



Representation on Warwick District Local Plan:

Representation: Where the local plan falls down: Heritage.

Planning Guidance

NPPF Para 126

"Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment,²⁹ including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance."

NPPG Paragraph: 004 Reference ID: 18a-004-20140306

"In line with the National Planning Policy Framework, local authorities should set out their Local Plan a positive strategy for the conservation and enjoyment of the historic environment."

NPPG Paragraph: 129

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

See also Appendix 1 where the paragraphs 126 to 141 from the NPPF dealing with Conserving and Enhancing the Historic Environment are set out

How the need to conserve and enhance our heritage assets is addressed in the local plan

In paragraphs 5.139 et seq. the adopted local plan for Warwick District identifies the valuable heritage assets of the district, the statutory framework for their protection and the processes to be undertaken to obtain planning consent for developments within conservation areas and affecting historic buildings.

These policies are supported and they will provide a means by which micro planning of new developments in our heritage areas will be managed by a set of development control measures.

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Where the plan falls short, however, is in respect of the account taken in its proposals of the impact on the heritage areas of the strategic decisions made in the plan on the disposition of future development in the district.

In paragraphs 5.139 onwards the plan correctly identifies the importance of the historic environment of our principal towns. It identifies its importance "for its own sake as well as for the role it has in creating an attractive environment to live and work." It also identifies how this "historic legacy has been carefully guarded". Disappointingly, it fails to mention a rather significant aspect of its contribution to Warwick by its function as the driving force behind the visitor economy that supports many of its local businesses which in turn serve as a major source of employment.

How the plan fails to protect our heritage assets

Over many years there has been a growing appreciation of the impact of traffic on our heritage assets and on our historic towns. The general response to this has been a wish to remove the bulk of traffic from the vicinity of conservation areas and return the streets to the people and hence protect the historic buildings from the impact of traffic.

Whilst our plan sets up the means by which the system of planning application and consent can be used to protect historic buildings, it does not address the need to protect our town centre conservation areas (especially Warwick) from the impact of the developments proposed in the plan itself. There is little or no evidence that the potential impact caused by the traffic generated by the new developments (especially those in the south of Warwick) on the character, attractiveness, user-friendliness and fabric of our heritage areas and historic buildings has been addressed in the plan. In fact, the need to accommodate significant increases in the traffic moving through (in particular) Warwick town centre generated by the developments in the South of Warwick will result in the need to accommodate a great deal more traffic through the town to the detriment of the conservation area and to the settings of some of our most important historic buildings including Lord Leycester Hospital and the Court Housed.

The Transport Assessments that form part of the evidence base to the local plan predict significant increases in the levels of traffic flowing through Warwick Town Centre as a consequence of the new development areas located to the south of Warwick. As will be seen in the Phase 3 Transport Assessment, the transport planners intend to accept the traffic generated and accommodate it on the existing road pattern in Warwick with junction improvements and other blunt instrument traffic management measures to alleviate the effects of the extra traffic in ways that are inappropriate and damaging to what is a top quality conservation area crammed with historic buildings. Indeed, it is doubtful whether the need to conserve our heritage has entered into the consideration of the proposals in the Transport Assessments. Indeed, a word search for both these words failed to find a single reference in STA4.



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Despite these proposals for "mitigation", the assessments admit that congestion and queuing will increase significantly and there is no mention in them that the proposed "mitigations" to increase the capacity of the town centre streets will also be damaging to the streetscapes of what remains substantially a mediaeval town.

With the increase in traffic and compounded congestion the levels of pollution are also certain to increase and we know that this, the poisonous levels of NO₂, the fall out of particulates and vibration will not only be damaging to health but will cause the degradation of our historic buildings and will damage the attractiveness of the very things that visitors come to see - with consequent damage to the visitor economy. Currently, parts of Warwick High Street, Smith Street and Jury Street are located in an AQMA where levels of pollution exceed legal limits and under the current legislation the council is obliged to take action to bring down levels of pollution to avoid prosecution.

The traffic management solution on offer, which through increasing the volume of traffic through the centre is likely to increase the speed of traffic through these streets, is not appropriate to an historic town centre. The acceptance of such a plan brings with it the threat of, as a minimum, new clutter of street furniture and signage and could include road widening and demolitions in the very streets of Warwick with the historic and listed buildings that also house many businesses that contribute so much to the visitor economy and are sustained by it. There can be no doubt that the buildings and businesses would suffer seriously from the impact of faster flowing traffic by becoming corridors along which traffic rushes through Warwick - when they can move.

We are aware of correspondence from English Heritage in the course of consultation on the draft local plan and in response to planning applications on land adjoining Gallows Hill and Banbury Road. Concerns were voiced about the potential impacts of the new development on the settings of Warwick Castle, Warwick Castle Park, the conservation area and the listed buildings located there. The letter dated 23rd July 2013 to Dave Barber from Rohan Torkildsen in response to the proposed development of the Strawberry Field is instructive and is attached.

