

**The Warwick District Council**  
**(Leper Hospital Site, Saltisford, Warwick) Compulsory Purchase**  
**Order 2021**

**Reference APP/PCU/CPOP/T3725/3268581**

**PROOF OF EVIDENCE**  
**OF**  
**PHILIP CLARKE OF WARWICK DISTRICT COUNCIL**  
**ON BEHALF OF THE ACQUIRING AUTHORITY**

## **1. Introduction**

- 1.1. My name is Philip Clarke. I hold MSc in Urban Planning Studies and I have been a full member of the Royal Town Planning Institute since 1989.
- 1.2. I am the Policy & Projects Manager at Warwick District Council (“the Council”). I have worked in the planning (now Place & Economy) department for the Council since 2012 and before that between 1998 and 2008. My expertise mainly focuses on planning policy matters and have led on the preparation of local plans including the (previous) Warwick District Local Plan. I am currently managing the production of the new South Warwickshire Local Plan which Warwick District Council is preparing jointly with Stratford-on-Avon District Council. I have written several planning briefs during my career, and managed officers in the preparation of many more.
- 1.3. I have over 34 years of experience in planning policy and project work. I am aware of the Guidance on Compulsory Purchase and the Crichel Down Rules (“the Guidance”) and in particular paragraph 106 of the guidance that sets out the factors that the Secretary of State will take into account when deciding whether to confirm an order under section 226 (1) (a) of the Town and Country Planning Act 1990.
- 1.4. I have had involvement in the development of land adjacent to the site subject to the order. I was involved in the preparation of a planning brief for the Saltisford area (the Saltisford Warwick Planning Brief) in 2001<sup>1</sup>. This brief was prepared by Warwick District Council primarily to provide a planning framework for the redevelopment of land which abuts the site occupied by the two listed buildings. This was the former Council depot and has since been redeveloped for a mix of housing and employment (offices).
- 1.5. The evidence contained herein is given in accordance with the guidance of my professional institution and I fully understand my duty as an expert witness to the Planning Inspector. The views expressed are my true and professional opinions.

## **2. Scope of Evidence**

- 2.1. I have prepared this proof of evidence in support of Warwick District Council (Leper Hospital Site, Saltisford, Warwick) Compulsory Purchase Order 2021 (“the Order”) which was made on 14 January 2021. The land subject to the Order is situated on a main route into Warwick Town Centre and registered under HM Land Registry title WK303149 (“the Order Land”). It is unoccupied and contains 2 Grade II\* listed buildings, part of the site is registered as a Scheduled Monument.

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<sup>1</sup> CD 23

- 2.2. The Council's purpose in seeking to acquire the Order Land through the compulsory purchase process is to facilitate its redevelopment and bring the listed buildings back into use. The scheme comprises the conversion of both Grade II\* listed buildings into individual affordable housing units and the erection of a two/three-storey building of eight affordable apartments together with access, parking and amenity space ("the Scheme").
- 2.3. A planning application and application for listed building consent have been submitted by West Midlands Historic Building Trust. This was validated on 13<sup>th</sup> May 2021 and allocated references W/21/0939 and W/21/0940/LB.
- 2.4. My evidence will describe the Order Land in Section 3.
- 2.5. In Section 4 I will describe the Scheme and the details of the planning application including the planning application process.
- 2.6. In Section 5 I will describe the Planning Framework and how the Scheme complies with it.
- 2.7. In Section 6 I will set out the significant benefits of the Scheme and its contribution to the promotion and improvement of the social, environmental and economic well-being of the area.
- 2.8. In Section 7 I will respond to the Owner's objection insofar as it relates to planning issues
- 2.9. In Section 8 I will assess the proposal put forward by the Owner of the Order Land.

### **3. Description of the Order Land**

- 3.1. The Order Land is situated in the town of Warwick within Warwick District. It sits just outside of the Warwick Town Centre boundary and within the urban area as defined by the Warwick District Council Local Plan 2011-2029 ("the Local Plan")<sup>2</sup>.
- 3.2. The Order Land is comprised of an area of approximately 2,047.56m<sup>2</sup>. It is registered at HM Land Registry under title number WK303149<sup>3</sup> and the freehold is owned by Coventry Turned Parts Limited (Co. Reg No. 00982178) ("the Owner"). The Order Land is currently unoccupied and has a nil use.

