the impact of the additional bedspaces on the future viability of their hotel. In the absence of any evidence in terms of likely trade drawn away from the existing hotels in the town centre, it is difficult to conclude on this matter. However, it is likely that some trade will be diverted from the existing hotels in the town centre, and this inevitably will have a negative impact on the viability of those businesses. Any additional expenditure in the town by increased numbers of overnight visitors is unlikely to be of direct benefit to hotel or bed and breakfast operators.

In terms of impact on the viability and vitality of the town centre, the applicant has argued that the proposal is expected to increase the number of overnight visitors to the town by enhancing the range and choice of accommodation, and this will in turn increase spending in the town centre thereby enhancing the town centres vitality and viability. The provision of a 100 bed hotel would certainly increase the supply of accommodation within close proximity to the town centre, and it would be reasonable to assume that a proportion of the visitors to the hotel would be likely to use shopping and leisure/tourism facilities within the

town centre. This additional spend in the town centre would therefore have a positive impact on its viability and vitality, although that would need to be weighed against any negative impacts on existing hotel establishments in the centre.

The NPPF states that planning permission should be refused where there is clear evidence that the proposal is likely to lead to significant adverse impacts. However, whilst it is considered there will be adverse impacts from the proposal on existing hotels within the town centre, this impact cannot be evidenced to be significant adverse sufficient to warrant refusing permission on these grounds.

### **Impact on the Historic Environment**

The NPPF requires the applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The applicant has submitted a heritage report. The proposals impact on the historic environment is in relation to its impacts on nearby listed buildings and their setting, and the Warwick Conservation Area.

#### Listed Buildings

Policy DAP4 of the Local Plan resists development that would adversely affect the setting of a listed building. The nearest listed building to the proposal is no.6 Hampton Street (Grade II) which is on the opposite side of the road to the racecourse and would face onto the south western end of the three storey element of the proposed hotel. This property forms part of a terrace which is arguably the setting to the listed building, and its value as a heritage asset relates to its architectural detail. This detail would not be affected by the proposal, and it is equally considered its setting in historic building terms would not be adversely affected. The next nearest listed building to the proposal is the Grandstand to the racecourse (Grade II), which lies to the south west of the proposed hotel separated by the more recent restaurant building. This is a substantial building whose setting is closely associated with the racecourse track itself. The proposed hotel would not alter this relationship and therefore it is not considered to adversely affect its setting.

#### Conservation Area

Policy DAP8 of the Local Plan requires development to preserve or enhance the special architectural and historic interest and appearance of the Conservation Areas. Development is also expected to respect the setting of Conservation Areas and important views both in and out of them. The existing buildings on the application site, namely the bungalow and racecourse entrance, do not make a positive contribution to the appearance of the Conservation Area and are of no architectural or historic interest. Their demolition would therefore enhance the appearance of the area. The replacement building is substantially larger, however, it is considered of an appropriate scale having regard to the nearby buildings in this location, notably the Grandstand, and the properties along Hampton Street and Bread and Meat Close. Its design and use of materials is also considered appropriate to its location and the surrounding buildings. The 'drum' feature at the corner would act as a 'turning' feature architecturally and creates a 'landmark' at the racecourse entrance which would create visual interest and promote legibility, but has been criticised by the Conservation Officer, CAAF and English Heritage as to its scale, massing, and bland appearance. The drum would benefit from being a narrower and slimmer feature, possibly more reflective of the former herdsman's house on the site, and in this regard its current design is not considered to make a positive contribution to the character of the environment through good design.



