

## Objects to Cala's Outline Planning Application (14.02.23)

### Objection 1 -The application is not compliant with Policy DS22

DS22 states that the "former" police headquarters will be developed for housing purposes. The obvious point is that there is no "former" police HQ as the police are still in full occupation and the land is not "surplus".

As envisaged in DS22, the proposed housing estate does not "secure... the long-term use, and therefore conservation, of the Grade II listed Woodcote House and its setting within the associated locally listed gardens / parklands"

Ironically the proposed application, far from securing the long-term use and conservation of the house and setting - substantially harms it. It is telling that Cala accepts building a housing estate in the forefront of a Listed Grade II Manor House and what is also in the middle of period designed parkland, straddled by 2 coach drives and two Lodges, will inevitably cause harm to its heritage value. They just dispute the degree of the harm.

The raison d'être for the housing estate no longer applies and this would have been apparent to Cala when they bought the land. They therefore bought the land at risk. To permit housing on the estate in these circumstances would enable the circumvention of the logic behind DS22, which was to preserve and conserve the estate by enabling restoration of the house and grounds. If the sale had been less clandestine, Cala would have been on notice that the village was alive to this issue. Perhaps this would have prevented the sale and this dispute.

DS22 also states at clause 2.88 "Development of this site for housing will be supported provided that it is carefully managed to ensure that the site's heritage and landscape assets are conserved and enhanced. Development will only be permitted where it is brought **forward in accordance with the vision, development principles and framework that will be provided by an agreed masterplan**".

Cala in recognition of the need for an agreed Masterplan seeks to call a document within its planning statement a "Masterplan" but with the telling caveat on the same document which say, "Internal layout for the application site... is purely illustrative, except for points of access". It is therefore meaningless.

Given that there is no agreed masterplan; no demolition of the police buildings and no restoration work of the House and Estate; that there will be no "protecting and enhancing of the historic assets and their setting" that it will not "contribute positively to the landscape character"; that it will not "make provision for the future management and maintenance of the balance of the site" means that the planning committee should not permit the application as these were the specific requirements and principles of DS22 in order to allow any housing to be permitted.

To find otherwise there would have to be compelling reasons. Cala asserts that building houses is that compelling reason. But whilst housing does provide a

community benefit, there is not a critical need for housing as the district has an adequate 5 year housing supply for the area. This means that the benefit of housing is not of sufficient weight to outweigh the harms it would cause. That was why the council ensured that there were policy guardrails to protect the site in the form of DS22.

**Objection 2: The land in question should be considered as though the land has retained Green Belt status as the reasons for removing that status no longer apply.**

DS18 states that the council will apply national planning policy to the proposals within the Green Belt.

That the site is no longer surplus, and the police are in full occupation means the heritage restoration can no longer take place. As the Green Belt was removed by the Planning Inspector in 2017 because of the above “exceptional circumstances” it follows that when these exceptional circumstances no longer apply this is a factor that must fall to be considered as a material consideration for the planning committee to weigh. In my submission, the planning committee should consider the application as though the land has retained its former Green Belt status with the protections that flow from that.

To do otherwise would in effect enable the circumvention of the NPPF Green Belt protection.

*Paragraph 148 of the NPPF states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*

It is submitted that the material change in circumstance requires a reconsideration of 3 main issues in terms of the Green Belt:

- (a) the effect on the openness and purposes of the Green Belt;
- (b) the effect on the character and appearance of the area; and
- (c) whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development."

It is submitted that this site would not have been permitted for development but for the police vacating the site and the subsequent plan to restore the House and Grounds, with plans for community access etc.

The Inspector’s decision in 2017 was made on the premise of the police vacating the site and its effect of the proposed restoration work on the visual and spatial qualities of the whole site.

That the site will remain degraded with unsuitable police buildings and no possibility of restoring the grounds means that allowing a housing development onto the site would be a substantial culminative harm which is not outweighed by the value of additional housing.

### **Additional harms**

Not only will current harms to the site remain in addition to the harms of a housing estate but additional ones will be created over and above this. The police currently use part of the existing applicant site for parking. They have no spare parking capacity, and it is often hard to find places to park on site for visitors. If they lose circa 100 parking places, they will need to create them elsewhere on the estate using existing greenbelt land. This will cause further harm to the Manor House and setting. It is also foreseeable that the police will need to erect fencing to close off the housing development and again this again will negatively interfere with the spatial enjoyment of the Grade II listed house and estate.