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<sup>2</sup> CD 5

<sup>3</sup> CD4

- 3.3. The Order Land is bounded to the north by an embankment on which runs the London to Birmingham Snow Hill railway line and to the south by the A425 (Saltisford). To the eastern boundary of the Order Land are office buildings owned and occupied by Warwickshire County Council and a Church (Church of Jesus Christ of Latter-day Saints). To the western boundary of the Order Land are residential dwellings.
- 3.4. The Order Land has no specific allocation in the Local Plan. As the land is in the urban area of Warwick the principle of residential use is acceptable. There is no emerging or adopted neighbourhood plan that applies to the Order Land.
- 3.5. The Order Land does not fall within a conservation area and there are no protected or significant trees on the Order Land.
- 3.6. The Order Land contains two Grade II\* listed buildings, one known as St Michael's Chapel (Listed Building Entry 1035366) ("St Michael's Chapel") and one known as Masters House (Listed Building Entry 1364850) ("Master's House"). Master's House is on the Heritage at Risk Register with its condition described as "very bad" and "at immediate risk of rapid deterioration or loss of fabric"<sup>4</sup>.
- 3.7. The southern part of the Order Land is designated as a Scheduled Monument (list entry 1011035). The list entry states: *"This monument includes the below ground remains of a leper hospital, chapel, and cemetery, located outside the medieval settlement of Warwick. The present focus of the hospital complex is formed by the upstanding chapel, a single cell stone building of 15th century date, and a late 15th or early 16th century timber-framed building, known as the Master's House, situated to the north of the chapel. Although partially rebuilt, the buildings are contemporary with the later medieval development of the site. The standing buildings are considered to overlie the remains of earlier medieval hospital buildings which extend across the whole of the site. ....The chapel and the Master's House are both listed Grade II\* and are excluded from the scheduling, although the ground beneath both of them, which is believed to contain evidence of structures relating to the earlier development of the hospital, is included."*<sup>5</sup>
- 3.8. The Order Land is flat and grassed. The only structures on the land are the Grade II\* listed buildings detailed in paragraph 3.6 above. The perimeter is fenced. The A425/Saltisford is a main throughfare into Warwick and the Order Land and the listed buildings situated on it are visible from the road.
- 3.9. The Order Land is understood to contain Japanese Knotweed.

#### **4. Description of the Scheme and the Planning Application**

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<sup>4</sup> CD's 6, 7 & 8

<sup>5</sup> CD 9

4.1. The West Midlands Historic Building Trust (“the Applicant”) has submitted a planning application under reference W/21/0939 (also a listed building application under reference W/21/0940/LB). The application is for the conservation, repair and alteration of the two existing listed buildings (the Master's House and St Michael's Chapel) to provide two dwellings, and the construction to the rear of a new building with 8 one-bed dwellings<sup>6</sup>.

4.2. The Scheme will involve the following elements: -

- The Master's House (also known as the Leper Hospital) will be conserved, repaired and altered to provide a two-bed dwelling with contemporary building services, to include partial demolition of the south wing and the extension of a larger south wing. The proposal includes the deconstruction, repair and reconstruction of unstable structural elements of the House.
- St Michael's Chapel will also be conserved, repaired and altered to provide a one-bed dwelling.
- To the rear (northern end) of the site will be a new two/three storey apartment block with 8no. affordable one-bed dwellings together with associated hard and soft landscaping.
- A new road access will be provided from Ansell Way (the current office development). There will also be a new footpath access from Saltisford.

4.3. Extensive pre-application discussions have taken place between the Council in its capacity as Local Planning Authority and the Applicant. The Applicant has sought to engage positively through a formal pre-application process. This included a meeting between the Applicant and heritage consultant and the case officer, a senior manager and the Principal Conservation Officer in September 2020.

4.4. The planning application and listed building application were validated on 13<sup>th</sup> May 2021 and consultation with neighbours and all other consultees began on 20<sup>th</sup> May. This consultation has been undertaken in accordance with the Council's usual practice and has included the following:-

- Letters sent to 34 neighbours including on Saltisford, Wavytree Close, Birch Meadow Close, Church of Jesus Christ of Latter-day Saints, office park.
- 2 x site notices were posted up.
- Warwick Town Council
- District ward councillors
- Statutory consultees including Historic England, Environment Agency, Warwickshire County Council (Highways, Local Lead Flood Authority, Museum Services)
- Joint Committee of the National Amenity Societies
- The Scheme was also presented to the Warwick District Conservation Advisory Forum (an advisory body chaired by a Warwick District councillor and made up

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<sup>6</sup> CD 11,12,13 & 14

of representatives from local and national amenity groups (including the Warwick Society, Victorian Society, CPRE, RTPI, RICS, etc)).

4.5. It should be noted that at the time of preparing this Proof of Evidence, it is anticipated that the applications will be considered by the Council's Planning Committee at its September meeting, scheduled for 14<sup>th</sup> and 15<sup>th</sup> September 2021. It is therefore possible that although the formal period for comments to be made on the applications has already passed, other objections, or supporting representations may have been received by the time the applications are considered by Planning Committee. Furthermore, it may well be that current objections have been resolved and these objections withdrawn.