The following are important extracts:-

"District wide transport works to facilitate future development (section 5.6)

Direct, indirect and cumulative effects of proposals on the historic environment must be appreciated. An example of an indirect effect could be the infrastructure required to accommodate additional traffic movements from major new development through historic towns such as Warwick..... which may in turn have a profound impact on historic character and significance of affected heritage assets. Such potential harm must be considered.....

The Plan proposes a number of major highway engineering interventions with the potential to have an extreme adverse impact. English Heritage is particularly concerned regarding proposals 11, 12, 13 and 24 and the subsequent substantial harm to a number of nationally significant heritage assets. It is surprising there is no reference to the townscape/landscape implications of these proposals in either the Revised Development Strategy, or SA - a serious omission.

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An increased in traffic using the A425 (Banbury Road) adjacent to Castle Park.

The consequence of further increased use of the road in terms of noise, light pollution and visual intrusions from highway paraphernalia such as signage does not appear to have been considered; again an important material consideration and therefore a serious omission.

What are the implications for the sense of arrival to Warwick? What are the implications for the setting of the Park, the Castle and the Warwick Conservation area?

In accordance with the expectations of the NPPF, how has the Plan demonstrated that it has considered the opportunities to enhance the setting of the historic town and its nationally important assets between the Toll House (at the junction of Banbury Road and Gallows Hill) and the East Gate, a stretch of road blighted by past 'dramatic' road works particularly the Caste Hill Gyrotory?

A substantial increase in traffic through the south and east of the historic town will have significant implications. Is there evidence of an appropriate assessment of the consequences for the historic environment, in particular for St Nicholas Church Street?

Castle Bridge - circa 1790 schedule monument and grade II* listed building.

This is another significant heritage asset that may be affected by the cumulative impact of development in the area. The direct impact on the bridge of considerably increased traffic movements and the inevitable 'highway works' in the vicinity will affect its setting which needs to be considered and resolved at an early stage. Is there evidence available to reassure that this historic structure actually has the capacity to accommodate a significant increase in traffic?

The Warwickshire CC Strategic Transport Assessment Overview Report 2012 recognises at para 2.2.3 the national policy context to inform its transport planning in the District, and in particular makes reference to the need to accord with the NPPF and conserve heritage assets¹⁰ "in a manner appropriate to their significance"¹¹. However subsequent reports in the evidence base do not appear to address this matter at all; again a significant omission.

An objective for these schemes should be that they cause little or no damage to the historic environment. This means minimising any adverse impact on the rural context of Warwick from the south and the landscape setting of the Warwick Castle and nationally important Park. It is imperative that proposals are designed with utmost care. The NPPF expects those assets of the highest level of importance, such as these, be given the highest level of protection.

How compatible are the proposals with the ambitions of the Warwick Town Centre Action Plan regarding public realm and townscape improvements? How will these proposals enhance the experience of historic Warwick?

How can the Plan reassure English Heritage that these highway schemes will protect, and where appropriate, enhance the historic environment including the setting of individual heritage assets?

The Local Plan must be absolutely clear what it expects in terms of the design execution of these schemes.

The Council has responded in the adopted plan by deleting the Strawberry Field and another area south of Gallows Hill from the areas for development and this is welcomed. It has not, however, addressed the issues that face the historic buildings and their environment in Warwick Town Centre from the extra traffic generated by all the other development proposed for South Warwick. This is where the extra traffic will come from that will overload the town centre to damage the settings and context of the historic buildings in Warwick Town Centre.



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Conclusion

The adopted local plan does not take account of the impact of its development proposals on the historic centre of Warwick. It does not, therefore, provide an effective strategy (as required by the NPPF) that will address the need for the conservation and enjoyment of the historic environment, including heritage assets at risk in Warwick's town centre conservation area. It fails to take account of the threat to the town centre caused from traffic generated by the extensive proposed new development areas to the south of Warwick. By failing to do this the plan appears currently not to meet the requirements of the NPPF in respect of its treatment of the historic environment and therefore is unsound.

In view of the evidence contained in or quoted in this paper the inspector may conclude that the plan has significant shortcomings. In looking for solutions what needs to be understood, is that the answers are not going to come from accommodating the extra traffic the new developments will generate in the town centre but from ensuring, in the first place, that no extra traffic enters Warwick Town Centre as a result of the plan. In fact, as the agreed objective of Warwick Town Centre Forum states, the plan should achieve a reduction in through traffic if the historic environment of Warwick Town Centre is to be enhanced. To achieve this will require serious reconsideration of the plan.

David Williams, DipTp., MRTPI Retd
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Appendix 1: NPPF requirements re conserving and enhancing the historic environment

126 Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

127 When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

128 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

130 Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

131 In determining planning applications, local planning authorities should take account of:



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- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, 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, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134 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.