One of the qualities of this part of the Conservation Area is its historical significance to the town, as the interface between the urban development to the west of Warwick town centre and the open countryside beyond. This relationship is seen in a limited number of views from the edge of the historic core of the town, such as from Barrack Street, The Jetty (the pedestrian route down from the Market Place to Theatre Street) and from the top of Friars Street (this view being relevant to this application). The view down Friars Street is contained on either side by buildings, with the top of the modern development of Bread and Meat Close being visible above the other roof tops. The view into the conservation area itself is over the Silver Birch trees and single storey buildings within the application site, and to the open part of the racecourse and the rising countryside beyond in front of Hampton on the Hill. The proposed building, particularly the corner feature and the entrance wing, would fill this view from viewpoints along Friars Street from the Seven Stars public house to the junction with Bowling Green Street at its eastern end. It is possible there maybe views of the open countryside above the building, however, these views would clearly be dominated by the building itself. Other views into the Conservation Area, such as from Crompton Street, would not be significantly affected since this view is generally along the line of the access road into the racecourse which is unchanged. The houses fronting Hampton Street are also within the Conservation Area and are of historical significance as an early nineteenth century, speculative, housing development. These houses are generally two and three storey in height, however, their setting is influenced by the existing Grandstand building and 1707 restaurant which are of varying and substantial heights, which thereby limits views into the common from Hampton Street.

The applicant has submitted a visual impact assessment which describes the views from Friars Street as partial/glimpsed and transient, drawing attention to the influence of the existing buildings along Friars Street and the caravan park within the racecourse. It also refers to tree planting as a means of softening the building, the glazed elevation at first floor level of the entrance wing allowing transparency, and the fact that substantial buildings did previously exist on the racecourse which would have influenced this view. It therefore considers the building has only minor adverse effect on the views into the Conservation Area. Notwithstanding these arguments, the proposal does not respect important views into the Conservation Area, and is therefore considered to be contrary to Policy DAP8 of the Local Plan. The NPPF however requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Further, where a proposed development will lead to substantial harm, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

There is a difference in opinion between English Heritage and the Council's Conservation Officer as to the significance of the harm caused by the development in this respect. English Heritage consider the harm is less than substantial and can be justified by the public benefits of the proposal in securing the optimum viable use of the heritage asset (i.e. maintaining the racecourse use itself) in the interest of its long term conservation. However, the Conservation Officer considers this harm is greater and is not outweighed by the public benefits. Having considered both viewpoints and the evidence submitted, the harm caused by the proposal to the Conservation Area and important views into the Conservation Area is considered less than substantial and is outweighed

by the public benefits of the proposals which are discussed in detail below under material considerations.

### **Amenity of Nearby Residents**

Policy DP2 of the Local Plan requires that development does not have an unacceptable adverse impact on the amenity of nearby uses and residents. The nearest residential properties to the proposed building are two storey houses along Hampton Street which will face onto the three storey element of the building, principally containing hotel bedrooms and windows at ground and second floors. The distance separation across Hampton Street is at its nearest point approximately 14m to 15m. The Council's Distance Separation Standards (SPG) requires a separation distance of 27m between two storey dwellings and three storey dwellings with bedrooms at second floor level, however, this standard is only applicable between the fronts and backs of dwellings. Given the proposed hotel is overlooking the front of the property across a public street, the potential harm caused by loss of privacy needs to be weighed against the fact that their privacy is already compromised by the fact they overlook public space. Also, given the nature of the hotel use and the fact the rooms are less likely to be occupied as much as those within a normal dwelling house, and that no windows are shown at first floor level directly opposite first floor windows of existing properties, the proposal is not considered likely to have an unacceptable adverse impact on amenity of nearby residents.

In terms of the dominance of the proposed hotel building over the existing dwellings across Hampton Street, the applicant has sought to reduce the impact through re-positioning the building, and lowering its height compared to its previously withdrawn application. It is recognised there are other existing tall buildings along Hampton Street (notably the grandstand and 1707 building) which have a similar effect on nearby properties, and that a 14m distance across a street frontage between 2 and 3 storey buildings is not uncommon within an urban context, particularly within a Conservation Area where the overriding need is to preserve or enhance the appearance of the area. The proposed building is therefore considered to comply with the Council's standards for protecting amenity, and is consistent with Policy DP2 of the Local Plan.

Local residents have also objected on grounds of increased noise disturbance, air and light pollution (related to Policy DP9 of the Local Plan). Whilst the concerns in respect of noise and air pollution from the various elements of the building and its uses, i.e. heating, cooling and ventilation equipment, kitchens, combined heat and power plant, entertainment and associated traffic are shared by the Environmental Health Officer, in their opinion any pollution that might harm nearby residential amenity could be adequately controlled by conditions attached to any planning permission. Moreover, they consider that traffic idling while waiting to enter/exit the site would be unlikely to give rise to significantly elevated levels of air pollution around the road junction. In the same regard, it is not considered any light pollution from external lighting could not be suitably controlled to minimise its harm to residential amenity of nearby properties and ecological interests.