4.6. At the time of submitting this proof the following can be noted in respect of comments made on the application.

- No objection has been made to the application by the following statutory consultees: Warwick Town Council, Historic England, the Environment Agency and Warwickshire County Council Highways.
- Warwickshire County Council landscape team has objected on the basis of the scale of the new building in proportion to the listed buildings and has also made comments in relation to landscaping measures that could be incorporated into the site (trees, wildflower borders, sympathetic use of materials, etc).
- Warwickshire County Council Flood Risk Management have requested further information on the proposed drainage for the site.
- Warwickshire County Council Ecology have requested further information on the biodiversity impacts of the development and further clarification in relation to bats.
- Environmental Health have submitted a holding objection to the application pending further clarification as to the sound reduction performance for glazing at St Michael's Chapel and the expected noise impacts.
- Warwick District Conservation Advisory Forum welcomed a scheme that would bring the buildings and the site back into use, but raised concerns that the external appearance of the Master's House would be compromised with the addition of timber cladding.
- The Ancient Monuments Society welcomed a scheme that supported the long-term viable use of the site but raised concerns over the works to the Master's House. In particular, the proposed timber cladding and new two storey wing.
- The Society for the Protection of Ancient Buildings welcomed a scheme that supported the long-term viable use of the site but raised concerns over the works to the Master's House. In particular, the proposed timber cladding, new two storey wing and archaeological interest.
- Eight objection letters were received, all from local residents (138-148 Saltisford). These properties do not immediately abut the application site, however, they are close to it.

4.7. The issues raised by the objections can be summarised as follows:-

- Perceived overdevelopment of the site in respect of the new 3-storey building including overlooking and loss of privacy for existing residents and light pollution.
- Impact of the new building on the character and setting of the listed buildings.
- Principle of converting the listed buildings to housing with a suggestion that alternative uses (commercial use/retail space/hospitality or a museum) should be considered.
- The design/conservation solution proposed for the restoration of the Master's House.
- Perceived non-conformity with Council's parking standards.
- Loss of trees and impact on wildlife.
- Risk of flood damage.
- Noise pollution in view of proximity of flats to railway line.

4.8. It is not my role to pre-judge or pre-determine the planning and listed building applications and the planning case officer will respond to all objections in her report to the Planning Committee and it is anticipated that this report will be in the public domain by the time this Inquiry takes place. However, I have reviewed the applications against the policy framework which has involved making a series of planning judgements at a high level of assessment. My conclusion is that overall, the proposal accords with the national and local policy framework. I consider the planning issues relating to this site and application in more detail in section 5 below. In making these comments I have reflected my discussions with both the case officer and the Principal Conservation Officer.

## 5. The Planning Framework

- 5.1. The Council as acquiring authority is seeking to compulsorily purchase the Order Land under section 226(1)(a) of the Town and Country Planning Act 1990 ("the 1990 Act"). Section 1 of the Guidance on Compulsory Purchase Process and The Crichel Down Rules published July 2019 by the Ministry for Housing, Communities & Local Government ("the Guidance") indicates that any programme of land assembly will need to be set within a clear strategic framework and that this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). The focus of the Guidance is on compliance with the statutory development plan.
- 5.2. The Guidance further states that the strategic framework will need to be founded on an appropriate evidence base, and to have been made subject to consultation processes. The same section of the Guidance goes on to state that the planning framework providing the justification for an Order should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the Scheme.
- 5.3. In the case of the Order Land a planning application has been made and it is considered that it is compliant with the development plan as a whole and the wider

planning framework. As stated above, it is expected that the application will be considered by the Planning Committee at its meeting on 14<sup>th</sup>/15<sup>th</sup> September. I will set out why I consider that the application is compliant with the statutory development plan and why I consider that there are no planning impediments to the Scheme.