Into that equation of weighing harms and benefits, the council must also consider the significant adverse impact on character and appearance of the village, not only in terms of removing the trees and hedgerows but on the visual and spatial impact of a new housing estate in full view from Woodcote Lane.

### **Objection 3 Policy HS2 and Policy HS4**

#### **Balancing Pond and Woodland behind Waller Close**

HS2 states that development on or change of use of open spaces will not be permitted unless an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.

Cala has no meaningful open spaces within the development site which meets this policy requirement. They have sought to try to claim alternative provision by a path around the balancing pond, which is adjacent to the development and claim they have control of nearby woodland (owned by the Police), which is located on the other side of Woodcote Lane.

They state that they will improve it and give access to the local community. The Police have apparently told local parish councillors that they have no agreement with Cala concerning the Woodland. Further evidence will need to be sought by the planning committee before Cala's statement is accepted as fact.

But in any event, the committee should note that benefit of the woodland would be nominal rather than a true addition as the woodland has been used by the public for many years (as is evident from the woodland trails, children's play dens, tree swings etc. The addition of the balancing pond is not a true benefit either as has been bought to simply enable denser housing on plots 1-3.

In any event, it is submitted that these putative additions are not equivalent or better provision either in terms of quality or quantity and would be in breach of HS2.

#### **HS4 – Open Space**

In addition Cala's application is in breach of HS4 as this policy requires appropriate children's play facilities that are visible from nearby houses and that applicants will be expected to include a proportion of the site to meet the requirement of open space, sport and recreational facilities.

Cala's on-site provision is for a path around an attenuation pond, a local area of play and other incidental open space shown on the parameter plan. The plan shows the play area to be tiny. These proposals do not meet the policy requirement, and this is acknowledged by Cala as they state that in combination with their offsite proposals, they believe that fulfil HS4.

As explained above - Cala's application does neither.

#### **Objection 4 – Sustainable communities Policy SC0 and LW10 and Traffic congestion and inadequate road infrastructure**

Policy SC0 (Sustainable Communities) states that new development should protect and enhance the historic, built and natural features of the area. It should provide good access to community facilities, local shops, transport services; it should provide for a choice of transport modes including public transport, cycling and walking and it should integrate with existing communities.

Policy LW10 is also highly relevant as it states that developments should be designed to provide easy access to the school and services without the need to use cars. Pathways should be of a standard suitable for people to ride mobility scooters and push buggies and wheelchairs.

The application falls short on all these requirements, and this means it is not a sustainable development. There are no cycling or walking routes that can be created as Woodcote Lane is a typical country lane which cannot be expanded due to existing housing and high banks.

The footpath near the Anchor pub is very narrow and peters out on one side requiring the pedestrian to cross to the other side. This does not feel safe for adults and is certainly not so for school children as the child must walk single file because the pathway is so narrow. There is no safe way for mobility scooters or wheelchairs to use this lane.

It is also often single lane between Waller Close and Woodcote Drive due to an existing problem with adequate residents parking. When there are sporting and village events at the weekend, which is every weekend, the lane becomes hard to navigate because of the increased parking and volume. Wing mirrors are regularly

damaged. It genuinely feels unsafe and hazardous. It can require reversing for significant stretches to enable access.

At the Anchor junction 20m down Woodcote Lane by the boundary wall of Ivy cottage the road narrows to 4.8 m in width with a single footpath. On a weekly basis delivery and waste collection vehicles park in this location effectively blocking off the road at the T junction until they move.

The layout and usage of the lane already raises concerns about road and pedestrian safety. When the police were vacating the site, it was envisaged that 350-400 cars would no longer use the Lane.

As this is no longer the case, the proposed development will aggravate the existing problem. The proposed addition of 83 dwellings will lead to an addition of at least 220 cars regularly using the lane in the day (based on an average of 3 cars per household).

In short, the village is unanimous that it is not practical or safe to create more traffic on Woodcote Lane. To create a housing estate in this location would be irresponsible and contrary to policy.

