

Craig Dickson and Claire Laver

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Response to:

- 1. Public consultation for the 'Land East of Kenilworth Development Brief ("the Brief") and;**
- 2. Planning application: W/18/1635 'Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth', submitted by Catesby Estates plc ("the Planning Application")**

By email only: [REDACTED]
[REDACTED]

13 January 2019

Dear Sirs

We write to set out our objections to the above consultation and pending application for planning permission, concerning the Land East of Kenilworth, specifically as it affects the amenity of our property as presently proposed.

Background

We are the owners of Woodside Lodge (full address as above) and are, as far as we can see, the only residents directly affected by the current proposals. We are concerned that our rights in relation to the affect on our use, enjoyment and amenity of our property have not been fully considered in the Planning Application or, in broader terms, in the Land East of Kenilworth Development Brief.

We should say at the outset that we are supportive, in principle, of the overall objectives of the Brief and that, with the exceptions set out below, our concerns specifically relate to the affect on Woodside Lodge, our property.

At various points since April 2018, we have met with Messrs. Ed Barrett and David Harper (of Catesby Estates plc) and Andrew Cornfoot of Warwick District Council. Whilst Mr Cornfoot has been quick to respond and, on the face of it, prepared to properly consider our

reservations, we have less confidence that Catesby's will deliver on their assurances to us during the various stages of consultation.

For the purposes of brevity and ease of reference we have set out our objections/concerns below using continuous enumeration. Please note, however, that each point relates equally to the cumulative effect, we believe, of the Development Brief and pending Planning Application and this response should be read as such.

Public Consultation for the "Land to the East of Kenilworth Development Brief".

1. In broad terms, we agree with the objectives set out in Chapter 1 of the development brief, in that we welcome the ongoing investment in Kenilworth and we can see that there will be some connected benefits in improving safety (particularly for road users on Glasshouse Lane) by consequence of the changes to infrastructure that will be required to deliver the Brief and the subsequent detailed implementation plans.
2. For the avoidance of doubt, we believe that the enjoyment of our property is detrimentally affected by areas that you have designated "H40" (which is also the subject of the Planning Application) and "Ho6". You will be aware that our property, Woodside Lodge, is situated at the point at which these two areas intersect. Ref: Fig 2, Page 9, the Brief.

Our comments, therefore, here are limited to those areas.

N.b. Woodside Lodge is most easily identified on Fig 3, Page 11. **You will see from Fig 5, page 18, and 7, page 19 that we are the ONLY EXISTING residential dwelling affected by these proposals.**

3. We are pleased to note that the underlying tone of the Brief is to provide a "sustainable" urban extension. We are similarly pleased to note that is accepted that:

"The site is owned by multiple landowners (see Figure 7) and therefore it is considered important to provide overarching guidance to ensure that the multiple applications which are anticipated are prepared in the context of an overall vision for the area. This Brief helps to identify and set out the infrastructure requirements to support the successful delivery of the development as well as identifying any phasing required"

Clearly, we are one of the affected "multiple landowners" yet appear to be the only landowners whose rights and amenity have not been considered in pursuance of delivering the overall commercial and revenue-generating Brief for other parties with a financial gain and/or interest in mind.

4. We are pleased to note, at Chapter 2, that the presence of ancient woodland "Glasshouse Spinney" and the "Designated Ancient Monument" (which abut our property) are acknowledged in the site description. In particular, we are concerned that appropriate consideration is given to the protection of Glasshouse Spinney and the "Roman Settlement at Glasshouse Wood" as one of only four scheduled monuments (the others being Kenilworth Abbey, Kenilworth Castle and Fishpond Complex at Castle Farm), page 38.

We would like to know whether Natural Woodland have been consulted in line with statutory requirements.

5. Objection:

We consider that the Planning Application, specifically, and the Brief, generally, do not satisfy the objectives set out on Page 44 to:

“Retain and minimise the impact on existing historic assets whilst providing opportunities to enhance their setting and afford them greater protection • Retain and minimise the impact on wildlife sites and provide new additional habitats and associated connectivity • Minimise the impact on existing residential properties”.