- 5.4. Any application for development on the Order Land will engage the general duty as respects listed buildings in the exercise of planning functions under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. As a result of extensive restorative works to Grade II\* listed buildings, the Scheme is compliant with section 66 which explains that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.5. The Scheme accords with the Local Plan as a whole and meets key planning policy objectives. The purpose of acquiring the Order Land is consistent with the Local Plan vision, strategy and objectives including the provision of high quality and affordable housing with good layout and design in sustainable locations, the protection and regeneration of the environment, the creation of healthy safe and inclusive communities, and the protection of important heritage assets.
- 5.6. The Scheme is also supported by the NPPF<sup>7</sup> which, at its heart is a presumption in favour of sustainable development. The Scheme will secure net gains in terms of the three overarching objectives. It will provide economic benefit by the development of an unoccupied and unused area of land, social benefit by the provision of well-designed and affordable housing in an accessible and sustainable location and environmental benefit by the effective use of an area of unattractive brownfield land for housing and the protection and enhancement of important heritage assets.
- 5.7. Section 16 of the NPPF, and in particular paragraphs 189, 195 to 202, 206 and 208 are of particular relevance. In particular, paragraph 197 states (inter alia): “*In determining applications, local planning authorities should take account of.... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation [and] the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*” The Scheme will secure the conservation and future viability of the heritage assets whilst the comprehensive development of their setting will enhance and better reveal their significance.
- 5.8. The Council’s Principal Conservation Officer response to the Application (18 June 2021)<sup>8</sup> is as follows:-:

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<sup>7</sup> CD 10

<sup>8</sup> CD 25



*“ I do not object to the principle of the proposed redevelopment of the site and we welcome the opportunity to bring the Master’s House and St Michael’s Chapel back into long term use, particularly as the site has been left vacant for several decades. A sympathetic conversion is to be carried out with historic material reused where possible. In addition, whilst it is regrettable that the external historic timber framing will be obscured by timber cladding, this option has the benefit of retaining more of the frame as opposed to having it exposed, thus ensuring the survival of the majority of this historic fabric and protecting the building from further deterioration. This is reflective of the SPABs approach in retaining as much historic fabric as possible and I also understand that it is the intention for the Master’s House to have open days throughout the year allowing the public to see the frame from the inside – I would be grateful if this point could be clarified by the agent.*

*The demolition of the south wing is not objected to as this is a later addition in very poor structural condition and does not readily contribute towards the significance of the site. I also note that incorporating a new extension with staircase negates the need to alter the internal layout to facilitate a new staircase within the existing building. However, I would recommend that consideration be given to reducing the height .. in order to be more subservient against the principal building. Proposed development of apartments to the rear of the site also gradually rises in height towards the railway and exhibits some architectural features and characteristics associated with the Master’s House. The use of landscaping to the front of the application site is also considered to enhance the setting of designated heritage assets.*

*The site has been on the national Heritage At Risk register for a number of years and, prior to the erection of scaffolding and roof structure, continued to fall into disrepair. Under normal circumstances, some concern may have been raised in relation to the proposed cladding of the Master’s House and development to the rear of the site – a level of harm is inevitably caused as a result, albeit less than substantial. However, on balance, and especially in the context of the current condition of the Master’s House and its long standing status on the At Risk register, the benefits in bringing the site back into sustainable use outweighs the level of harm and I therefore do not object to these proposals.*

It is clear that the development of new buildings to the rear of the listed buildings and the new timber cladding would cause a degree of harm to the heritage asset. This harm is judged to be less than substantial and so paragraph 202 of the NPPF is relevant. This states: *“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, where appropriate, securing its optimum viable use.”* The Principal Conservation Officer’s assessment is that when weighing the overall effect of the Scheme on the significance of the heritage assets the public benefits outweigh the level of harm.

- 5.9. Paragraph 199 of the NPPF states that *“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”*. In this case, the public benefit which will be derived by restoring the listed buildings and bringing them back into a viable use is a matter which should be given great weight and is a clear justification for permitting

the Scheme in its current form. Local Plan Policy HE1 does not permit development where it would lead to substantial harm to or the total loss of the significance of a designated heritage asset unless certain conditions apply. Less than substantial harm caused by the development will be weighed against the public benefits of the proposal. The Council wants to ensure that these highly significant heritage assets are not substantially harmed or lost and believe that the Scheme demonstrates a unique opportunity to bring them back into a viable use that will ensure their future conservation. The first element of the Scheme, namely the restoration of the listed buildings and securing optimum viable use is a significant heritage gain. The second element, the construction of the apartment block, causes a low degree of harm to their setting but overall, I am of the view that the Scheme, when considered as a whole, has a positive impact on the heritage assets.

5.10. Policy HE4 controls development on Scheduled Monuments and requires that archaeological remains are properly evaluated prior to determination of the planning application and that where development will have an adverse effect on archaeological remains an agreed programme of archaeological investigation and recording should proceed development. The Heritage Impact Assessment and section 2.1.4 of the Design and Access Statements provide detail as to the archaeological assessments carried out to date. As mentioned elsewhere, the Council's Principal Conservation Officer has been involved throughout the development and evolution of this Scheme and is fully supportive of it.