### **Impact on the Natural Environment**

Policy DP11 requires sustainable drainage systems or an acceptable means of surface water disposal which does not increase the risk of flooding. The site falls in Flood Zone 1 with minimal flood risk. Local residents have raised objection on grounds of inadequate surface water drainage and sewerage causing higher risks of flooding. The applicant has submitted a drainage statement and flood risk assessment. They propose permeable paving/porous asphalt to reduce existing

surface water drainage problems from the areas of hardstanding, along with storage chambers to capture surface water and reduce the current discharge rate to the Saltisford Brook. Foul drainage can be accommodated in the public foul sewers in Bread and Meat Close. The development will not therefore create any additional run off into the existing Brook, and will not increase the risk of flooding. Severn Trent, Community Protection Team and the County Council have no objection to the proposal, subject to suitable conditions being attached to any permission to secure the measures proposed.

Policy DP3 requires development to protect important natural features and positively contribute to the natural environment. Some objectors have also raised ecological concerns but the submitted ecological report from the applicant shows that there was no evidence of bats or birds in the buildings. The County Ecologist has also raised no objection, subject to suitable conditions in relation to protected species. There are a number of maple and silver birch trees within the site. The applicant has described these as of poor or fair condition. None of the trees are therefore to be retained, but to be replaced with new trees which is considered appropriate given the existing trees condition.

Objection has also been raised on the grounds that the garden to the bungalow is defined as 'greenfield' land in national policy and should be protected. There are no planning policies that seek to preclude hotel development from 'greenfield' sites in the urban area, and this is not therefore a reason for refusal. Objections have also been raised on the impact of the proposal on St. Mary's Lands as an open space and as an Area of Restraint. The proposal is within an area of built development within the operational area of the racecourse and therefore would not result in the loss of open space or building in the Area of Restraint. Any additional impact from increased numbers of visitors to the open space is considered not to be significant in the context of the overall numbers of visitors to the area to warrant any adverse impacts. Concerns have also been raised about the proximity to the geological fault line, although this is not considered likely to affect the proposal.

### **Impact on Transportation Matters**

Policy DP7 of the Local Plan resists development that would generate significant road traffic movements. In terms of traffic generation, the transportation statement submitted by the applicant concluded that the Hampton Street/Friars Street/Crompton Street junction had the capacity to take the relatively low level of traffic that would be generated (29 trips in the AM peak and 26 trips in the PM peak). The evidence was considered robust by the County Council as Highway Authority. The local residents, however, consider that there will be significant impacts and that queues will result, and cite existing problems.

The applicant proposes off-site highway improvements to provide safe pedestrian crossing facilities and help reduce vehicle speeds. A proposed right-turn facility will also allow free-flow of vehicles along Hampton Street/Friars Street. Concerns have been raised by residents and local school children about the loss of the nearby cycle route, however, it will not be affected and these improvements are supported by the Highway Authority, particularly as they will make it safer for pedestrians and cyclists using this route in accordance with Policy DP6 of the Local Plan.

The other transportation matter is parking. In this case, since the site lies outside the defined town centre, the relevant standard is one parking space per bedroom. The applicant's proposals include 81 spaces within the site, including 5 accessible spaces and 25 cycle stands. These are located between the

grandstand and the racing track on non race days, with parking on race days to be in the existing public parking areas north of the site along Bread and Meat Close. They argue a lower provision is necessary given the site's proximity to the town centre, the principles set out in PPG13 (now the NPPF), and the availability of alternative modes of transport to access the site, including local buses. The applicant also proposes a green travel plan to assist with encouraging non car use. The Highway Authority have raised no objection to this level of parking provision, as there is a large capacity of public car parks available nearby on race days and non race days. Concerns have been raised by the Town Council about parking on race days, however, there are other parking areas available in the town and to an extent users of the hotel on these days would also likely to be visitors to the racecourse. In this context, and having regard to the arguments and particularly the availability of alternative modes of travel, it is considered that a reduced level of parking provision is acceptable in this instance in accordance with Policy DP8 of the Local Plan.