#### **Objection 5: The need for housing**

Additional housing is a benefit to the community but in considering the weight to be attached to this, it is a material factor that Warwick District Council has a 5.1-year Housing land supply. This means the proposed development is not critical for the supply of housing. There are other sites e.g., a site close to the existing school that would provide less destruction to the ecology and heritage and avoid the congestion and traffic safety issues of Woodcote Lane.

#### **Objection 6 Biodiversity Policy NE3 and Policy NE4**

*Policy NE3 states that "New development will be permitted provided that it protects, enhances and / or restores habitat biodiversity. Development proposals will be expected to ensure that they: a) lead to no net loss of biodiversity, and where possible a net gain, where appropriate, by means of an approved ecological assessment of existing site features and development impacts; b) protect or enhance biodiversity assets and secure their long-term management and maintenance, and; c) avoid negative impacts on existing biodiversity. Where this is not possible, mitigation measures must be identified. If mitigation measures are not possible on site, then compensatory measures involving biodiversity offsetting will be required.*

Cala's asserts in their Planning Statement and related documents that the land in question is of low ecological value. This is incorrect as evidenced by the ecological reports undertaken by Professor Morley and the objection filed by Natural England dated January 2023.

All the trees on the site have TPO's indicating their significance. Yet Cala plan to remove a veteran sweet chestnut (T8), several category A oaks and a number of category B trees, all of which have significant landscape and ecological value.

They assert that street trees would be incorporated to add to the overall tree cover and that:

"The proposed planting would offset the tree removal and the magnitude of change upon the tree and hedgerow resource within the site would be negligible, resulting in negligible neutral effects."

This is simply incorrect. Not only would it take many decades to compensate for the maturity of these trees and the habitat they provide but with climate change, tree planting schemes have been failing as young trees do not have the root system to compensate for the drought conditions of the summer.

Logically, destroying this habitat must lead to poorer biodiversity as well harming the designed landscape character of this heritage site and the village.

The density of housing planned for the site would mean that root systems of large trees could not be allowed to grow for fear of undermining the foundations of the proposed buildings. Cala will not replace trees with the same large specimen species as they will be unsuitable for planting in a housing estate. Therefore, Cala's assertion that there will be no loss of landscape/habitat is disingenuous as they will not be able to replant like for like. And even if they did, the trees would not be allowed to reach maturity.

**Paragraph 180** of the NPPF states: *When determining planning applications, local planning authorities should apply the following principles:*

*Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists:*

*A veteran tree is defined by the NPPF as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value.*

Paragraph 182 of the NPPF provides: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

It is submitted that all the evidence before the council is that the application would have a profound and disastrous effect on the habitat and that there are no "wholly exceptional circumstances" to justify such destruction. In addition, it is worth noting again that the removal of the Green Belt status did not allow for such destruction, contrary to the intentions of those who made that original decision.

Returning to Cala's assertions on biodiversity, interfering and/or destroying this rich and established habitat cannot produce a net biodiversity gain. Already under pressure from climate change, building a housing estate in this parkland with its adjacent woodlands and lakes will rupture nature networks. It will make the environment unsuitable for survival of species directly and indirectly.

There are no satisfactory mitigation measures which can be made to balance the loss. There can be no monetary compensation for such destruction. Natural England urge us all to promote nature recovery at a time when scientific studies report almost half of Britain's natural biodiversity has disappeared over the centuries, with farming and urban spread blamed as major factors for this loss.

### **WDC's Tree officer report**

In addressing biodiversity loss, it is necessary to examine the findings of the WDC's tree officer report to the committee. The council's tree officer has provided two reports in which he has stated that he has no objection to the destruction of more than 70 established trees with TPO's and 10 hedgerows on the Woodcote Estate, which would be required for the proposed building of a housing estate! TPO's indicates that the trees have significant amenity benefits to the local area. I would ask the committee to consider this report carefully before accepting its conclusions at face value.

This is not, in my submission, a reasonable conclusion that can be made on the facts and LWFG have written to the WDC's CEO asking for an urgent internal review is undertaken.

The reasons for the request are as follows:

On 23 January 2023 Natural England, tasked with protecting habitat, has filed an objection opposing the destruction of these trees because of the significant harm it will do.

They state among other things:

*"the area subject to development is Wood Pasture and Parkland priority habitat. The site may also be Ancient Wood Pasture and Parkland (AWPP) a form of Ancient Woodland recognised as irreplaceable habitat in Ancient woodland, ancient trees and veteran trees".*

That Natural England, an independent government body, is opposing the destruction of the same trees that your tree inspector would permit, must give sufficient reason for the Council to review the adequacy of the council's own internal tree report.