5.10. Local Plan Policies DS2, DS6, DS7, and H0 relate to the provision of housing. They require the Council to provide in full for the Objectively Assessed Housing Need and to ensure that new housing delivers the quality and mix of homes required including affordable homes. The Council's most recent Authority Monitoring Report 2019-2020 at page 25, paragraph 4.19<sup>9</sup> states "*While delivery of affordable housing has steadily increased over the last five years, low levels of delivery in the early years of the Local Plan period mean that cumulative delivery remains someway below the cumulative requirement*". This Scheme will contribute towards the delivery of good quality affordable housing in a popular location that will enable sustainable lifestyles.

5.11. Local Plan Policy H1 directs new housing. The Scheme will provide housing within the Warwick urban area close to a wide range of services and facilities including schools, shops, jobs, transport facilities as well as cultural and recreational facilities. Local Plan Policy H2 deals with the provision of affordable housing. The Scheme will deliver 100% affordable housing, which is a substantial benefit as a 10-dwelling scheme would not require the provision of any affordable housing under Policy H2. It will be fully compliant with the affordable housing principles as set out in Policy H2, available in perpetuity and offered to those in housing need as affordable rented accommodation. All units will be managed by Platform Housing Group who, as an established Registered Provider, have a good track record of providing and managing affordable homes in the District to a high standard. The

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<sup>9</sup> CD 15

Scheme has been carefully designed to provide a cohesive development with attractive and practical amenity space for future residents. The affordable housing will be secured by a planning obligation or planning condition.

- 5.12. Local Plan Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. The Scheme harmonises and enhances the existing settlement, respects local architecture and historical distinctiveness and will provide a safe and attractive environment. The Scheme will provide good standards of amenity for future occupiers in accordance with Policy BE3.
- 5.13. Local Plan Policies HS1, HS4 and HS6 support the creation of healthy safe and inclusive communities. The Scheme will provide good access to local facilities and will contribute to the creation of an area that is high quality, safe and attractive, encourages social interaction and promotes movement on foot and by bicycle.
- 5.14. Local Plan Policy TR1 requires development to provide safe suitable and attractive access for all highway users. The Scheme has been designed to ensure that there are two access routes into the development, one being directly from Saltisford and for use by pedestrians and cyclists and the other being a vehicle access point via the adjacent office car park. Provision has been made for parking on site in accordance with Policy TR3.
- 5.15. The Saltisford Design Brief (2001) set a requirement that any proposals for this site should secure the restoration of the listed buildings on the site. The comprehensive approach that has been taken by this application achieves this requirement. In terms of the uses of the listed buildings, the Saltisford Design Brief stated that the “Master’s House should be returned to residential use, and the former chapel may be appropriate for either residential or office use.” The Saltisford Warwick Design Brief did consider that no new building on this part of the site should be greater than 2 storeys in height. This Brief was, however, prepared in the context of the ugly and very intrusive buildings of the former Saltisford depot which (at the time) abutted the site and provided a very poor setting for the two listed buildings. The depot buildings have since been removed and replaced by the modern 2-storey offices that are there today. The design of the new apartments has been done in such a way that the 2-storey element is the part closest to the Master’s House, and it rises to 3-storeys along the northern side of the site.
- 5.16. Other relevant material considerations include supplementary planning documents including the Affordable Housing SPD July 2020, the Air Quality and Planning SPD January 2019, the Public Open Space SPD April 2019, the Parking Standards SPD June 2018 and the Residential Design Guide June 2018.
- 5.17. As set out in Andrew Jones’ Proof of Evidence the new built development will cross subsidise the restoration of and re-use of the listed buildings. As detailed at

paragraph 5.8 above the new apartment building causes less than substantial harm to the setting of the listed buildings and this needs to be weighed against the benefits of securing their restoration and re-use. Any grant of planning permission would be subject to a planning obligation or planning condition requiring that the restoration of the listed buildings was completed prior to the occupation of the new apartment building.

5.18. In terms of an overall planning assessment, I am satisfied that the Scheme is compliant with the planning framework in the district. I would make the following comments:-