135 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136 Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

137 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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138 Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

139 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

140 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

141 Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.³⁰ However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Appendix 2: Planning Practice guidance

Paragraph: 004 Reference ID: 18a-004-20140306

What is a positive strategy for conservation and enjoyment of the historic environment?

In line with the National Planning Policy Framework, local authorities should set out their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. Such a strategy should recognise that conservation is not a passive exercise. In developing their strategy, local planning authorities should identify specific opportunities within their area for the conservation and enhancement of heritage assets. This could include, where appropriate, the delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Local planning authorities should consider the relationship and impact of other policies on the delivery of the strategy for conservation.

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002 What is the role of Local Plans with regard to air quality?

Paragraph: 002 Reference ID: 32-002-20140306

Therefore in plan making, it is important to take into account [air quality management areas](#) and other areas where there could be specific requirements or limitations on new development because of air quality.

Appendix 3; Paragraphs from Warwick District Local plan dealing with the Historic Environment

Historic Environment

5.139 Warwick District has a reputation as a desirable place to live, work and visit. Fundamental to this reputation is the rich history of the area that has left a legacy of fine historic buildings and areas. Warwick has a mediaeval town centre and has become a popular national tourist destination focussing on its famous castle. Royal Leamington Spa grew in size and prominence during the 18th and 19th centuries and this has left a fine legacy of Regency and Georgian buildings. Kenilworth's history focuses on its castle, the largest ruined castle in England.

5.140 The District also contains many other important historic buildings, areas and parklands, ranging from formal Victorian gardens to historic Deer Parks. The district also contains a range of fine historic houses including Stoneleigh Abbey (which underwent a major restoration a few years ago) and Packwood House and Baddesley Clinton, now both owned by the National Trust.

5.141 This historic legacy has been carefully guarded and today Warwick District has 26 Conservation Areas and over 1,500 Listed Buildings, 12 Parks and Gardens that are recognised nationally as being of special historic interest and a large number of Scheduled Ancient Monuments.

5.142 Much work has been done to protect and enhance this historic environment by the Council together with local groups and national bodies such as English Heritage. In carrying out this work, and in seeking provide appropriate planning policies through this Plan, there is recognition locally that the historic environment is important for its own sake as well as for the role it has in creating an attractive environment to live and work.

HE1 Protection of Statutory Heritage Assets

Permission will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting.

Development will not be permitted where it will adversely affect the setting of a Listed Building.

Changes of use of Listed Buildings from their original use will only be permitted where:

- a) the original use has been demonstrated to be no longer appropriate or viable, and;
- b) the proposed use is sympathetic to the special architectural or historic interest and setting of the Listed Building and enhances the significance of the heritage assets.

Restoration of, and alteration to, Listed Buildings will only be permitted using traditional, natural materials and appropriate colours and finishes.

Explanation

5.143 Warwick District has a rich heritage of over 1500 Listed Buildings, which are of national importance. Their maintenance and protection is important in helping to define and protect

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the historic character of the District. The Council is committed to ensuring that Listed Buildings are given a high level of protection and enforcement action will be taken against unauthorised and unacceptable works to Listed Buildings. The Council maintains a public register of all Listed Buildings which is available to view at the Council Offices.

5.144 The NPPF recognises that heritage assets are irreplaceable resources and requires local authorities to maintain and strengthen their commitment to stewardship of the historic environment, and to adopt suitable policies to protect it.

5.145 There is a statutory requirement that authorities should have special regard to the desirability of preserving any Listed Building, its setting or any features of special architectural or historic interest that it possesses. In considering applications relating to Listed Buildings, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting. Applicants will therefore be required to submit detailed plans with accurate survey drawings, a Design and Access Statement and, where appropriate, historical analyses Heritage Statement to support their application.

5.146 It is acknowledged that the protection of Listed Buildings may not be consistent with the need to promote accessibility and inclusion in accordance with Policy HS1. The Council will expect applicants to demonstrate how they have sought to reasonably balance these competing objectives and where they have made clear choices between policies.

5.147 The design of new buildings and alteration to existing buildings affecting the setting of Listed Buildings needs careful consideration. New buildings and alterations to buildings should be designed to respect the setting of Listed Buildings, following the principles of scale, height, massing, alignment and the use of appropriate materials. Proposals that do not accord with the above requirements will not be permitted.

5.148 Listed Buildings vary in the extent to which they can accommodate changes of use without harm to their special architectural or historic interest. The best use of a Listed Building is usually the use for which the building was originally designed. The Council considers the continuation or the reinstatement of that use as the preferred option unless that use conflicts with other policies of this Plan or the original use is no longer viable.

5.149 Applicants seeking to demonstrate that the original use is no longer viable must prove that all efforts have been made to retain the building in its original use but that this is no longer feasible. Where a change of use is acceptable in principle, the applicant will also be required to demonstrate that the proposed use does not harm the appearance and setting of the building.