But in addition to Natural England's findings, I would also refer you to the findings of LWFG's own ecology report and also the findings of Professor David Morley, a trained ecologist, along with the Woodland Report supported by David Tudway, a member of the Woodland Trust

These detailed reports make the following findings:

1. The proposed development will lead to the destruction of at least 74 trees, many of which are veteran trees and form part of the woodland park and wildlife corridor that straddles the estate. It will also destroy 10 major hedgerows. This will have a major impact upon the habitat that supports numerous species, all of which need our protection and some of which are registered as endangered.

2. The tree officer makes no comment of the proximity of those trees said to be retained to the proposed location of the dwellings. This is a significant omission. Many of the established trees are 50 - 80 feet tall. There are numerous reports from Councils, government bodies, Insurance assessors that state the recommended distance between dwellings and established trees. Leeds Council, for instance, cites a minimum distance of

16 metres from a new build. Currently over 37% of the proposed dwellings are closer than the recommended distance.

It should therefore be no surprise that permitting a housing estate in established parkland will cause damage to adjacent trees root system and their long-term health. It is also foreseeable that building houses close to trees will lead to problems of shading, damage from falling branches during storms, risk of subsidence due to root damage and heave.

It will lead to pressure from those homeowners to remove nearby trees which present an inconvenience or perceived threat to their home. All of the trees are currently subject to a tree protection order (TPO) but it is obvious that there will be disputes and conflict and inevitably even more trees will be lost than currently envisaged.

3 The drawings and tree reports within the planning application issued by Cala are inaccurate and do not reflect the location and description of the existing trees. The tree officer has made no comment on this, which is surprising if his task is to comment on the value of their potential loss and impact on the estate. At the very least, it questions the legitimacy of his conclusion.

4. I draw your attention to the National Planning Policy Framework (NPPF) *“that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”*

5. There are major conflicts with the findings of your tree officer and the policies of the WDC. In 2019 the WDC declared a Climate emergency and stated that they would ensure the mass planting of trees by 2030 recognizing the value trees have in respect of capturing carbon dioxide. It is illogical to thereby allow the destruction of so many veteran trees and hedgerows.

I would then refer you to WDC’s Tree and Woodland Strategy, which emphasizes at length the value of trees and at page 28 clause 3.7.4 states:

*The Council will not normally grant planning permission for any development which would result in the loss of, or would be detrimental to, any areas on ancient or semi natural woodland/hedgerows or established woodland areas or areas of tree cover of landscape or wildlife value.*

I therefore submit that given the WDC’s own policies seeking to preserve trees as stated above; given the extent of the proposed destruction; that the trees are part of an established parkland on a heritage site; that many are hundreds of years old; that the trees form part of a clear wildlife corridor through the estate and are at the heart of the most ecologically rich part of our village – these factors alone should cause sufficient concern to cause an internal review of the Tree officer’s findings and refuse the application.

On the issue of biodiversity **paragraph 80** of the NPPF states:

*When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately*



*mitigated, or, as a last resort, compensated for, then planning permission should be refused*

As significant harm to the biodiversity will result from the development and nothing in Cala's proposals adequately mitigates or compensates for this, the planning permission should be refused.

### **Objection 7: Lack of public consultation**

In its Statement of Community Involvement updated in November 2022 Cala states in its planning application that it

*"Cala Homes (Cala) is committed to consulting with the local community regarding its proposals for new homes on land at Warwickshire Police Headquarters (HQ) in Leek Wootton*

They further state:

*Views from residents and key local stakeholders were sought via a host of different channels. A website, freephone information line and project email address was made available throughout the process for interested parties to receive further details and to provide feedback. To deliver a robust and accessible consultation, Cala Homes deployed digital methods to continue consulting the community regarding the proposals for the development. A virtual public exhibition was therefore held between Monday 31<sup>st</sup> January and Friday 11<sup>th</sup> February 2022.*

I am unaware of anyone who considers these statements to be accurate.

On Saturday 29 January 2022 the Parish Council clerk posted on the Parish Council website a notice from Cala advising that they would be holding a virtual exhibition on their website between 31 January and 11<sup>th</sup> February 2022 in order for residents to view the plans.