- In terms of the overall planning approach to the development of the site, The Saltisford Warwick Planning Brief (2001) set a requirement that any proposals for this site should secure the restoration of the listed buildings on the site. The comprehensive approach that has been taken by this application achieves this requirement.
- In terms of the uses of the listed buildings, the Saltisford Planning Brief stated that the “Master’s House should be returned to residential use, and the former chapel may be appropriate for either residential or office use.” The restoration of the buildings to residential use is therefore acceptable in planning terms to the satisfaction of the Principal Conservation Officer. The previous use of the Master’s House was as a dwelling in the 15<sup>th</sup> century. St Michael’s Chapel was previous a small church, however it is recognised that a conversion to a dwelling is a reasonable and viable way of guarantying the long-term future of the building.
- In terms of the design approach for the restoration of the listed buildings, I note the comments of the SPAB and AMS, however alongside these I also note the comments from the Principal Conservation Officer as detailed at paragraph 5.8 above who has a detailed knowledge of the listed buildings and has been extensively involved in working with the applicant to help develop the restoration proposals. I support his assessment
- In terms of the design of the new apartment building, I am satisfied that the design of the building is in keeping with its location and that it does seek to respond in a sensitive manner to the listed buildings for which it provides a setting. The building is part 3 and part 2 storeys in height. The Saltisford Warwick Planning Brief did consider that no new building on this part of the site should be greater than 2 storeys in height. This brief was, however, prepared in the context of the ugly and very intrusive buildings of the former Saltisford depot which (at the time) abutted the site and provided a very poor setting for the two listed buildings. The depot buildings have since been removed and replaced by the modern 2-storey offices that are there today. The design of the new apartments has been done in such a way that the 2-storey element is the part closest to the Master’s House, and it rises to 3-storeys along the northern side of the site. The proposed development is also positioned behind the Master’s House, allowing for the listed buildings to remain as the principal focal features of the site. The buildings located along Saltisford are predominantly 2 storeys,

the design of the building with a 2-storey element leading to a 3 storey element to the rear of the site not only integrates the building with the listed buildings and neighbouring buildings in the immediate context, but also with the wider character of the area. The building with varying gable roofs and staggered design not only provides a more attractive design but also visually breaks up the bulk and mass of the building which better integrates with its surroundings.

- The block of flats has been designed to appear as an attractive modern building opposed to a pastiche form of development, whilst still referencing the listed buildings through its architectural features and characteristics, including gables and use of traditional materials such as red brick, timber and plain roof tiles.
- The required level of parking does not meet the standard set out in the Council's Parking Standards SPD with 7 spaces provided against 11 which would normally be required for a scheme of this type. The SPD notes that there are two reasons why a scheme may not demonstrate these standards; (1) the applicant can reasonably justify either higher or lower parking provision than set out in the standard based on available evidence and/or (2) it is not reasonably possible to achieve the parking standards. As regards (2) conservation impact is stated as one such reason. Opportunities for car parking on the site are significantly constrained by the need to preserve the setting of the listed buildings, and accordingly all spaces are located to the rear of the Master's House. It would be possible to meet the parking standards in full however this would require roads and parking areas immediately in front of, and alongside, the two listed buildings, which would detrimentally impact their setting. Furthermore, section 2.4 of the SPD states that schemes with an under provision of parking may be considered acceptable where the applicant can demonstrate specific circumstances, one of those being where a site is located within an area that is highly accessible. The application site is situated approximately 100m from Warwick Town Centre and so is within a highly accessible location which is within walking distance of key amenities and public transport links and therefore is considered to comply with the SPD. It is also noted that the Scheme incorporates 12 cycle parking spaces, two disabled parking spaces (as part of the 7 spaces provided) and one EV charging point. For all these reasons, I consider that the Scheme is acceptable in parking terms.
- The site is at risk of flooding and the new building has been set on a raised table in response to discussions with the Environment Agency. The EA has raised no objection to the application. The Applicant has provided further information as requested by the LLFA and it is expected that there will be no LLFA objection to the application
- A holding objection has been received on environmental health matters raised by the Council's Environmental Health Officer. These are subject to further discussions with the case officer. I have no reason to believe that a satisfactory design solution will not be achieved. I note that no objections have been raised by Environmental Health on matters of light pollution.
- There is an objection from Warwickshire County Council's Landscaping Team who consider that the proposal contravenes Local Plan Policy BE1 and the Saltisford Warwick Planning Brief due to the height of the apartment block. The objection also references a lack of detail in relation to the soft and hard

landscaping. I am of the view that the concerns in relation to soft and hard landscaping can be addressed through appropriate planning conditions. I do not agree that the proposal does not accord with Policy BE1 and I am of the view that it does harmonise with the existing settlement in terms of physical form and considering the buildings that now surround the site. As explained above the Saltisford Planning Brief was prepared before the construction of the modern two storey offices. I also consider that the proposal accords with para 130 of the NPPF in particular that it is sympathetic to the local character and history including the surrounding built environment and landscaping setting whilst not preventing appropriate innovation or change.

## 6. Benefits of the Scheme

6.1. Section 226 paragraph (1) (a) of the Town and Country Planning Act 1990 states that: "A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.

6.2. Section 226(1A) states:

"... a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area."

6.3. Paragraph 106 of the Guidance states that any decision about whether to confirm an order made under section 226(1) (a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.

6.4. In this section of my evidence, I explain how the Scheme will promote and improve the economic, social and environmental well being of the area.

