

Cassel Hotels (Cambridge) Ltd
February 2021



HERITAGE STATEMENT

HOTEL FELIX, CAMBRIDGE

Quality Assurance

Site name: Hotel Felix, Whitehouse Lane, Huntingdon Road, Cambridge CB3 0LF

Client name: Cassel Hotels (Cambridge) Ltd

Type of report: Heritage Statement

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Signed:



Date: 12 February 2021

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Signed:



Date: 12 February 2021



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1.0 Introduction

- 1.1 This Heritage Statement has been prepared on behalf of Cassel Hotel (Cambridge) Ltd to accompany an application for Full Planning Permission relating to the re-development of the Felix Hotel (hereafter referred to as the “site”). Hotel Felix is located to the north of Huntingdon Road to the south-east of Girton. It is not Statutorily Listed nor is it within a Conservation Area.
- 1.2 The description of the proposed development is as follows: *Demolition of existing building and provision of purpose-built care home.*
- 1.3 This report focusses on above-ground built heritage only. The proposed impacts upon below-ground heritage are considered within an accompanying archaeological report produced by Andy Josephs Associates. This document should be read in conjunction with the Technical reports associated with this application including the Planning Statement, LVIA, Design and Access Statement and Existing Building Review.

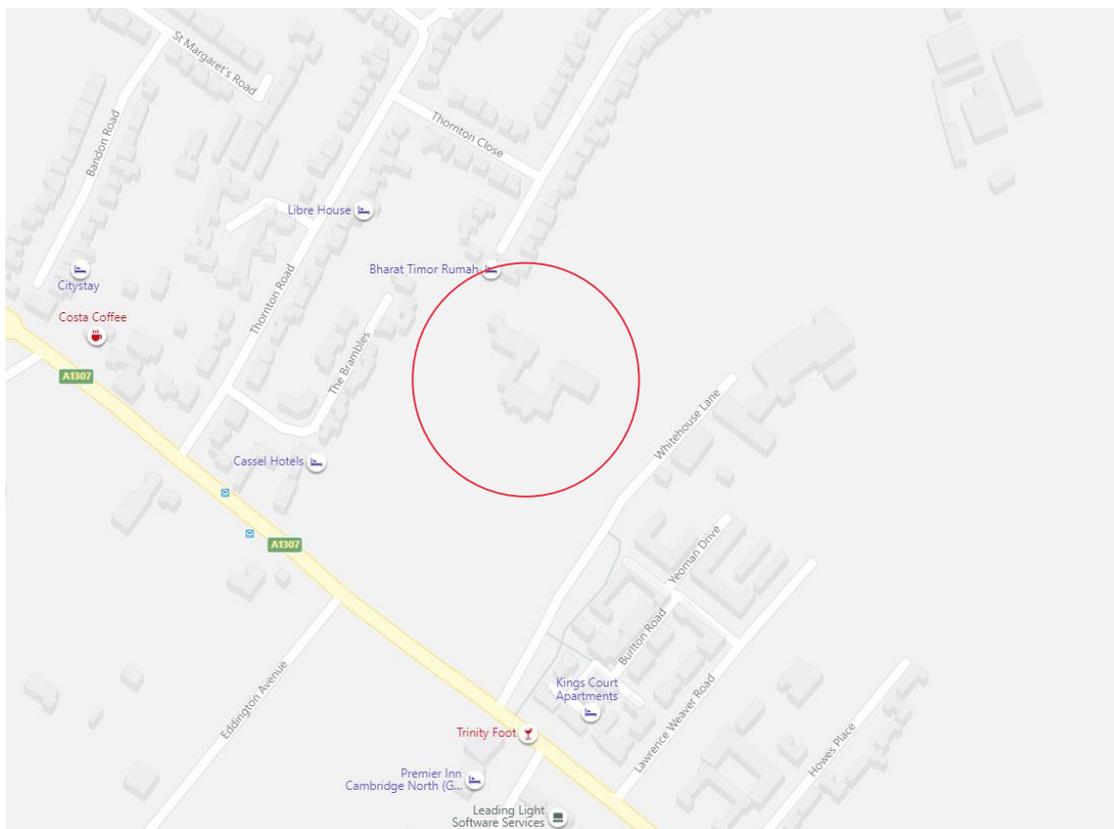


Figure 1 - Location of The Hotel Felix (Bing Maps)

- 1.4 This Heritage Statement includes a Significance Assessment which identifies the relative heritage value of the identified heritage assets and an Impact Assessment which considers the potential impact of the proposed development on the significance of the heritage assets identified, including the contribution made by setting. This approach to impact-assessment is required in order to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF) where the impact of development on a heritage asset is being considered (Paragraphs 193-197).
- 1.5 This document has been prepared by Kate Hannelly-Brown (Associate, Heritage and Design) and reviewed by Chris Surfleet (Partner, Head of Heritage and Urban Design Studio).

2.0 Heritage Policy and Guidance Summary

National Policy

Planning (Listed Buildings & Conservation Areas) Act 1990

- 2.1 The primary legislation relating to Listed Buildings and Conservation Areas is set out in the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 2.2 Section 66(1) reads: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.”*
- 2.3 In relation to development within Conservation Areas, Section 72(1) reads: *“Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
- 2.4 In relation to this site, neither of the above Sections is relevant as the building does not affect a listed building nor is it within a Conservation Area.

National Planning Policy Framework (2019)

- 2.5 The National Planning Policy Framework (NPPF) was published on 19th February 2019, replacing the previously-published 2012 and 2018 Frameworks. With regard to the historic environment, the over-arching aim of the policy remains in line with philosophy of the 2012 framework, namely that *“our historic environments... can better be cherished if their spirit of place thrives, rather than withers.”* The relevant policy is outlined within chapter 16, ‘Conserving and Enhancing the Historic Environment’.
- 2.6 This chapter reasserts that heritage assets can range from sites and buildings of local interest to World Heritage Sites considered to have an Outstanding Universal Value. The NPPF subsequently requires these assets to be conserved in a *“manner appropriate to their significance”* (Paragraph 184).
- 2.7 NPPF directs local planning authorities to require an applicant to *“describe the significance of any heritage assets affected, including any contribution made by their setting”* and the level of detailed assessment should be *“proportionate to the assets’ importance”* (Paragraph 189).
- 2.8 Paragraph 190 states that the significance any heritage asset that may be affected by a proposal should be identified and assessed. This includes any assets affected by development within their settings. This Significance Assessment should be taken into account when considering the impact of a proposal, *“to avoid conflict between the heritage asset’s conservation and any aspect of the proposal”*. This paragraph therefore results in the need for an analysis of the impact of a proposed development on the asset’s relative significance, in the form of a Heritage Impact Assessment.
- 2.9 Paragraph 193 requires 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*



2.10 It is then clarified that any harm to the significance of a designated heritage asset, either through alteration, destruction or development within its setting, should require, “*clear and convincing justification*” (Paragraph 194). This paragraph outlines that substantial harm to grade II listed heritage assets should be exceptional, rising to ‘wholly exceptional’ for those assets of the highest significance such as scheduled monuments, Grade I and grade II* listed buildings or registered parks and gardens as well as World Heritage Sites.