### **Material Considerations**

The applicant has submitted evidence as to the contribution the racecourse makes to the economy of the town. The course attracts attendances of between 40-50,000 p.a., and the proximity of the course to the town centre means that local businesses also benefit from visitors. The racecourse is estimated to have generated £4.2m in direct on-course and off-course expenditure in 2010. The racecourse also has strong community links.

The applicant has stated that the racecourse needs to diversify its business to remain financially viable. To support this statement, the Racecourse has submitted a Financial Appraisal containing an assessment of the ongoing financial viability of the Racecourse. It argues this proposal would enable them to diversify their income streams to supplement their racing income which has fallen in recent years due to fewer race days and a fall in visitor spend. The fall in income affects their ability to re-invest to improve its facilities and compete with other leisure attractions and competitors. A hotel would offer overnight accommodation to race day visitors, as well as offering overnight facilities for conferencing and events facilities. A 100 bedroom limited service premium brand hotel was considered the most viable option to deliver increased income. The development also presented an opportunity to create a new formalised entrance to the course. A search of alternative sites within the racecourse for a hotel concluded that the application site was the best option. The appraisal demonstrates the additional income anticipated from a hotel use and how this would affect the profitability of the Racecourse.

The Appraisal evidence has been assessed by an Independent Chartered Surveyor on behalf of the Council who has considered whether the ongoing financial viability of the Racecourse is dependent on such development. He concludes that the evidence reflects the current pressures on racecourses to maintain their current financial position, and that the return on development costs would appear favourable and within the market guidelines for a development of this type. On that basis, he concludes that the development would make the prime operation of the racecourse more sustainable for the operator, and there is an economic argument for its development. The economic benefits of the racecourse to the town and the impact of the hotel on the local economy are disputed by objectors. Objectors have also cited the recent commercial success of the applicant.

There will clearly be some benefit to the racecourse itself from the introduction of a hotel which can only improve the viability of the racecourse as a business.

Maintaining the racecourse as a racecourse clearly has wider economic benefits for the town, in terms of spin off trade for local businesses and for employment for local people, as well as benefits to the conservation area in terms of maintaining its character and appearance. The proposal will also inevitably add to those positive benefits in terms of creating job opportunities for local people near to one of the more deprived wards within the District. Whether or not the Racecourse will continue to exist in the future without this proposal and how significant therefore this proposal is to the long term financial viability of the racecourse, and therefore the character and appearance of the conservation area, is clearly difficult to predict with any certainty. However, the evidence submitted by the applicant and independently assessed, demonstrates the positive impact the hotel use would have on the ongoing viability of the Racecourse in the near future, and in this respect this is a significant material consideration to weigh in favour of the proposal. This material consideration is strengthened further when considered alongside the NPPF and the requirement for significant weight to be placed on the need to support economic growth through the planning system.

In conclusion, the economic benefits are significant material considerations to weigh in favour of the proposal and on balance are considered to outweigh any harm caused by the proposal to the Conservation Area.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted 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.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) PL-001, PL-002 rev A, PL-005 rev A, PL-006 rev A, PL-007 rev A, PL-008 rev A, and specification contained therein, submitted on 19th August 2010 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.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.  
**REASON** : In the interests of fire safety.
- 5 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 All demolition and tree removal works hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roofs of the buildings to be demolished and all trees to be removed. All roofing material is to be removed carefully by hand. Should bats be found during these operations, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this, the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON** : To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.
- 7 Details of the means of disposal of surface water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 8 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.  
**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 9 No development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system have been submitted to and approved by the District Planning Authority and the

development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 10 No development shall be carried out on the site which is the subject of this permission, until details of a scheme of glazing and ventilation to the Lounge/Great Room has been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 11 No development shall be carried out on the site which is the subject of this permission, until details of the combined heat and power scheme have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 12 No development shall be carried out on the site which is the subject of this permission, until details of the storage chambers, including the outfall rate via the hydro brake into Saltisford Brook, have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 13 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall not be occupied unless and until the following highway works have been completed in strict accordance with the approved plans drawing number TSP/TJC/P1792/05. **REASON** : In the interests of highway safety, in accordance with the requirements Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The hotel hereby permitted shall not be occupied unless and until a Green Travel Plan to promote sustainable transport choices has been submitted to and approved in writing by the District Planning Authority. The approved measures (and any approved variations) shall be implemented in full at all times after the completion of the hotel. The plan shall:
  - (i) specify targets for the proportion of employees and visitors travelling

to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

(iii) explain and justify the targets and measures by reference to the transport impact assessment approved;

(iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

**REASON** : To reduce reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011.

- 16 No lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.

**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 17 The level of noise from the development when measured one metre from the facade of any noise sensitive premises shall not exceed the background noise level by more than 3dBA measured as LAeq(5 minutes). **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 18 No deliveries or noisy external activities likely to cause nuisance to nearby residences, shall occur between 9.30pm and 7.30am Monday to Saturday, before 9am on Sunday or after 6pm on Sunday. **REASON**: To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 19 The hotel hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans and shall be retained at all times thereafter unless agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 20 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.



- 21 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **REASON** : To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
  
- 22 The cycle provision shown on the approved plans shall be completed before the development is occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 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:

NPPF requires main town centre uses to be located within town centres. It is considered that there are no more sequentially preferable sites available or suitable, and that there are no significant adverse impacts sufficient to warrant refusing permission.

NPPF and Local Plan Policies DAP4, DAP7, DAP8 and DAP9 seek to ensure that development preserves the special architectural or historic interest of Listed Buildings and the character and appearance of Conservation Areas. In the opinion of the District Planning Authority, the development would preserve the character and appearance of the various Listed Buildings and any harm to the Conservation Area arising from the impact on important views would be outweighed by the wider public benefits of the proposals in accordance with NPPF.

NPPF and Local Plan Policies DP2 and DP9 state that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents or gives rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors. Policy DP2 goes on to state that acceptable standards of amenity should be provided for future users / occupiers of the development. In the opinion of the District Planning Authority, the proposals would not cause unacceptable harm to the living conditions of nearby dwellings or other nearby uses and would not give rise to unacceptable air, noise, light or other pollution.

Local Plan Policies DP3 and DAP3 require development to protect important natural features and positively contribute to the natural and historic environment through good habitat / landscape design and management. In the opinion of the District Planning Authority, adequate information has been submitted to

demonstrate that the development will not harm protected species and will not result in the loss of important natural features. Adequate mitigation for any loss of biodiversity has been incorporated into the proposals.

Local Plan Policies DP12 and DP13 require development proposals to promote energy efficiency and to incorporate renewable / low carbon energy production. In the opinion of the District Planning Authority, sustainability principles have been respected and proposals been put forward which meets the objectives of these policies.

NPPF and Local Plan Policies DP1, DP6, DP7 & DP8 require development proposals to provide safe, convenient and attractive access routes for pedestrians, cyclists, public transport users and other users of motor vehicles, to demonstrate that they do not cause harm to highway safety and to make provision for appropriate car parking. In the opinion of the District Planning Authority, the proposals would not be detrimental to highway safety. Furthermore, in view of the overall parking provision within the area, the level of parking provision is considered to be consistent with the objectives of these policies.

Local Plan Policy SC4 states that the development of cycle and pedestrian facilities will be permitted provided the benefits in terms of encouraging cycling and walking outweigh any adverse impacts. In the opinion of the District Planning Authority, the proposed cycle parking facilities would not result in harm that would outweigh the benefits in terms of encouraging cycling and therefore would be in accordance with this policy.

Local Plan Policy SC12 states that contributions towards sustainable transport improvements will be sought from all developments that would lead to a material increase in traffic on the road network. In the opinion of the District Planning Authority, bearing in mind the sustainable location of the site, the proposals will satisfy the objectives of Local Plan Policy SC12.

NPPF aims to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. The development makes suitable provision for surface water drainage. The proposals are therefore considered to meet the objectives of NPPF.

In conclusion, the proposals would be in accordance with the Development Plan and there are no other material considerations to indicate that planning permission should be refused.

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