5.150 Each historic building has its own characteristics related to its original design and its original or subsequent uses. The use of appropriate materials in any restoration or alteration works will be important to maintain the character and appearance. The objective of this policy is to ensure that any works or alterations to Listed Buildings are carried out using appropriate materials to preserve the integrity of the building. The use of UPVC windows, artificial or imported roofing material, plastic rainwater goods and the use of inappropriate colours are all examples that will not be permitted.

5.151 The Council has a long tradition of working with owners of listed properties to ensure that buildings are restored or altered sympathetically and a range of guidance is available from the Council to assist applicants. The Council will also exercise its powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to take action to ensure that Listed Buildings in private ownership are properly maintained and not allowed to fall into disrepair.

5.152 The National Planning Policy framework supports the transition to a low carbon future in a changing climate including the use of renewable energy. In the context of the historic environment, measures to support a low carbon future will be supported where they do not conflict with policies relating to the historic environment.

5.153 Where Listed Buildings are considered to be at risk the Council will seek to pursue their restoration and where appropriate bring them back into viable use.

HE2 Protection of Conservation Areas

Development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

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Applications for changes of use which cannot be achieved without unsympathetic alterations will not be permitted.

Alterations or extensions to unlisted buildings which will adversely affect the character, appearance or setting of a Conservation Area will not be permitted.

There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area.

Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve and enhance the Conservation Area.

New development within Conservation Areas should make a positive contribution to the local character and distinctiveness of the Conservation Area.

Measures will be taken to restore or bring back into use areas that presently make a negative contribution to Conservation Areas.

5.154 Conservation Areas are a designated historic asset and have an important role to play in maintaining the quality of the environment in Warwick District. The Council has a duty imposed on it under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate as Conservation Areas any "areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance". It is important that development both within and outside of Conservation Areas should not adversely affect the setting of a Conservation Area by impacting on important views and groups of buildings from inside and outside the boundary.

5.155 Gardens and open spaces that add to the historic appearance and interest of Conservation Areas should be protected from development.

5.156 In appropriate cases, the Council may require change of use applications to be accompanied by other relevant applications, e.g. for Conservation Area or Listed Building consent, to ensure that all relevant issues pertaining to the proposed change of use can be considered together.

5.157 The Council will also continue to seek directions under Article 4 of the Town and Country Planning Act 1995, to restrict permitted development rights in order to maintain the areas of high quality townscape.

5.158 The Council will also consider, when appropriate, the designation of new Conservation Areas and the review of existing areas listed below.

5.159 Unlisted buildings can often contribute significantly to the special architectural or historic importance of Conservation Areas. Buildings which do not merit statutory listing often contribute as much to the overall character of Conservation Areas as those that are Listed Buildings. This policy therefore seeks to retain the integrity and form of unlisted buildings in the Conservation Area and resists alterations and demolitions to these buildings where this would have an adverse effect upon the overall character of the Conservation Area.

Furthermore, the demolition of unlisted buildings will only be supported where details of an appropriate replacement building are provided. In such cases a condition will be imposed to ensure that demolition does not take place until a contract for redevelopment has been entered into and planning permission for those works has been granted. This will prevent unsightly gaps appearing as a result of demolition far in advance of redevelopment.

Conservation Areas in Warwick District



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Conservation Areas in Warwick District	
Ashow	Leek Wootton
Baddesley Clinton	Lowsonford
Baginton	Norton Lindsey
Barford	Offchurch
Bishops Tachbrook	Rowington
Bubbenhall	Sherbourne
Cubbington	Stoneleigh
Eathorpe	Wappenbury
Kenilworth	Warwick
Kenilworth (Clarendon Road)	Warwick (Victoria Street)
Kenilworth (St Johns)	Wasperton
Kenilworth (Waverley Road)	Whitnash (Church Green)
Lapworth	Whitnash (Chapel Green)
Leamington Spa	Wroxall
Leamington Spa (Lillington Road North)	Warwick Common
Leamington Spa (Lillington Village)	

HE3 Control of

Advertisements in Conservation Areas

Erection of advertisement hoardings will not be permitted within Conservation Areas. Consent will not be granted for advertisements on Listed Buildings and within Conservation Areas that would have a detrimental impact and do not follow the Council's guidance. New and replacement advertisements on Listed Buildings and within Conservation Areas shall make a positive contribution to the local character of an area and shall be in accordance with local design guide documents.

Explanation

5.160 Advertisement hoardings can be detrimental to the character and appearance of buildings and Conservation Areas. The Council will not permit the erection of new hoardings and will encourage the removal of unsightly hoardings. Discontinuance action will be taken where existing advertisements and hoardings have a detrimental impact upon an area.