2.11 In relation to harmful impacts or the loss of significance resulting from a development proposal, Paragraph 195 states the following:

“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.”*

2.12 The NPPF therefore requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of proposals which would result in “*less than substantial harm*”, paragraph 196 provides the following:

“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.”

2.13 It is also possible for proposals, where suitably conceived and designed, to result in no harm to the significance of heritage assets.

2.14 In the case of non-designated heritage assets, Paragraph 197 requires a Local Planning Authority to make a “*balanced judgement*” having regard to the scale of any harm or loss and the significance of the heritage asset.

2.15 The NPPF therefore recognises the need to clearly identify relative significance at an early stage and then to judge the impact of development proposals in that context.

2.16 With regard to Conservation Areas and the settings of heritage assets, paragraph 200 requires Local Planning Authorities to look for opportunities for new development, enhancing or better revealing their significance. Whilst it is noted that not all elements of a Conservation Area will necessarily contribute to its significance, this paragraph states that “*proposals that preserve those elements of a setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably.*”

Planning Practice Guidance (PPG) (2014)

2.17 The Planning Practice Guidance (PPG) was published in April 2014 as a companion to the NPPF, replacing a large number of foregoing Circulars and other supplementary guidance. The document was updated in February 2018.

- 2.18 In respect of heritage decision-making, the PPG stresses the importance of determining applications on the basis of significance and explains how the tests of harm and impact within the NPPF are to be interpreted.
- 2.19 In particular, the PPG notes the following in relation to the evaluation of harm: *“In determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest... The harm may arise from works to the asset or from development within its setting.”* (Ref ID: 18a-018-20190723)
- 2.20 This guidance therefore provides assistance in defining where levels of harm should be set, tending to emphasise substantial harm as a *“high test”*.
- 2.21 In relation to non-designated heritage assets, the PPG explains the following:

“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.” (Paragraph: 039 Reference ID: 18a-039-20190723)

Historic England ‘Conservation Principles: Policies and Guidance’ 2008



- 2.22 Historic England sets out in this document a logical approach to making decisions and offering guidance about all aspects of the historic environment, including changes affecting significant places. It states that:

“New work or alteration to a significant place should normally be acceptable if: a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place; b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed; c. the proposals aspire to a quality of design and execution which may be valued now and in the future; d. the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future” (page 59).

Historic England ‘Making Changes to Heritage Assets’ Advice Note 2 (February 2016)

- 2.23 This advice note provides information on repair, restoration, addition and alteration works to heritage assets. It advises that *“The main issues to consider in proposals for additions to heritage*

assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting." (page 10)

Historic England 'Managing Significance in Decision Taking in the Historic Environment' Historic Environment Good Practice Advice (GPA) in Planning Note 2 (March 2015)

- 2.24 This advice note sets out clear information to assist all relevant stake holders in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the Planning Practice Guidance (PPG). These include: "*assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.*" (page 1)

Historic England 'The Setting of Heritage Assets' Historic Environment Good Practice Advice (GPA) in Planning Note 3 (Second Edition) (December 2017)

- 2.25 This document presents guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas and landscapes. Page 6, entitled: '*A staged approach to proportionate decision taking*' provides detailed advice on assessing the implications of development proposals and recommends the following broad approach to assessment, undertaken as a series of steps that apply equally to complex or more straightforward cases:

- Step 1: Identify which heritage assets and their settings are affected
- Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm
- Step 5: Make and document the decision and monitor outcomes

Local Policy

Emerging Greater Cambridge Local Plan

- 2.26 Cambridge City and South Cambridgeshire District Councils have committed to preparing a joint local plan for their combined district (known as Greater Cambridge). As part of this, both Council's existing local plans will be reviewed. Once created, the document will include the Council's Vision, Objectives and Spatial Development Strategy and policies for development within the Greater Cambridge district. A consultation and call for sites took place between 11th February and 26th March 2019, the results of which are currently being considered.

South Cambridgeshire Local Plan (2018)

2.27 The South Cambridgeshire Local Plan outlines the planning policies and land allocations which will guide future development. The policy which is considered relevant in this instance is:

2.28 Policy NH/14: Heritage Assets

“1. Development proposals will be supported when:

a. They sustain and enhance the special character and distinctiveness of the district’s historic environment including its villages and countryside and its building traditions and details;

b. They create new high quality environments with a strong sense of place by responding to local heritage character including in innovatory ways.

2. Development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the National Planning Policy Framework, particularly:

c. Designated heritage assets, i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens;

d. Non-designated heritage assets including those identified in conservation area appraisals, through the development process and through further supplementary planning documents;

e. The wider historic landscape of South Cambridgeshire including landscape and settlement patterns;

f. Designed and other landscapes including historic parks and gardens, churchyards, village greens and public parks;

g. Historic places;

h. Archaeological remains of all periods from the earliest human habitation to modern times.”