They also advised that there would be a Q & A webinar on Tuesday 1<sup>st</sup> February at 12.30 to 1.30 and on Thursday 3<sup>rd</sup> February 2022 at 6pm. This was just 3 days' notice over the weekend!

The very short notice provided meant that there would be minimal public engagement. I personally had no knowledge of it at all.

Further only posting notice on the parish council website would not provide the profile it deserved.

Finally, those residents who joined the webinar report that they found it deeply disappointing. There was no ability to ask verbal questions. Three 3 members of Cala's team took turns to answer written questions which had been submitted by the residents. The answers to the questions were posted on Cala's website and the council should note that there is significant disparity in those answers to the documents which form part of the planning application.

As you are aware, the NPPF states at paragraph 16c - that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.

At paragraph 132 it states that early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot

But consultation has not taken place with this application as it should. It is a matter of real concern to many people that this lack of consultation may have been an attempt to prevent public awareness of the consequences of the planning application.

It is noted that this frustration is shared with the planning authority. The following minute appears on the planning committee’s website

<p>12 Jan 2022</p>	<p>The Planning Committee met with CALA Homes (Midlands) Ltd on 12 January 2022.</p> <p>Website states that CALA has consulted extensively with Warwick District Council. This comes as a surprise because it was the PC's understanding that WDC Planning would include the Council in discussions with the Police during creation of the Master-plan and WDC had discussions with both the Police and CALA and the Council was not involved.</p> <p>Planning Committee has written to the Senior Policy Planner at WDC to complain, copying in the District Councillors. D/Cllr Redford offered to chase a response.</p>	<p>PC web site</p>
--------------------	--	--------------------

Since their original full planning application Cala have made no attempts to come and talk to the village despite being on notice from the objections to their full planning application that the village did not believe that they had sought to engage with the community. Indeed, the attitude in correspondence with the LWFG has been high handed at best and hostile at worst. For instance, removing a LWFG Webcam which had been placed on the proposed site to provide factual evidence of the biodiversity and then not return it despite repeated written requests. This is not the actions of a company keen to establish the facts and work with the community.

A further aggravating factor is that when Cala’s documents are carefully scrutinised, it becomes apparent that they are often misleading. In their first full application they

failed to record the nature and number of trees planned for destruction. For instance reference is made to numbers of groups of trees and some trees scheduled for destruction are not even identified on the drawings and this only becomes evident on examining the site, to which the community have no permitted access. Another example is some of the drawings are wholly misleading with regard to removing hedgerows and the scale is so small that the detail is hard to make out.

There is no acceptable justification for these consultation stages being missed. To be other than open and transparent undermines the trust and confidence that the public must have in the planning process.

Planning guidance is a material consideration for the planning committee to weigh in the balance and the failure of Cala to engage with this guidance in good faith should be appropriately weighed in the balance. Cala, which is owned by Legal and General, state that they are a professional and ethical company, committed to the highest standards. They have experience of hundreds of developments around the country. In my opinion (as well as Mr Gove's) they, like many housing developers game the system, understanding that councils are hollowed out and their local communities ill prepared to adequately scrutinise the application in the way necessary. It should not be left to the public to pore over documents to ascertain the omissions and the half-truths etc. Their documents should be reliable and when they are not, Cala should not be rewarded for the same.

## **Objection 8 Heritage site**

### **Local plan policy HE1**

The policy states that:

*Development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:*

- a) The nature of the heritage asset prevents all reasonable uses of the site;*
- b) And no viable use of the heritage asset itself can be found that will enable its conservation;*
- c) And conservation by grant funding or charitable or public ownership is not possible; and*
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.*

*Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use*

The council recognise that similar heritage properties have an intrinsic value e.g., Packwood House and Baddesley Clinton which have been taken over by the National Trust in recent years. I would urge the committee to google Bosherton Lily Ponds in Pembrokeshire, which is also a National Trust property, I have visited the ponds and can vouchsafe that it is astonishingly similar to Wootton Estate except

Bosherton's Manor House was lost. For that reason we have called the Woodcote Estate the forgotten Jewel of Leek Wootton. To allow a housing estate on the land now that it is no longer surplus would be a failure of ambition and vision. The aim of DS22 was to try to enhance and preserve it.