Specifically, we believe, the creation of new thoroughfares and boulevards that dissect Glasshouse Spinney will disproportionately and negatively impact upon our existing property and significantly erode the historical and present value of Glasshouse Wood and Spinney. This view is based on the inherent need to remove ancient trees and the unavoidable impact of driving more foot traffic, litter and anti-social behaviour into the area.

Whilst Glasshouse Spinney is clearly a Warwickshire Wildlife Trust reserve and co-maintained area, it appears to be at risk in the event that there are not more prominent protective measures in the final plan.

6. Objection:

Matters relating to access to the proposed new site/sites.

Chapter 5 sets out a detailed analysis of the existing access and connectivity to the site/proposed site yet does not reflect either the need to access Woodside Lodge or, specifically, the legal right of way enjoyed by us as owners to park vehicles on the adjacent land which does not fall within our ownership. See attached extract from Land Registry deed.

7. Objection:

Preference of amenity and enjoyment of new residents over existing residents.

In Chapter 7 of the Brief, the proposals set out, in detail, the aims in relation to the proposed developments. Whilst many of the proposals are clearly positive, and which we support in principle (such as promoting walking, cycling etc), the proposals do not appear to take into account the deteriorating effect on our enjoyment of Woodside Lodge.

Specifically, the proposed development principles (whether intentionally or otherwise) all appear to conspire to drive significant foot and vehicular traffic to the entire perimeter of our property. We believe that it is possible to build in some prohibitive principles to future plans to mitigate this risk, whilst still achieving the stated aims and principles of the brief. For example, compelling screening, minimum distances or similar measures could easily be prescribed for adoption by future developing parties.

8. **Objection:**

Access to Woodside Lodge

We have been provided multiple versions of events/proposals in relation to access to our property by Catesby plc. Initially, we were advised that the delivery of their plans for area "H40" would require the introduction of a new roundabout further along Glasshouse Lane which would then necessitate a new link road (discreetly) to our property and, separately, the Woodside Hotel and Conference Centre.

In subsequent discussions we were advised that this was no longer proposed and that the existing access would remain as it is presently. We understood this to be at the behest of highways planners due to "safety reasons" but there would be no feeder road to the lower part of the H40 development driving increased traffic past our front door.

We see from the proposals at page 81 (fig 32) of the Brief that none of the above is true. In fact, it appears that a new feeder road to the bottom of the development is planned and that new access to the hotel will be provided.

We are concerned that this will produce a natural "rat run" which presents a safety and loss of enjoyment risk and will unintentionally drive parents towards parking on or adjacent to our property when dropping off for the school run (assuming the new primary and secondary school locations proposed remain as presented).

Notwithstanding the major issue of additional vehicular traffic passing our boundary, THE PLANS AS PRODUCED ENTIRELY CUT OFF WOODSIDE LODGE FROM ANY ACCESS AT ALL AND DO NOT CONSIDER OUR RIGHTS OF WAY OR RIGHTS TO PARK ADJACENT TO OUR PROPERTY.

Clearly this is entirely unacceptable and, we consider, illegal.

We believe that there are a number of proportionate and cost effective potential solutions to this issue which we would be happy to discuss with both Warwickshire District Council and Catesbys plc.

9. We note the proposed requirement for an alternative Mountain Bike/BMX facility in H40 (due to the presence of the existing unauthorised track in Glasshouse Spinney) at page 107. We would propose to comment further on any detailed plans when produced.
10. We note the proposals at page 105, table 3, for the requirement of allotments (and similarly note the proposed placement of allotments adjacent to our property in the Planning Application). Subject to no further detriment being caused by any of the preceding points we are content with the proposed placement of the allotment area in H40.

11. **Objection:**

We object to the proposal for a major boulevard or connecting avenue through Glasshouse Spinney.