3.0 Methodology

Heritage Assets

- 3.1 A heritage asset is defined within the National Planning Policy Framework as “*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)*” (NPPF Annex 2: Glossary).
- 3.2 To be considered a heritage asset “*an asset must have some meaningful archaeological, architectural, artistic, historical, social or other heritage interest that gives it value to society that transcends its functional utility. Therein lies the fundamental difference between heritage assets and ordinary assets; they stand apart from ordinary assets because of their significance – the summation of all aspects of their heritage interest.*” (‘*Managing Built Heritage: The Role of Cultural Values and Significance*’ Stephen Bond and Derek Worthing, 2016.)
- 3.3 ‘Designated’ assets have been identified under the relevant legislation and policy including, but not limited to: World Heritage Sites, Scheduled Monuments, Listed Buildings, and Conservation Areas. ‘Non-designated’ heritage assets are assets which fall below the national criteria for designation.
- 3.4 The absence of a national designation should not be taken to mean that an asset does not hold any heritage interest. The Planning Policy Guidance (PPG) states that “*non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.*” (Paragraph: 039 Reference ID: 18a-039-20190723)
- 3.5 The PPG goes on to clarify that “*a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.*”

Meaning of Significance

- 3.6 The concept of significance was first expressed within the 1979 Burra Charter (Australia ICOMOS, 1979). This charter has periodically been updated to reflect the development of the theory and practice of cultural heritage management, with the current version having been adopted in 2013. It defines cultural significance as the “*aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups*” (Page 2, Article 1.2)
- 3.7 The NPPF (Annex 2: Glossary) also defines significance as “*the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological,*

architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

- 3.8 Significance can therefore be considered to be formed by "*the collection of values associated with a heritage asset.*" ('Managing Built Heritage: The Role of Cultural Values and Significance' Stephen Bond and Derek Worthing, 2016.)

Assessment of Significance/Value

- 3.9 It is important to be proportionate in assessing significance as required in both national policy and guidance as set out in paragraph 189 of NPPF.
- 3.10 The Historic England document 'Conservation Principles' states that "*understanding a place and assessing its significance demands the application of a systematic and consistent process, which is appropriate and proportionate in scope and depth to the decision to be made, or the purpose of the assessment.*"
- 3.11 The document goes on to set out a process for assessment of significance, but it does note that not all of the stages highlighted are applicable to all places/ assets.
- Understanding the fabric and evolution of the asset;
 - Identify who values the asset, and why they do so;
 - Relate identified heritage values to the fabric of the asset;
 - Consider the relative importance of those identified values;
 - Consider the contribution of associated objects and collections;
 - Consider the contribution made by setting and context;
 - Compare the place with other assets sharing similar values;
 - Articulate the significance of the asset.
- 3.12 At the core of this assessment is an understanding of the value/significance of a place. There have been numerous attempts to categorise the range of heritage values which contribute to an asset's significance. Historic England's '*Conservation Principles*' sets out a grouping of values as follows:

Evidential value – '*derives from the potential of a place to yield evidence about past human activity...Physical remains of past human activity are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them...The ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement.*' (Page 28)

Aesthetic Value – '*Aesthetic values can be the result of the conscious design of a place, including artistic endeavour. Equally, they can be the seemingly fortuitous outcome of the way in which a place has evolved and been used over time. Many places combine these two aspects... Aesthetic values tend to be specific to a time cultural context and appreciation of them is not culturally exclusive.*' (Pages 30-31)

Historic Value – '*derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative... Association with a notable family, person, event, or movement gives historical value a particular resonance...The historical value of places depends upon both sound identification and direct experience of fabric or landscape that has survived from the past, but is not as easily diminished*

by change or partial replacement as evidential value. The authenticity of a place indeed often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them, although completeness does tend to strengthen illustrative value'. (Pages 28-30)

Communal Value – *“Commemorative and symbolic values reflect the meanings of a place for those who draw part of their identity from it, or have emotional links to it... Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. Some may be comparatively modest, acquiring communal significance through the passage of time as a result of a collective memory of stories linked to them...They may relate to an activity that is associated with the place, rather than with its physical fabric...Spiritual value is often associated with places sanctified by longstanding veneration or worship, or wild places with few obvious signs of modern life. Their value is generally dependent on the perceived survival of the historic fabric or character of the place, and can be extremely sensitive to modest changes to that character, particularly to the activities that happen there”. (Pages 31-32)*

- 3.13 Value-based assessment should be flexible in its application. It is important not to oversimplify an assessment and to acknowledge when an asset has a multi-layered value base, which is likely to reinforce its significance.

Contribution of setting/context to significance

- 3.14 In addition to the above values, the setting of a heritage asset can also be a fundamental contributor to its significance - although it should be noted that ‘setting’ itself is not a designation. The value of setting lies in its contribution to the significance of an asset. For example, there may be instances where setting does not contribute to the significance of an asset at all.
- 3.15 Historic England’s Conservation Principles defines *setting* as “*an established concept that relates to the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape.*”
- 3.16 It goes on to state that “*context embraces any relationship between a place and other places. It can be, for example, cultural, intellectual, spatial or functional, so any one place can have a multi-layered context. The range of contextual relationships of a place will normally emerge from an understanding of its origins and evolution. Understanding context is particularly relevant to assessing whether a place has greater value for being part of a larger entity, or sharing characteristics with other places*” (page 39).
- 3.17 In order to understand the role of setting and context to decision-making, it is important to have an understanding of the origins and evolution of an asset, to the extent that this understanding gives rise to significance in the present. Assessment of these values is not based solely on visual considerations but may lie in a deeper understanding of historic use, ownership, change or other cultural influence – all or any of which may have given rise to current circumstances and may hold a greater or lesser extent of significance.
- 3.18 The importance of setting depends entirely on the contribution it makes to the significance of the heritage asset or its appreciation. It is important to note that impacts that may arise to the setting of an asset do not, necessarily, result in direct or equivalent impacts to the significance of that asset(s).

Assessing Impact

- 3.19 It is evident that the significance/value of any heritage asset(s) requires clear assessment to provide a context for, and to determine the impact of, development proposals. Impact on that

value or significance is determined by first considering the sensitivity of the receptors identified which is best expressed by using a hierarchy of value levels.

3.20 There are a range of hierarchical systems for presenting the level of significance in use; however, the method chosen for this project is based on the established 'James Semple Kerr method' which has been adopted by Historic England, in combination with the impact assessment methodology for heritage assets within the *Design Manual for Roads and Bridges* (DMRB: HA208/13) published by the Highways Agency, Transport Scotland, the Welsh Assembly Government and the department for Regional Development Northern Ireland. This 'value hierarchy' has been subject to scrutiny in the UK planning system, including Inquiries, and is the only hierarchy to be published by a government department.

