

**Application No:** W 10 / 1104 CA

**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**

Demolition of existing bungalow and racecourse entrance building FOR Jockey Club Racecourses Ltd

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This application is directly related to W10/1103, which is the subject of the previous report on this agenda.

**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**

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

- National Planning Policy Framework

## **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 and Local Plan policies with regard to its design and impact on the historic environment; and,
- Whether there are any material considerations that outweigh any harm caused.

## **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.

### **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 outweigh any harm caused to the Conservation Area.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W/10/1103 has been made. **REASON** : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 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 demolition would not result in harm to the character or appearance of the Conservation Area and the proposal is considered to comply with the policies listed.

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