It will be important that the potential opportunity to fully protect the estate is not lost by degrading it with a modern housing estate in its foreground. It was clearly the view of the Planning Inspector in 2017 and DS22 that the sale of the whole estate would enable the site to be preserved and renovated. That this will now no longer happen means that the Estate should not be subject to windfall opportunism of property developers because no-one foresaw that events would unfold as they have.

Building a housing development in the foreground and on a site where there are already substantial harms caused by the police buildings, aerial mast and 350 car parking spaces is a further cumulative substantial harm that cannot be justified. There can be no meaningful restoration of the heritage site as it is no longer surplus to requirements, the police are in full occupation and will need additional car parking and fencing if the planning permission is granted. The police have also released press statements indicating that they will seek to develop the site further for their own purposes over time.

It is submitted that if the council allow the estate to be built on now without renovation occurring, it will be a further substantial degradation. The chances of protecting and preserving the estate for the future are significantly reduced as it will degrade the estate of its character and heritage. It was an all or nothing in the Local Plan. It follows that as nothing occurred in keeping with DS22 there is no reasonable case to allow development on it.

Paragraph 189 of the NPPF states *that: "..... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*.

Paragraphs 200 of the NPPF state: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

201. 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

202. 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.

Applying the framework here, any new housing will be clearly visible to the House. It will damage the visual and spatial character of Woodcote House and Parkland. It will detrimentally bear on one's experience of the listed building in its surrounding landscape and be anachronistic.

The House is fully occupied and has a viable use. Given the existing harms to the House by the existing police buildings, it would be layering further harms on this site to subject it to any more development. Clearly the police would need to create further parking areas to make up for the loss of the parking currently provided by the tennis courts and there would be more fencing needed. The NPPF requires that great weight is given to protecting heritage assets and as there is no counterbalancing considerations of equal or greater weight the planning application should be refused.

### **Objection 7 The Levelling Up and Regeneration Bill**

Another material consideration that the committee need to consider, and weigh is the fact that the planning system is to be reformed to give residents more involvement in local development. The Levelling Up and Regeneration Bill dated 10<sup>th</sup> May 2022 had its first reading on the 11 May 2022 and had been approved by the House of Commons and is now at Committee stage in the House of Lords. All planning officers have received notice of this from central office.

The White Paper states there will be improvement to the planning process, so that it gives local communities control over what is built, where it is built, and what it looks like, and so creates an incentive to welcome development provided it meets the standards which are set.

The Bill includes powers to support the approach to achieve this, which is through reforms to:

- deliver high quality design and beautiful places, and protect our heritage
- enable the right infrastructure to come forward where it is needed
- enhance local democracy and engagement

- foster better environmental outcomes
- allow neighbourhoods to shape their surroundings, as this is where the impact of planning is most immediately felt in the Development Plan (as material considerations) when making such determinations

Mr Gove said: “My view is, resistance comes down to the quality of what is built, the business model of the house builders and the fact that they can make significant profits and those profits are not shared equally with the community; the fact that the planning system means that developers can override the clearly expressed view of local people, if they have deep enough pockets and if they game the system; the fact that there is insufficient and ineffective protection for the environment.”

### **Concluding comments**

The NPPF lays out a system of planning within which the community and the council produce their own local and neighbourhood plans, which reflect the needs and priorities of their communities. The idea was *to” empower local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area”* (NPPF 17).”

The main points are:

1. The principles behind DS22 were to restore and enhance the Woodcote Estate. This will not occur. To allow this opportunistic plan for development given the land is no longer surplus would be to circumvent Green Belt legislation and the principles and spirit behind DS22.
2. It would undermine the tenets of local democracy given the previous referendum on the 2016 Masterplan, the Planning Inspector’s report in 2017 and the Local Plan. The sale of the land to Cala was done clandestinely seeking to make this a closed case. The applicant should not profit from the lack of transparency.
3. There has been a woeful lack of pre-application consultation with the public and misleading documentation from Cala about the current proposal.
4. The proposal will lead to a very significant loss of habitat in terms of the quantity and quality of the planned destruction and the visual impact this will have on the village.
5. This is not a sustainable development. The effect of increased traffic on Woodcote Lane along with its pinch points, the lack of existing residency carparking which causes cars to park on the lane and render it single lane in parts, the very narrow footpath, the lack of cycle lanes, the blind corner on the Anchor Junction of Woodcote Lane all mean that it would be unsafe to permit the development.