3.21 The first stage of our approach is to carry out a thoroughly-researched assessment of the significance of the heritage asset, in order to understand its value:

SIGNIFICANCE	EXAMPLES
Very High	World Heritage Sites, Listed Buildings, Scheduled Monuments and Conservation Areas of outstanding quality, or built assets of acknowledged exceptional or international importance, or assets which can contribute to international research objectives. Registered Parks & Gardens, historic landscapes and townscapes of international sensitivity.
High	World Heritage Sites, Listed Buildings, Scheduled Monuments, Conservation Areas and built assets of high quality, or assets which can contribute to international and national research objectives. Registered Parks & Gardens, historic landscapes and townscapes which are highly preserved with excellent coherence, integrity, time-depth, or other critical factor(s).
Good	Listed Buildings, Scheduled Monuments, Conservation Areas and built assets (including locally listed buildings and non-designated assets) with a strong character and integrity which can be shown to have good qualities in their fabric or historical association, or assets which can contribute to national research objectives. Registered Parks & Gardens, historic landscapes and townscapes of good level of interest, quality and importance, or well preserved and exhibiting considerable coherence, integrity time-depth or other critical factor(s).
Medium/ Moderate	Listed Buildings, Scheduled Monuments, Conservation Areas and built assets (including locally listed buildings and non-designated assets) that can be shown to have moderate qualities in their fabric or historical association. Registered Parks & Gardens, historic landscapes and townscapes with reasonable coherence, integrity, time-depth or other critical factor(s).
Low	Listed Buildings, Scheduled Monuments and built assets (including locally listed buildings and non-designated assets) compromised by poor preservation integrity and/or low original level of quality of low survival of contextual associations but with potential to contribute to local research objectives. Registered Parks & Gardens, historic landscapes and townscapes with modest sensitivity or whose sensitivity is limited by poor preservation, historic integrity and/or poor survival of contextual associations.
Negligible	Assets which are of such limited quality in their fabric or historical association that this is not appreciable. Historic landscapes and townscapes of limited sensitivity, historic integrity and/or limited survival of contextual associations.

Neutral/ None	Assets with no surviving cultural heritage interest. Buildings of no architectural or historical note. Landscapes and townscapes with no surviving legibility and/or contextual associations, or with no historic interest.
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3.22 Once the value/significance of an asset has been assessed, the next stage is to determine the assets 'sensitivity to change'. The following table sets out the levels of sensitivity to change, which is based upon the vulnerability of the asset, in part or as a whole, to loss of value through change. Sensitivity to change can be applied to individual elements of a building, or its setting, and may differ across the asset.

3.23 An asset's sensitivity level also relates to its capacity to absorb change, either change affecting the asset itself or change within its setting (remembering that according to Historic England The Setting of Heritage Assets – Planning Note 3, 'change' does not in itself imply harm, and can be neutral, positive or negative in effect).

3.24 Some assets are more robust than others and have a greater capacity for change and therefore, even though substantial changes are proposed, their sensitivity to change or capacity to absorb change may still be assessed as low.

SENSITIVITY	EXPLANATION OF SENSITIVITY
High	High Sensitivity to change occurs where a change may pose a major threat to a specific heritage value of the asset which would lead to substantial or total loss of heritage value.
Moderate	Moderate sensitivity to change occurs where a change may diminish the heritage value of an asset, or the ability to appreciate the heritage value of an asset.
Low	Low sensitivity to change occurs where a change may pose no appreciable threat to the heritage value of an asset.

3.25 Once there is an understanding of the sensitivity an asset holds, the next stage is to assess the 'magnitude' of the impact that any proposed works may have. Impacts may be considered to be adverse, beneficial or neutral in effect and can relate to direct physical impacts, impacts on its setting, or both. Impact on setting is measured in terms of the effect that the impact has on the significance of the asset itself – rather than setting itself being considered as the asset.

MAGNITUDE OF IMPACT	TYPICAL CRITERIA DESCRIPTORS
Very High	Adverse: Impacts will destroy cultural heritage assets resulting in their total loss or almost complete destruction. Beneficial: The proposals would remove or successfully mitigate existing and significant damaging and discordant impacts on assets; allow for the substantial restoration or enhancement of characteristic features.
High	Adverse: Impacts will damage cultural heritage assets; result in the loss of the asset's quality and integrity; cause severe damage to key characteristic features or elements; almost complete loss of setting and/or context of the asset. The assets integrity or setting is almost wholly destroyed or is severely compromised, such that the resource can no longer be appreciated or understood.

	Beneficial: The proposals would remove or successfully mitigate existing damaging and discordant impacts on assets; allow for the restoration or enhancement of characteristic features; allow the substantial re-establishment of the integrity, understanding and setting for an area or group of features; halt rapid degradation and/or erosion of the heritage resource, safeguarding substantial elements of the heritage resource.
Medium	Adverse: Moderate impact on the asset, but only partially affecting the integrity; partial loss of, or damage to, key characteristics, features or elements; substantially intrusive into the setting and/or would adversely impact upon the context of the asset; loss of the asset for community appreciation. The assets integrity or setting is damaged but not destroyed so understanding and appreciation is compromised. Beneficial: Benefit to, or partial restoration of, key characteristics, features or elements; improvement of asset quality; degradation of the asset would be halted; the setting and/or context of the asset would be enhanced and understanding and appreciation is substantially improved; the asset would be brought into community use.
Minor/Low	Adverse: Some measurable change in assets quality or vulnerability; minor loss of or alteration to, one (or maybe more) key characteristics, features or elements; change to the setting would not be overly intrusive or overly diminish the context; community use or understanding would be reduced. The assets integrity or setting is damaged but understanding and appreciation would only be diminished not compromised. Beneficial: Minor benefit to, or partial restoration of, one (maybe more) key characteristics, features or elements; some beneficial impact on asset or a stabilisation of negative impacts; slight improvements to the context or setting of the site; community use or understanding and appreciation would be enhanced.
Negligible	Barely discernible change in baseline conditions
Nil	No change in baseline conditions.

Summary

- 3.1 The aim of this Heritage Statement is to identify and assess any impacts that the proposed development may cause to the value or significance of the identified heritage assets and/or their settings.
- 3.2 Overall, it is a balanced understanding of the foreseeable likely effect of proposals on significance as a result of predicted impacts which is being sought through undertaking this process. It should be clearly understood that the level of detail provided within these assessments is *“proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”* as set out in Paragraph 189 of the National Planning Policy Framework.