6.5. Economic Benefits:

6.5.1. There will be immediate economic benefits in that the construction of new housing creates employment opportunities. Furthermore, providing a sustainable use for the two listed buildings will have long term economic benefits to the owner of the buildings in that it will remove the need for future interventions to effect urgent repairs to the fabric and structure of the property.

Bringing the buildings back into use will provide an income stream to support their maintenance in the long term.

## 6.6. Social Well Being:

6.6.1. The Scheme will provide 10no. homes, all of which will be affordable.

Providing affordable housing is a high priority for the District Council, and the Warwick District Local Plan (policy H2) sets out the evidence of the problems of affordability in the district and the need for more affordable housing. This Scheme is delivering 100% affordable rented accommodation, which will be managed by Platform Housing Group. It will provide much needed single person accommodation in Warwick. There is strong evidence of demand across Warwick District for 1-bed and 2-bed properties. Across the District, there are currently approximately 1,150 households seeking 1-bed accommodation and 440 seeking 2-bed accommodation. Furthermore, there is evidence of strong demand for such properties. Under the Council's HomeChoice (choice based lettings system) people are allowed to bid for properties. In the last two years, 48 1-bed council properties have become available, with each generating an average of 8.79 bids. For 2-bed properties, the figure was 85 properties with 15.5 bids per property.

6.6.2. The location of this housing (less than ½ mile from Warwick town centre, less than ¼ mile from local shops and a large supermarket and on a regular bus route) makes it sustainable and suitable for those without a car.

6.6.3. The development will include shared private amenity space with a private garden to the rear of the Master's House creating a safe living environment for residents.

## 6.7. Environmental Well Being:

6.7.1. The successful restoration of the listed buildings will protect, save, and provide a new use for two important listed buildings in Warwick. The Leper Hospital site contains the remains of St Michael's Church (106 & 108 Saltisford (Listed building entry 1035366)) and a 15th Century two-story timber framed building known as a Master's House (4, 5 and 6 St Michael's Court, Saltisford, Warwick (Listed building entry 1364850)). The buildings are Grade II\* listed and are situated on a Scheduled Monument (List entry 1011035). The site is also a Designated Heritage Asset (no. 17004). It is one of only three known examples of leper hospitals in the county. An archaeological evaluation was undertaken in 2004 which among other things revealed stone wall foundations, a pebble yard surface, postholes and pits in the area between the chapel and the Master's House. The timber frame and roof covering are in very poor condition and Urgent Works were undertaken by the District Council in 2019 to keep the building weatherproof and maintain its structural stability. As noted earlier, the buildings are on Historic England's Heritage at Risk Register with the Master's

House condition described as being “very bad”; the most serious of categories and at “immediate risk of further rapid deterioration or loss of fabric”.

6.7.2. Also, as noted above under “economic benefits”, bringing the buildings back into use will provide an income stream to support their maintenance in the long term which will have significant ongoing environmental and conservation benefits.

6.7.3. More widely, the redevelopment of this area will improve an overgrown and neglected area of land on an important entrance to Warwick town centre. This area has become an eyesore sight, and the regeneration of this area will help create a more suitable setting for the listed buildings in an improved high quality landscape setting.

6.7.4. As noted above, this is a very sustainable and highly accessible site for new housing. The site is less than ½ mile from Warwick town centre and less than ¼ mile from local shops and a large supermarket. It is on a bus route with regular services to Leamington town centre and Whitnash.

6.7.5. A landscaping scheme has been designed which provides soft landscaping incorporating grass with wildflower meadow borders, providing an enhanced wildlife habitat. New native tree and shrub planting will be provided to offset the loss of some existing trees (where the new apartment building is to be located) and enhance biodiversity. A principal aim in designing the landscaping scheme has been to create an appropriate natural environment for the two listed buildings which, in turn, is considered to further preserve and enhance their setting. The proposed planting/landscaping across the site has been carefully considered to ensure the Scheduled Monument is preserved,

## **7. Response to the Objection**

7.1. There is one objection to the Order which has been made by the Owner. The Owner agrees that it is not sustainable for the Order Land to continue to be vacant and shares the Council’s objective in finding an appropriate use for the Order Land and the Grade II\* listed buildings situated on it.

7.2. I will address the proposal put forward by the Owner in Section 8 but I of the firm view that the only chance of bringing the Order Land back into use and restoring the listed buildings is via the Scheme



## 8. Alternative Proposal by the Owner

8.1. The Owner made a formal pre-application enquiry to the Council for an alternative scheme in May 2021 (“Alternative Scheme”)<sup>10</sup>. This follows a previous pre-application enquiry that the Owner made in 2018. There are no records of any formal or informal approach by the applicant since 2018 until the submission of the more recent request for pre-application advice. This revised scheme seeks to respond to the issues that were raised by the Council to the 2018 scheme. I would make the following comments on this most recent Alternative Scheme.