6. It would cause permanent, substantial cumulative harm to a heritage site which should be protected rather than allowing it to be plundered.

For the reasons given above I respectfully submit that the planning application should be refused.

## **Supporting Information to the Committee**

### **Background detail:**

To understand the objections to the planning application it is important to understand the factual background and thereby appreciate the context in which they are made. This detail is therefore set out below and then followed in turn by comment and objections.

### **Woodcote House and Park Land**

The current Woodcote House was rebuilt in 1861 and is a former Victorian mansion built in an Elizabethan style. It is a Listed Grade II heritage site. The parkland is over 200 years old and as a result has many veteran trees, hedgerows and provides irreplaceable habitat to many species. It is probably the most important heritage and ecologically sensitive site in the village and one of several such rare sites in the county. The house and parkland are indivisible and need to be retained together to maintain their integrity.

The Waller family sold the estate to Warwickshire County Council in 1948 and the police have occupied it ever since. Legal title was transferred to the Warwickshire Police and Crime Commissioner in the 1990's.

In 2011 the site ceased to operate, and the council granted outline planning permission for the House to become a retirement home as the police had declared that the site was no longer fit for purpose. The police had purchased off site premises and the site was largely vacated. The police pursued a master-planning approach and worked in close co-operation with the Council. In 2013 the Warwick District Council (WDC) advised that they preferred a total of 55 houses on the site over plots 1, 2, 3 and 4.

In 2016 a site Masterplan was created and was described by the Police as providing the strategic framework for the site. This was released for public consultation. It is to be noted that the masterplan was predicated on the police vacating and selling the entire site.

A decision was made by the Police/WDC for the site's Green Belt status to be removed to enable limited development which would then fund the site's restoration.

The National Planning Policy Framework (NPPF) requires that the Green Belt has to be preserved to assist in safeguarding the countryside from encroachment and to preserve the special character of the setting. It could only be removed if there were exceptional circumstances. The NPPF specifically states at paragraphs:

*“140. Once established Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.*

*147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’*

To reach the threshold of very special circumstances, the Police put forward a Masterplan which was predicated on this being surplus to requirements, the police vacating and the necessary repurposing of the House. It also included the following:

:

- Improving the heritage site by removal of the highly insensitive 1960s extension to Woodcote House and other police buildings. This would restore the visual impact of the House as it would stand proudly within its own grounds.
- Removal of unsympathetic extensions to the former stable range and replacement of parking within the former kitchen garden walls. The restoration would reflect the greenhouses that historically stood on the site, set within a formal garden.
- Reduction in parking and reinstatement of the lawn to the forecourt of Woodcote House improving views on the approach to, and from the east of, the House.
- Improvement of vistas, including through the removal of the telecommunications mast and reduced massing, with existing large buildings replaced by modest dwellings, thereby increasing the dominance of Woodcote House
- Extensive areas of open space were to be retained within the site and it was envisaged that these would be available for the recreational use by the wider community including the Lunch woodland.
- Removal of 400 cars from Police HQ due to police relocation with removal of parking spaces and reduced traffic congestion on Woodcote Lane
- The Masterplan made no mention of destruction of nearly 100 trees and 12 hedgerows or damage to the character of the village or views from Woodcote Lane. The plans of that time gave no indication that such damage was necessary therefore planning was predicated on maintenance of the environment.

Following successful public consultation on the Masterplan, WDC applied to the Planning Inspector in 2017 to remove the Green Belt. The inspector noted the site



was surplus, was being vacated; that it needed repurposing; that there had been extensive public consultation on the proposed restoration of the site (Masterplan). He concluded that these combined to achieve the very exceptional circumstances necessary to remove the Green Belt protection.

On the 8<sup>th</sup> October 2018 termination notice was served between West Mercia Police and Warwickshire Police but no indication was given that the police were contemplating remaining at the site.