4.0 Historic Context

- 4.1 The site is positioned on the Roman road, which runs north-west from Cambridge and is located on the site of a medieval hamlet called 'Howes' – its name possibly deriving from a nearby barrow (ancient burial mound). The settlement was first recorded in 1219, and was still inhabited in the late 14th century, but it is not documented after 1600.
- 4.2 The site is located on the border of the Girton and Impington parishes and was historically used for arable farming. Its open fields were inclosed in 1808. The Cambridge-Huntingdon road became a turnpike from 1745-1874. In the 19th century, farmhouses were built alongside the turnpike road, the most significant of which are Howe Hill Farm (built c.1850) and Grange Farm (rebuilt after fire in 1849). New dwellings were also built along the road in this period.
- 4.3 Ordnance Survey maps record a property to the south-west of the site, labelled '*Howe House on the site of How House*'. This building is noted as being 'an inn by the road, called the Black Bull or How House'¹. This property had a bowling green in the 17th century which survived until the 1870s. Indeed, in 1618, D'Ewes described playing bowls at 'a green about a mile from Cambridge called Howse' where he received refreshment at 'the cottage that standeth there'. The site and land to the north were later in use as nurseries, and eventually formed part of the Girton housing estate.
- 4.4 Hotel Felix was formerly known as 'The Close' or 'Howe Close' and is located to the north-east of 'Howe House'. The 1808 Enclosure Award Map records that the close was the property of 'The Trustees of Girton Charity'. The land was bought in 1849 by Charles Lestourgeon, a surgeon at Addenbrooke's Hospital in Cambridge. Trade Directories record that Lestourgeon occupied Howe House until the late 19th century.
- 4.5 The 1967 Sales Particular—created for the sale of the property following the death of its former occupiers, James Phillip Graeme and his wife, E.M. Runciman—describes 'Howes Close' and its '10 ½ Acres' (with 13 acres of 'Green Belt' to the rear) as 'an imposing gentleman's residence, substantially built of brick with cut stone dressings, and bow-fronted elevation, facing south-west and overlooking the timbered grounds and paddock.' It had a Reception Hall—with 'Sash windows opening to ground level, giving access to a gravelled terrace;—a Dining Room—'with elegant Louis XVth Marble Fireplace with Ormolu figures, and 'bow windows' that opened on to the terrace; a Drawing Room with 'large double recessed sliding doors' and 'Sash windows'; and a part-glazed Conservatory – the windows in the latter two also providing access to the terrace.
- 4.6 The Sales Particular listed the many 'Domestic Offices' to service the house, 6 Principle Bedrooms, and 5 Useful Attic Rooms, 'two with access to the leaded balcony overlooking the front of the house.' There was also a Staff Cottage with a small garden, and several 'original outbuildings'— 'a groom's cottage and tack room, carriage house and stabling'—since converted to 'garages and stores'. Additionally, there were 'well-stocked Kitchen and fruit gardens', 'walled on three sides and fronted by fruit trees', with 'two heated greenhouses', 'Boiler Room' and 'Fuel Store'. There was 'a further vegetable garden to the west, intersected by paths and sheltered by mature fruit trees', as well as 'two large garden sheds and a woodshed', and 'a well-tended orchard' in the north-east corner of the property.

¹ British History Online, Impington: Introduction: A History of the County of Cambridge and the Isle of Ely: Volume 9, Chesterton, Northstowe, and Papworth Hundreds. Originally published by Victoria County History, London, 1989.

Map Regression

- 4.7 An assessment of a selection of available historic maps has been undertaken to assist in the understanding of the farm's growth and development. Although such information cannot be considered to be definitive, experience shows that the mapping is often relatively accurate and reliable, particularly the later Ordnance Survey Maps, and taken together with written archival data and the physical evidence can help to refine the history of a site.

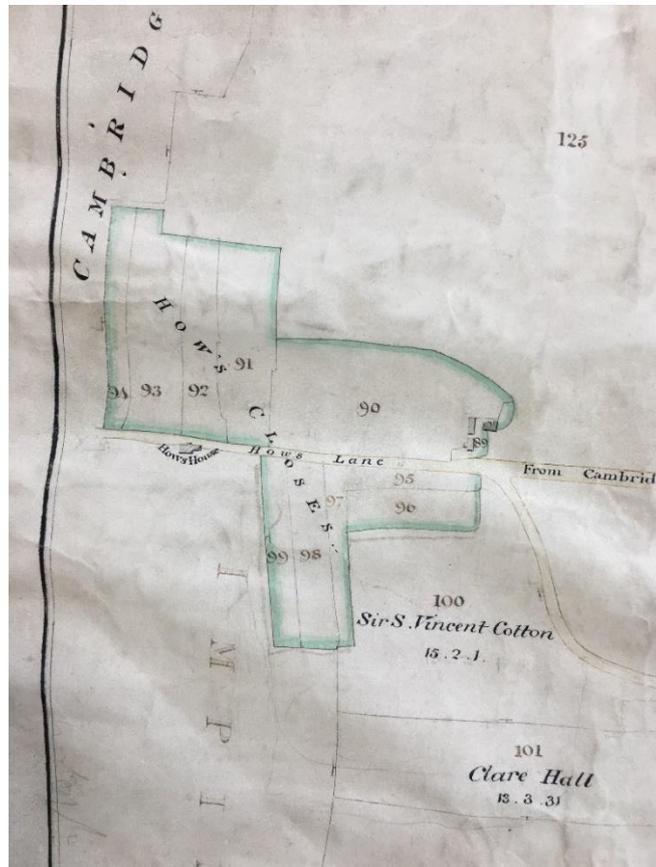


Figure 1 – The Enclosure Award Map of 1808 recording 'How's House' and 'How's Closes' (Cambridgeshire archives)

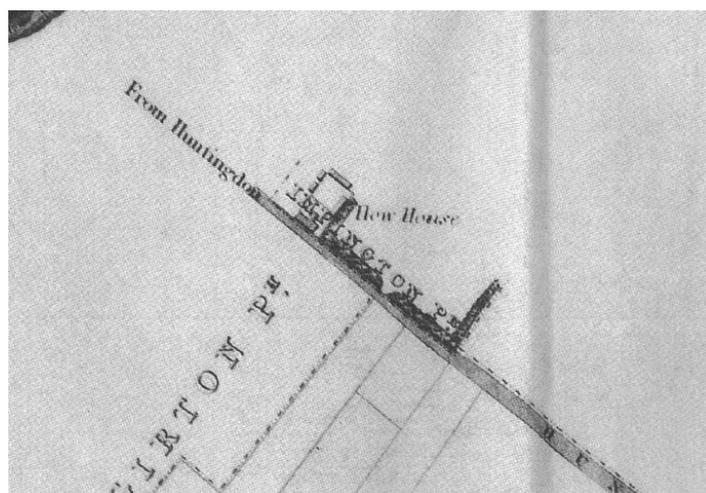


Figure 2 – The site of 'How House' is labelled on Baker's Map of the University and Town of Cambridge of 1830. This map appears to show How House fronting directly onto the Huntingdon Road.