5.161 The Council will seek to establish areas of special advertisement control within Conservation Areas to control advertisements on unlisted buildings as appropriate.

5.162 Advertisements will be expected to conform with guidance given in local shopfront design guides.

HE4 Protecting Historic Parks and Gardens

Development will not be permitted if it would result in substantial harm to the historic structure, character, principal components and setting of Parks and Gardens of Special Historic Interest included in the English Heritage Register, as defined on the Policies Map. Development that would cause less than substantial harm to the character, principal components and settings of Parks and Gardens of Special Historic Interest included in the English Heritage register as defined on the Policies Map, should be weighed against the public benefits of the proposal, including securing optimum viable use.

Development will be strongly resisted if it would cause substantial harm to the historic structure, character, principal components and setting of locally important historic parks or gardens included in the Warwick District Local List. Development that would cause less than substantial harm to the character, principal components and settings of locally important Historic Parks or Gardens included in the Warwick District Local List should be weighed against the public benefits of the proposal, including securing optimum viable use.

Explanation

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5.163 Historic Parks and Gardens are an important cultural, historical and environmental asset within the District and the Council wishes to ensure they are protected, maintained and restored. The objective of this policy is to protect them from development that would harm their character.

5.164 There are two registers of historic parks and gardens; those designated by English Heritage and those designated by Warwick District Council.

5.165 English Heritage has compiled a register of Historic Parks and Gardens of special interest in England. This list is constantly under review and may be added to where new parks are considered worthy of inclusion. The purpose of the register is to draw attention to such landscapes, their layout, features and architectural ornamentation. Landscapes are allocated grades; grade 1 are of international importance, grade II* are of exceptional historic interest and grade II are of special historic interest. The Planning Authority will consult English Heritage on planning applications affecting grade I and grade II* registered sites and their settings, and The Garden History Society on applications affecting registered sites of all grades. A list of the Gardens is set out below.

- Baddesley Clinton Hall Baddesley Clinton Grade II
- Mallory Court Bishops Tachbrook Grade II
- Kenilworth Castle Kenilworth Grade II*
- Packwood House Lapworth Grade II*
- Spa Gardens Leamington Spa Grade II
- Stoneleigh Abbey and Deer Park Stoneleigh Grade II*
- Guy's Cliffe Warwick Grade II
- Hill Close Gardens, Linen Street Warwick Grade II*
- Lord Leycester Hospital Warwick Grade II
- Warwick Castle and Castle Park Warwick Grade I
- Wroxall Abbey Warwick Grade II

5.166 Where proposals are made for restoration, it will be necessary for the applicant to show that the work proposed would not detract from the character and significance of the landscape as set out in an agreed conservation statement or conservation plan. The Council also wishes to protect the views out across the parks and gardens from associated Listed Buildings. This applies to both the English Heritage registered parks and gardens and those on the local register.

5.167 The Council maintains its own list of Parks and Gardens which are of historical interest but which do not at present meet the criteria for inclusion on the national register. These are important in landscape terms, and often form the setting of Listed Buildings. Whilst it is recognised that they are of less significance nationally, they are important within a local or regional context. The purpose of the list is to ensure that the case for protecting such parks and gardens is fully taken into account when considering development proposals and to act as a spur to the formulation of positive restoration proposals. A list of these locally important parks and gardens is set out below (this list is not exhaustive and is based upon research evidence available at the time of plan preparation). The boundaries of these parks and gardens will be defined in due course.

5.168 Additions can be made if new parks and gardens are found to be worthy of inclusion. Conversely, existing areas on the list can be removed if, through further research, they are found to be unsuitable for inclusion. The Planning Authority will consult Warwickshire Gardens Trust on planning applications affecting sites included on the Local Register.



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Locally Important Parks and Gardens	
Barford House, Barford	The Dell, Leamington Spa
Old Manor House, Bishops Tachbrook	Woodcote, Leek Wootton
Bushwood Hall, Bushwood	Wootton Court and Arboretum, Leek Wootton
Eathorpe Hall, Eathorpe	Offchurch Bury, Offchurch
Haseley Manor, Haseley	Sherbourne Park, Sherbourne
Hatton House, Hatton	Friends Meeting House Garden, Warwick
Honiley House/Hall, Honiley	Longbridge Manor, Warwick
Abbey Fields, Kenilworth	Mill Garden, Warwick
North Chase (Rudfyn Manor), Kenilworth	Pageant House Gardens, Warwick
Parliament Piece, Kenilworth	Priory Park, Warwick
Christchurch Gardens, Leamington Spa	St John's House Garden and Allotments, Warwick
Clarendon Square Gardens, Leamington	St Nicholas Park, Warwick
Former Arboretum, Wych Elm Drive,	Wappenbury Hall, Wappenbury
Lansdowne Crescent and Circus,	Greys Mallory, Bishops Tachbrook
	The Wantage, Kenilworth

HE5 Locally Listed Historic Assets

Development will be strongly resisted that would lead to the demolition or loss of significance of a locally listed historic asset.

Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.

Explanation

5.169 The Council will maintain a list of locally important historic assets that do not meet the statutory criteria for listing.

5.170 Within Conservation Areas permitted development rights may be removed by the service of an Article 4 Direction on locally listed assets.

5.171 Where locally listed historic assets are not within a Conservation Area the Council may seek to give protection by an Article 4 Direction to control aspects of development and demolition. Locally listed historic assets will be designated within both Conservation Areas and areas without Conservation Area designation.

HE6 Archaeology

Development will not be permitted which results in substantial harm to Scheduled Ancient Monuments (as shown on the Policies Map) or other archaeological remains of national importance, and their settings unless in wholly exceptional circumstances

There will be a presumption in favour of the preservation of locally and regionally important sites, except where the applicant can demonstrate that the benefits of development will outweigh the harm to archaeological remains.

The Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application.

Where planning permission is granted for development which will have an adverse effect on archaeological remains, the Council will require that an agreed programme of archaeological investigation and recording precedes development.

Explanation

5.172 Archaeological remains are a finite resource. They are often fragile and therefore vulnerable to damage and destruction. They contain information that is invaluable, both for its own sake and for its role within education, leisure and tourism. Warwick District is rich in archaeological remains and information on them is held in the County Sites and Monuments Record, maintained by Warwickshire Museum.

5.173 In accordance with Government advice set out in the NPPF, there will be a presumption in

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or contact: info@savewarwick.co.uk

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favour of the physical preservation in situ of nationally important archaeological remains and their settings, whether scheduled or not. Other important archaeological remains can be of either local or regional importance. They may also become scheduled in the future and therefore it is important to protect them from the adverse effects of development.

5.174 The Council recognises that there will be cases where the benefits of the development outweigh the harm to the archaeological remains taking into account their significance. In such circumstances, provision of archaeological investigation and recording will be required as part of a Section 106 agreement or planning condition.

5.175 It is not always sufficient to rely on existing information to allow an informed decision to be made about the archaeological consequences of a proposal. In such circumstances, the applicant will be required to arrange for a field evaluation to be undertaken before the planning application is determined. Regardless of circumstances, the decision-making process is always easier if any archaeological aspects of a development site can be considered early in the planning process.

5.176 The Council will, in conjunction with English Heritage, the National Trust and other interested parties, seek to secure the management and maintenance of archaeological sites, encouraging the provision of interpretative facilities for education and recreational purposes. In cases where incorrect information has been supplied, the Council may reconsider local list designations.

References

- Planning (Listed Buildings and Conservation Areas) Act 1990
- Ancient Monuments and Archaeological Areas Act 1979



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Appendix 4: Letter dated 23rd July 2013 from English Heritage in response to a consultation on the local plan



ENGLISH HERITAGE
WEST MIDLANDS

Dave Barber
Development Policy Manager
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CV32 5QH

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Your ref: -
Telephone 0121 625 6840
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23 July 2013

Dear Mr Barber

Warwick Local Plan – Revised Development Strategy Consultation

Thank you providing English Heritage the opportunity to comment on the Revised Development Strategy.

My response is mindful of the expectation the Warwick Local Plan enables the delivery of sustainable development in accordance with the policies in the NPPF¹, with one of the core dimensions being the protection and enhancement of the historic environment².

This letter responds to the proposed strategic site allocations at Thickthorn, Whitnash and south of Gallows Lane, and also considers the implication of the infrastructure provision to accommodate such growth.

Thickthorn, Kenilworth

“There is the potential for significant long term negative effect on heritage as Thickthorn Manor and Stables (Grade II Listed Buildings) are adjacent to the site and a small portion of the north east of the site contains part of a Scheduled Monument (Roman settlement at Glasshouse Wood). Stoneleigh Abbey Historic Park and Garden (Grade II) is also adjacent to the eastern boundary of the site, albeit separated by the A46”.
(Paragraph 4.58 Warwick DC Local Plan Interim SA Report June 2013).

It is surprising that section 5.4 (Thickthorn) of the Revised Development Strategy makes no reference to the number of heritage assets directly and indirectly affected despite the above comments in the SA and similar references in the SHLAA. There appears an absence of evidence to demonstrate there has been a proper assessment establishing what it is about each of the affected heritage asset that is important; how the land/site proposed for development contributes to that significance, and; what in turn this means for the principle of development, and any future design response (mitigation).

You should note that this explicit point has been made to you in previous correspondence.

¹ NPPF paragraphs 151 and 182

² NPPF paragraph 7



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You will also appreciate that due to the former Roman occupation of the site there also needs to be an assessment of the likelihood that currently unidentified heritage assets (of potential national importance) will be discovered³.