We do not believe that the current proposals (when taking the Planning Application and the intentions of the Brief together) to connect the upper and lower ends of the H40 and H06 achieve the position set out at page 111, as repeated below:

The Scheduled Monument comprises both woodland and open grassland with mature trees/hedgerows along its perimeter. Damage has occurred in recent years within Glasshouse Wood adjacent to the public footpath within the site through the construction of jumps for mountain/BMX bikes. As a result the site has been included in English Heritage's register of 'Heritage at Risk' where it is described as 'Generally satisfactory but with significant localised problems'. The development provides an opportunity to address these issues of digging within the Scheduled Monument and address potential causes including ignorance of the site's designated status and the susceptibility of the historic environment to such activity. Applicants of land within or adjoining the Scheduled Monument will be required to undertake measures to attempt to address the causes of the damage including provision of recreational BMX/mountain biking facilities, restoration of the damaged area and provision of suitable interpretation within the development to explain the history and significance of the site.

However, we may (subject to final proposals) arrive at the view that the present usage of the spinney (mountain bike or otherwise) is an acceptable trade off to the preclusion of a full thoroughfare.

12. Objection:

We agree with the assessment and recommendations in relation to boundary treatments at page 132. However, we cannot see from the proposals (either the Brief or the Planning Application) that there is any compulsion on future developers to adopt the same.

In relation to Woodside Lodge, this would mean that – with the commensurate increase in foot traffic along the proposed adjacent footpaths - that there would be no obvious segregation of our property mandated to fall in accordance with this principle.

We find it entirely objectionable that we, as existing homeowners, should be put to considerable expenditure (estimated at in excess of £150k) to, effectively, delineate our property to meet the likely requirements.

13. Objection:

Car Parking

We do not have any objection in principle to the car parking principles set out at fig 51 and on page 134. However, we anticipate that the presence of the "rat run", cut through and school runs will invite residents and others to park on or adjacent to (where we have a legal right of way) our property.

We would expect a positive prohibition to be present in any material plans either at the level of the Brief or to be forced upon the Planning Application.

14. **Objection**

We object to the indicative master plan set out at figure 60 (page 149) on the basis that, whilst it references the retained Woodside Hotel, it completely ignores our presence.

We do not object, and positively endorse, the proposed placement of the allotments (note 6) and primary school (note 2), subject to the footfall, vehicular and other infrastructure issues relating to our property being fully resolved.

15. **Objection**

The following are specific objections in relation to the likely loss of amenity to our property if the Brief and Planning Application are allowed to proceed:

- a. The combined developments will, without doubt, drive considerably more foot traffic around Woodside Lodge. No mitigating steps appear to have been built into either plan. Indeed, the delivery of both the Brief and the Planning Application appear to require Woodside Lodge to become an, effective, “goldfish bowl” to foot traffic that could easily be diverted elsewhere without breaching the stated principles of the Brief:
- b. The Planning Application (with allotments at the lower end of the development) and the Brief (with Primary school at upper end of HO6) will drive people to misuse our property and breach our legal rights of enjoyment and adjacent parking.
- c. It is imperative that Woodside Lodge has reasonable vehicular access. The current plans do not afford this.
- d. The creation of, essentially, a parallel footpath network around our property (notwithstanding prior comments) appears to be unduly onerous and detrimental to our enjoyment of our property when there are clearly easy mitigating steps that can be compelled through planning limitations.

We trust that you will give our considered comments above due consideration. We remain broadly supportive of the overall intentions of the development of the area in question but we are increasingly concerned that we are not being meaningfully considered (in either the Planning Application or the Brief) despite being, quite literally, the only affected residential landowners in scope.

Prior to responding to the consultation (and Planning Application) we have undertaken some preliminary enquires as to the cost of us undertaking mitigating steps to protect our rights and enjoyment of our property if the current plans were delivered as proposed. Unfortunately, those costs appear to be in the region of £200,000. You will see, therefore, why we are keen that our response is considered at this stage.

Yours faithfully

Craig Dickson and Claire Laver