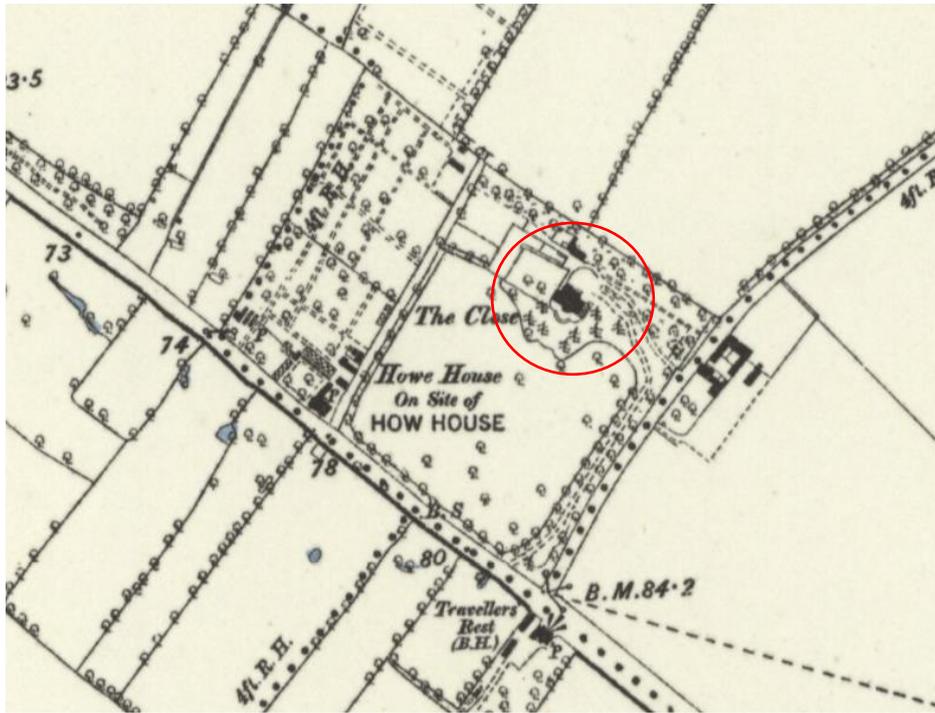


Figure 3 – 1888 Ordnance Survey map showing the property north of Huntingdon road (site circled). The building's south elevation features a bay window and is approached by semi-circular steps. There is a glass outshot (likely to have been a conservatory) on its east side, and what appears to be a walled enclosure immediately to the west of the property. There is an outbuilding to the north of the building. The map notes 'Howe House on the site of How House', adjacent to the building fronting Huntingdon Road with the building now known as Felix Hotel referenced as The Close.

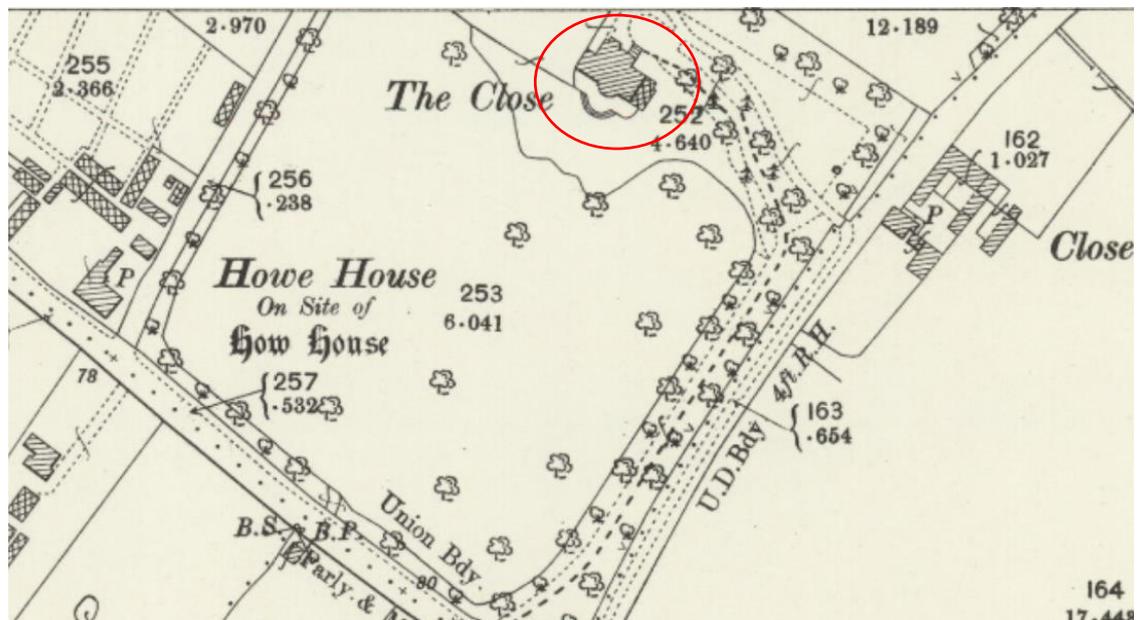


Figure 4 – 1903 Ordnance Survey map (site circled). The property is shown much the same as it was in 1888 but in greater detail. Straight steps are recorded on building's north elevation, and entrances are shown from the property to the kitchen garden. The property to the east is labelled as 'Close Farm', and that to the south-east is called 'Travellers' Rest (B.H)' for Beer House. There are several glass structures to the south-west of the site (the southernmost of which is labelled 'Nursery').