Without such assessments you may not be able to assert that the objectives for sustainable development have been understood and therefore cannot say whether the objectively assessed development needs of the District will be met or not in accordance with the presumption in favour of sustainable development. Consequently the Plan may be considered to be inconsistent with the provisions of the NPPF and therefore unsound.

It is expected that evidence has been taken into account when considering the impact of the proposal on heritage assets, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal⁴.

You will appreciate that great weight should be given to the conservation of heritage assets⁵ and there is a legislative expectation that special weight is paid to the desirability of preserving the setting of any affected heritage asset.⁶

The Setting of Heritage Assets (English Heritage Guidance October 2011) provides a robust assessment methodology to help determine the extent to which this and other strategic allocations would impact upon the significance of any affected heritage asset and how decision making and potential mitigation may respond. We strongly recommend you apply this guidance before the principle of development is determined.

www.english-heritage.org.uk/publications/setting-heritage-assets/

Whitnash

I note this sizeable development is proposed at the end of Church Lane, near the historic core of Whitnash and village conservation area that includes a number of listed buildings. Has the impact been considered?

South of Gallows Lane/west of Europa Way

As this particular site to the south of Warwick clearly has the most acute and evident impact on the significance of the historic environment I will focus my response accordingly. Nevertheless you should be mindful of the cumulative impact of progressive encroachment into the rural landscape from the number of proposals via this Plan and from adhoc planning applications. The Local Plan needs to determine a coherent landscape policy.

The site to the south of Gallows Lane is adjacent to Warwick Castle Park, which is included on the English Heritage Register of Historic Parks and Gardens at grade I. This encompasses Warwick Castle which is partially grade I listed and partially scheduled as an ancient monument. The setting of the park to the north-west is the historic town of Warwick. The key building of the town which dominates views from the park in that direction is the tower of St Mary's Church. The site in question lies to the east of the park and is visible in distant views from the towers of the castle and the roof of St Mary's Church tower.

3 NPPF paragraph 169

4 NPPF paragraph 129

5 NPPF paragraph 132

6 Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1999



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The park would have spilled over into this area and is therefore a consideration for how the park as a heritage asset is experienced.

We have inspected this area, including viewing the site from the roof of St Mary's Church tower, and from within the historic park. It seems to us that there will be an impact on the setting of the park, which is a part of its significance, and that it is such that it brings the development of this site into question.

The park was bounded by a circuit drive which ran through the woodland belt on the east side of the park adjacent to the site and in places was close enough to the edge of the park to permit views out. Whilst this historic tree belt provides a degree of screening it is relatively narrow and composed mainly of deciduous trees so when leaves are shed considerably less screening is provided.

As you would expect, the park incorporates a number of viewing points including, for example, Lord Brooke's clump, with a drive running to it; and the dam over New Waters. No assessment has been made of the impact of development on these viewpoints.

It should be noted that experience has shown that even vegetative barriers or shelter belts of a depth of 50m+ may be ineffective if the objective is total screening (as opposed to baffling development), especially if predominantly deciduous species are planted (native planting likely to be requested), which will be ineffective in winter.

It should also be noted that the historic park was intended to extend beyond this boundary into this proposed development site and also that modern traffic has considerably more impact now than during the eighteenth and nineteenth centuries.

Even allowing for relatively low scale development and landscaping development is still likely to impact on the significance of the park during both day and night time. There will be increased urbanisation as the result of, amongst other matters, lighting, increased traffic and noise. Impact will be accentuated by proximity.

The implication for the sense of arrival to Warwick, the setting of the Park, the Castle and the Warwick Conservation area appears not to have been thoroughly considered; an important material consideration and therefore a serious omission. As we know, visual impact is but one contributor to the setting of a heritage asset and in focusing only on visual impact any assessment is deficient.

I repeat the point made with regard to development at Thickthorn, that you should appreciate that great weight should be given to the conservation of heritage assets⁷ and there is a legislative expectation that special weight is paid to the desirability of preserving the setting of any affected heritage asset.⁸

The *Richard Morrish Landscape study* objects to the principle of development at the Asps but surprisingly not to the site south of Gallows Lane/west of Europa Way which is a similar area of land immediately to the north i.e. closer to the town. Surely the very same concerns relating to the Asps also apply to the site south of the Gallows/west of Europa Way i.e. it "...provides a historic context to the castle park. As open land it is prominent in terms of approaches to Warwick and provides a valuable setting to the town." In consequence, surely the *Richard Morrish Landscape study* should come to the same conclusion i.e. the development is unacceptable in principle?

⁷ NPPF paragraph 132

⁸ Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1999



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Whilst the attempt to militate against harm is noted we are not confident that even if development were one field depth back, and reinforced by a narrow shelter belt it would provide a sufficient response as screening/ filtering belts of trees are seldom effective in winter, even at 100 metres depth.