8.2. The broad principles of the Alternative Scheme share many characteristics with the planning application. These are for: -

- The re-use of the Master’s House as a single dwelling – in principle.
- The re-use of the Chapel as a single dwelling – in principle.
- The provision of a new building for 8 apartments.
- Provision for access and associated car parking.

8.3. Insofar as they are the same to those in the application, there is no objection in principle to this.

8.4. The Council’s main concern with the Alternative Scheme is that it contains insufficient detail to determine whether the development is acceptable. The Council would not accept an outline application on this site, and yet the pre-application enquiry only includes the “principle” of the re-use of the Master’s House and Chapel.

8.5. Furthermore, the information provided for the new apartment building provide insufficient details to assess whether a building of this type is acceptable within the setting to the listed buildings.

- From the details that are provided, I would have concerns about the massing and bulk of the building. The building is three storeys in height (unlike in the application where the new building steps down to 2 storeys closest to the Master’s House). The predominant character of the wider area is that of 2 storey buildings.
- In the Alternative Scheme, no details of materials are provided and no views into the site from Saltisford. It is therefore impossible to make a clear assessment of whether the design of the building is acceptable as a setting for the listed buildings.
- The application includes gable detailing to reflect the gable on the Master’s House which contributes towards the building’s appropriateness in creating a setting for the Master’s House. There is no gabling or other detail on the Alternative Scheme. It is this gabling detail which helps to create a visual link between the new building and the Master’s House. The gabling detail also

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<sup>10</sup> CD 19

reflects the buildings in the street scene, for example the row of terraced properties to the west, the church to the east and the block of flats on Birch Meadow Close.

- 8.6. The alternative scheme does not include any affordable housing. Whilst it is not a policy requirement to provide affordable housing on schemes of less than 11 dwellings, the absence of affordable housing would not provide the same level of social wellbeing benefit that the application Scheme would provide.
- 8.7. As I have noted above, the Saltisford Warwick Planning Brief set a requirement that any proposals for this site should secure the restoration of the listed buildings on the site. The limited information provided by the pre-application enquiry would suggest that the Owner intends to undertake the restoration of the Master's House and Chapel as part of the development, however no details have been provided on the works to these buildings (indeed the Owner states that it is intended that the details of the alterations of the Master's House and Chapel are prepared once the principles of the new built development and site layout have been settled). It is, therefore, impossible to know whether the costs and therefore feasibility of undertaking these repairs has been properly evaluated and understood. As such, this must call into question whether, on the basis of the information provided, the alternative development is capable of delivering a quantum and value of development to fund the restoration of the listed buildings.
- 8.8. The Council's Scheme comprises a comprehensive re-development of the site. It will secure the restoration of the two listed buildings and provides additional affordable housing in their setting with the new build element enabling the cross funding of the restoration works. The Owner's Alternative Scheme is obscure in terms of the connection between the proposed new build and the restoration of the listed buildings and does not set out how this will be achieved.
- 8.9. In summary there are compelling advantages when the Council's Scheme is assessed against the proposal put forward by the Owner. There is a long history of inaction and neglect of this site on the part of the Owner and the lack of any firm proposals or information on the delivery and viability of the Owner's scheme. The Council's Scheme when compared to the Owner's has the following advantages: -
- The Scheme is financed with a clear timescale for delivery (as set out in the Proof of Andrew Jones). There is no information as to how the Owner will finance the Alternative Scheme.
  - The Saltisford Planning Brief and the requirement to deliver a public benefit require the development to secure the restoration of the listed buildings. There is no detail in the Alternative Scheme as to how this will be achieved. By contrast the Council's scheme is a comprehensive one.
  - The Scheme will provide single occupancy affordable housing in a location where there is an established need. The Owner's scheme will provide no affordable housing.

- A planning application has been submitted for the Council's Scheme and is due to be determined very shortly. The Owner has not submitted a planning application and the pre application enquiry lacks any real detail as set out at paragraph 8.5 above.

## **9. Conclusion**

When deciding whether to confirm an order under section 226 (1) (a) of the Town and Country Planning Act 1990 I am aware that the Secretary of State will take into account the factors set out in paragraph 106 of the Guidance. Addressing each of these factors in turn my firm view is as follows: -

- That the purpose for which the Order Land is to be acquired is compliant with the Local Plan and the NPPF
- The proposed Scheme will contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area.
- The purpose of the Scheme cannot be achieved by any other means
- The Scheme is financially viable and deliverable.

17 August 2021