Figure 5 – 1926 Ordnance Survey map (site circled). The property has not changed noticeably since 1888, but the south wall of the walled garden appears to have disappeared and a building erected abutting its west wall. Buildings at Close Farm have been demolished and the property labelled 'White House', and a 'National Institute of Agricultural Botany' constructed on the land to the south-east. The building is again noted as The Close with reference to Howe House noted for the building adjacent the highway.



Figure 6 – Detail of the 1952 Ordnance Survey map (site circled). The property is relatively unchanged, but the outbuilding on the west wall of the former kitchen garden is more clearly recorded. The site to the east is recorded as a 'Seed Testing Station', some new buildings have emerged on the north and south side of Huntingdon Road, and the glass ranges have disappeared to the south-west of the site.

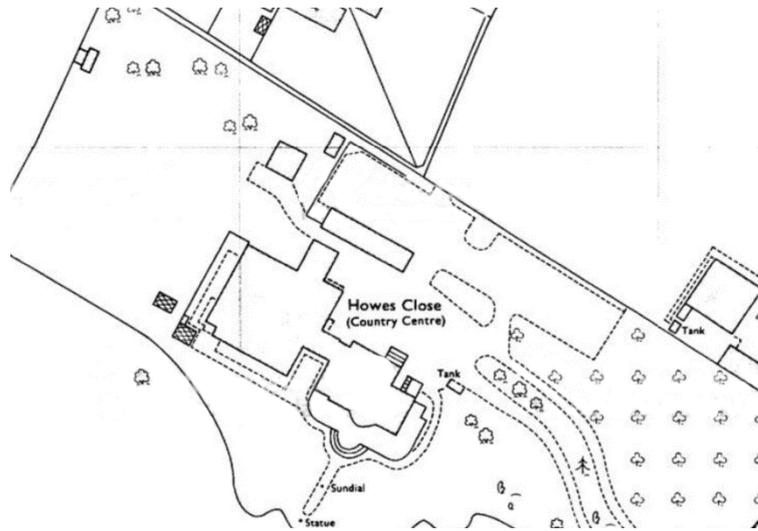


Figure 7 - 1975-1977 Ordnance Survey Map showing large extension to side of the property.

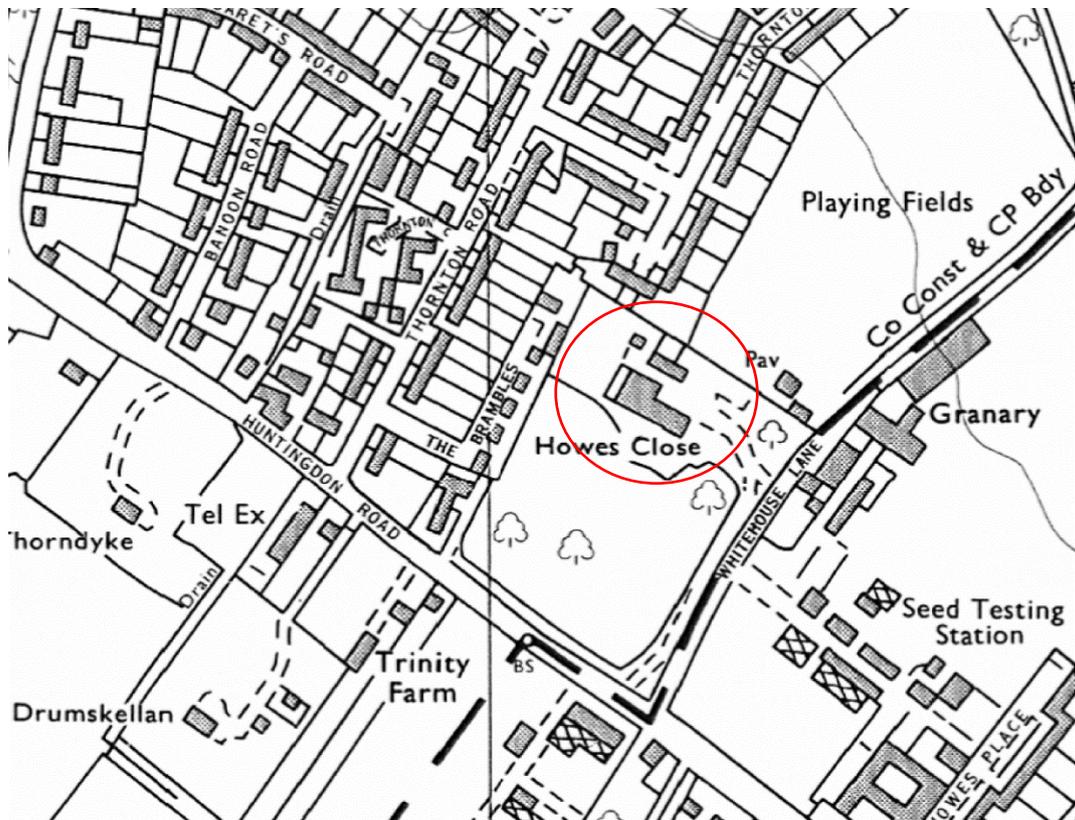


Figure 8 – Detail of the 1977 Ordnance Survey map labelled 'Howes Close'. The new buildings to the north and west are more clearly recorded. At this date, there is a very large extension showing on the north-western side of the original building, relating to its use as a county centre.