The SA considers development of this site would have significant medium and long term negative effects on the landscape, the town and the historic park. This is a significant statement.

Surprisingly however it does not question the principle of development on the site due, we deduce, to the principle being established by the SHLAA. It is not clear why this should be the case as the SHLAA is a fairly crude assessment which has not fully applied the policies of the NPPF; an example being that this site conflicts with policies for the protection of heritage assets in the NPPF (impact on the setting of Grade listed Castle Park) but the SHLAA considers it to be "suitable".

The SA suggests the significant medium and long term negative effects on the landscape, the town and the historic park can be mitigated by design. However it does not clearly set out what the negative effects are (views from the Castle; approach to Warwick from the south etc.?) so one can judge whether the design response would overcome those concerns.

One would have expected that a transparent methodology such as English Heritage's Guidance on the assessment of setting published in 2011, and by English Heritage's *Conservation Principles* would have been undertaken and applied to explain the rationale for including this strategic allocation. As it has not there is no evident justification.

District wide transport works to facilitate future development (section 5.6)

Direct, indirect and cumulative effects of proposals on the historic environment must be appreciated. An example of an indirect effect could be the infrastructure required to accommodate additional traffic movements from major new development through historic towns such as Warwick and Kenilworth which may in turn have a profound impact on historic character and significance of affected heritage assets. Such potential harm must be considered at this stage of the Plan.

The Plan proposes a number of major highway engineering interventions with the potential to have an extreme adverse impact. English Heritage is particularly concerned regarding proposals 11, 12, 13 and 24 and the subsequent substantial harm to a number of nationally significant heritage assets.

It is surprising there is no reference to the townscape/landscape implications of these proposals in either the Revised Development Strategy, or SA - a serious omission.

An increased in traffic using the A425 (Banbury Road) adjacent to Castle Park.

The consequence of further increased use of the road in terms of noise, light pollution and visual intrusions from highway paraphernalia such as signage does not appear to have been considered; again an important material consideration and therefore a serious omission.

What are the implications for the sense of arrival to Warwick? What are the implications for the setting of the Park, the Castle and the Warwick Conservation area?



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In accordance with the expectations of the NPPF, how has the Plan demonstrated that it has considered the opportunities to enhance the setting of the historic town and its nationally important assets between the Toll House (at the junction of Banbury Road and Gallows Hill) and the East Gate, a stretch of road blighted by past 'dramatic' road works particularly the Caste Hill Gyratory?

A substantial increase in traffic through the south and east of the historic town will have significant implications. Is there evidence of an appropriate assessment of the consequences for the historic environment, in particular for **St Nicholas Church Street**?

Castle Bridge - circa 1790 schedule monument and grade II* listed building.
This is another significant heritage asset that may be affected by the cumulative impact of development in the area. The direct impact on the bridge of considerably increased traffic movements and the inevitable 'highway works' in the vicinity will affect its setting which needs to be considered and resolved at an early stage.

Is there evidence available to reassure that this historic structure actually has the capacity to accommodate a significant increase in traffic?

The Warwickshire CC Strategic Transport Assessment Overview Report 2012 recognises at para 2.2.3 the national policy context to inform its transport planning in the District, and in particular makes reference to the need to accord with the NPPF and conserve⁹ heritage assets¹⁰ "in a manner appropriate to their significance"¹¹. However subsequent reports in the evidence base do not appear to address this matter at all; again a significant omission.

An objective for these schemes should be that they cause little or no damage to the historic environment. This means minimising any adverse impact on the rural context of Warwick from the south and the landscape setting of the Warwick Castle and nationally important Park. It is imperative that proposals are designed with utmost care. The NPPF expects those assets of the highest level of importance, such as these, be given the highest level of protection.

How compatible are the proposals with the ambitions of the Warwick Town Centre Action Plan regarding public realm and townscape improvements? How will these proposals enhance the experience of historic Warwick?

How can the Plan reassure English Heritage that these highway schemes will protect, and where appropriate, enhance the historic environment including the setting of individual heritage assets?

The Local Plan must be absolutely clear what it expects in terms of the design execution of these schemes. I refer you to the *Manual for Streets* (versions 1&2) (Department for Transport, March 2007 and September 2010).

9 Conservation is the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance (NPPF).

10 A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing). (NPPF)

11 The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. (NPPF)

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You may wish to confirm that these traffic schemes will be sensitively designed having regard to Manual for Streets, and Streets for All to ensure they are all integrated into the landscape/townscape and take the opportunity to enhance the experience of the historic environment.

I hope this comprehensive response and further constructive involvement can help you to ensure a sound Plan and in doing so secure an effective conservation of the historic environment and the delivery of sustainable development.

If there any issues you wish to clarify please do not hesitate in contacting me.

Yours sincerely,

Rohan Torkildsen
Historic Environment Planning Adviser for the West Midlands and South West