In November 2018 the police issued sales literature for the site with offers to be submitted 8<sup>th</sup> February 2019. The literature stated:

*The Warwick District Local Plan and Leek Wootton and Guy's Cliffe Neighbourhood Plan allocates the Former Police HQ for residential development, subject to the agreement of a comprehensive Masterplan with the Local Planning Authority (LPA). The allocation is for 115 dwellings which could include the conversion of the Grade II Listed Woodcote House to 12 apartments. It has been agreed with the LPA that the appropriate route for progressing a comprehensive Masterplan for the Former Police HQ should be through a hybrid planning application, due to the Grade II Listed Woodcote House, building upon the informal Master-plan prepared by GVA in August 2016. Accordingly, it is recommended that prospective purchasers note that this is the LPA's preferred approach and should be reflected in the formulation of their bids; and a copy of the informal Masterplan (August 2016) is provided on the data site.*

*The remaining policing functions based at the site will be moved to other locations in Warwickshire, primarily to the multi-million-pound new control room and associated facilities at Stuart Ross House in Warwick. The sale of the former headquarters is not affected by the decision of West Mercia Police to give notice to end the collaboration agreement between the two forces, as Leek Wootton has long been identified as too costly to redevelop for modern policing requirements”.*

In February 2019 bids were received for the sale of the whole site.

But in April 2019 there was a complete about turn. The Warwickshire Police and Crime Commissioner Phillip Seccombe stated as follows:

*“While at this current time the exact operational model and requirements are under consideration, it is recognised there will be the likely requirement to accommodate additional officers and staff in the future in the county as we transition out of the current strategic alliance arrangements.*

*“With this in mind I have revisited our estate needs with the Chief Constable and it now makes absolute sense to keep Leek Wootton as part of our force estate. Leek Wootton is a hugely valuable asset which contains good IT and infrastructure provisions and, although requires some refreshing, it is in a fit and suitable condition to support the force's future estate needs.”*

The police returned to the site.

Unknown to the local community, in December 2021, contracts were exchanged between the PCC and Cala for the sale of part of the land outlined as plots 1, 2 and 3 with additional land for balancing ponds.

This only became known to the public on the 10<sup>th</sup> December 2021 when the police posted details on their website and sent a letter to the Parish Council. The post stated that the surface water balancing ponds and plots 1,2 & 3 now were sold to Cala Homes and that the sale of land will secure the continued use of the remaining portions of the site for policing and the force headquarters for many years to come. It also stated that the funding realised will also allow renovations to Woodcote House and other parts of the estate, ensuring they are fit-for-purpose and appropriately maintain the historic fabric of the building. The boost to the force budget will also help to pay for much-needed investment in modern IT systems and other capital expenditure items.

The former “very exceptional circumstances” were therefore reduced to the PCC selling the Green Belt land to pay for policing IT and capital expenditure items. I am advised that the police have stated to one or more of the Parish Councillors that they have spent the entire £10M on IT and infrastructure. This may explain why no details of the planned renovations to Woodcote House and other parts of the estate have been forthcoming despite repeated requests for this information from Leek Wootton Focus Group (LWFG).

On Saturday 29 January 2022 the Parish Council clerk posted on the Parish Council website a notice from Cala advising that they would be holding a virtual exhibition on their website between 31 January and 11<sup>th</sup> February 2022 in order for residents to view the plans.

They also advised that there would be a Q & A webinar on Tuesday 1<sup>st</sup> February at 12.30 to 1.30 and on Thursday 3<sup>rd</sup> February 2022 at 6pm. This was just 3 days’ notice over the weekend!

The very short notice provided meant that there would be minimal public engagement. I personally had no knowledge of it at all. Further only posting notice on the parish council website would not provide the profile it deserved. Finally, those residents who joined the webinar report that they found it deeply disappointing. There was no ability to ask verbal questions. Three 3 members of Cala’s team took turns to answer written questions which had been submitted by the residents. The answers to the questions were posted on Cala’s website and the council should note that there is significant disparity in those answers to the documents which form part of the planning application.

## **Local Plan**

The Masterplan, the local plan (DS22) and the Neighbourhood plan were predicated on the police vacating the site and the changes that flowed from that. The police's change in plan means the Local Plan is out of date and the usual process of ensuring that planning applications are in accordance with the Local plan cannot now be achieved until the Local Plan is reviewed and revised.

### **Relevant Planning Law**

The Town and Country Planning Act 1990 requires that planning applications which are not in accordance with development plans should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance.

Exceptionally a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1970 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any special features which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them.

Therefore, it follows that it is the material considerations that need to be considered and weighed by the planning committee.

14 February 2023