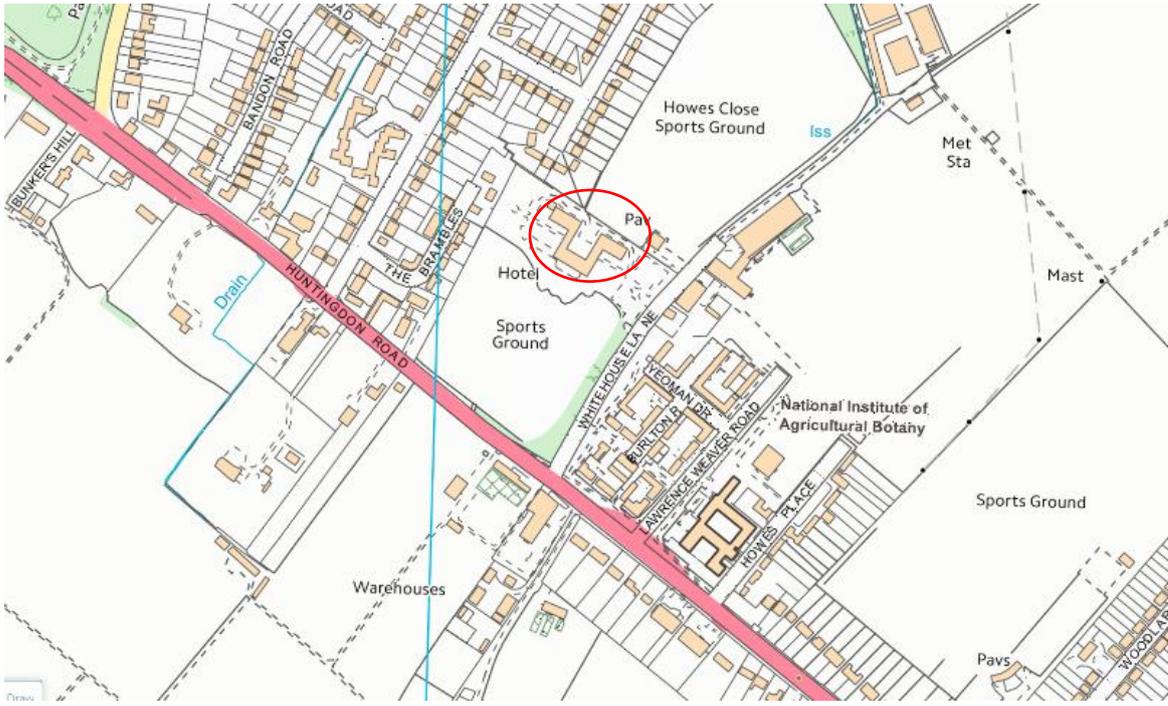
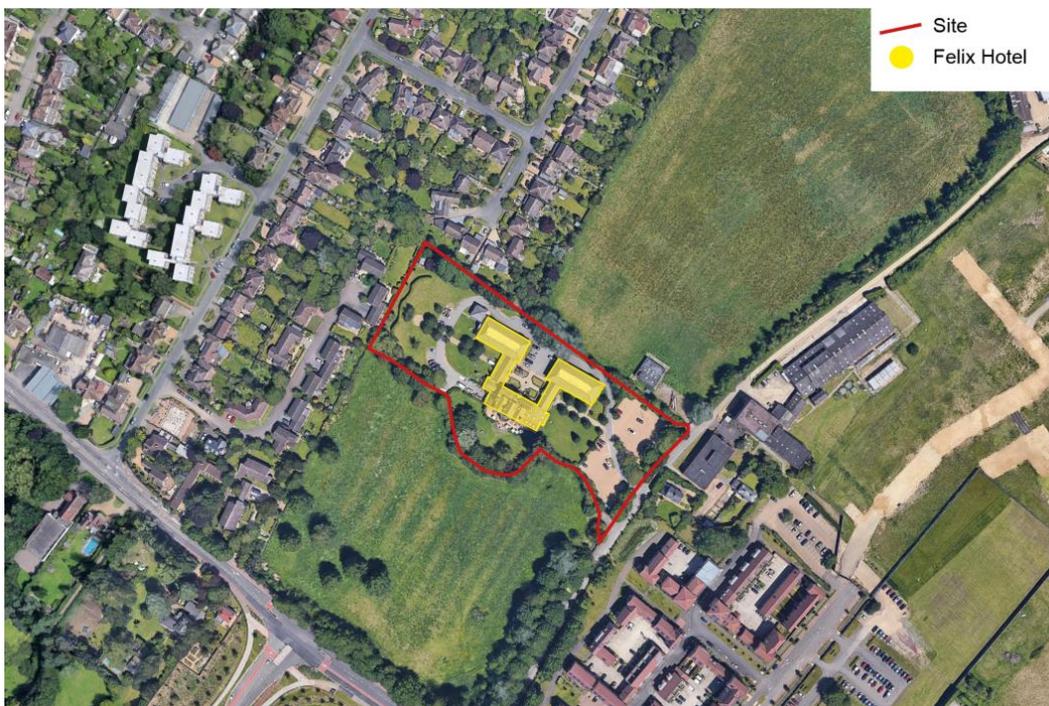


Figure 9 - Current OS map showing property labelled 'Hotel'. The property has been extended into a 'U' form plan enclosing a courtyard, with projecting ranges. The land to the east has been significantly built upon, and the land in use as sports grounds.

5.0 Felix Hotel

- 5.1 Felix Hotel is located north of Huntingdon Road, to the west of the centre of Cambridge. It is not a Statutorily Listed Building nor is it within a Conservation Area. It has recently been granted a Certificate of Immunity by Historic England, the report of which can be found in Appendix 1.
- 5.2 Through the pre-application process, the Local Planning Authority has not confirmed Hotel Felix to be a non-designated asset. The Planning Policy Guidance states that non-designated “are identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions. However, a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”
- 5.3 With this in mind, an assessment of the residual significance of the building is undertaken below.



Significance Assessment

- 5.4 Charles Lestourgeon designed and built the original ‘country house’ in 1852, as a home for himself, and also laid out the gardens. He planted a variety of trees, shrubs and flowers, including the impressive Wellington Gigantea or Sequoia which remains on the site today.
- 5.5 The 1871 Census records ‘Charles Lestourgen, General Practitioner MA Cambridge M.B., F.R.S.C.’ occupying the property with his wife Elizabeth, his daughter Lucy Ellen, and his household including a cook, housemaid, needlewoman, groom and footman. The property’s original outbuildings are located to its rear (north), and originally served as stables, carriage house and tack room, since converted for use as garages and stores.
- 5.6 Howes Close remained in residential use for many decades and was at one point occupied by the politician Sir John Gorst, M.P. for Cambridge University. In 1901, Gorst - the ‘Vice President

of Councillor of Council in Education' - lived at 'Howe Closes' with his wife Mary Elizabeth, his daughters, Hylda Marian and Edith Violet, his grandson Archibald Valentine, and six servants.

- 5.7 In the 1960s/70s, Howes Close was converted into a Country Centre by Cambridgeshire County Council. At this time, it was extended significantly on the north-western side. The County Council sold the property in 2001 and it was converted and opened in 2002 as a hotel.



Figure 10 - Felix Hotel

- 5.8 Hotel Felix is a two-storey Victorian villa with accommodation in the attic, set over a basement. It is constructed in a gault brick with stone dressings. The windows are arched and generally set in pairs with a large bow seen to the rear of the building. It also incorporates a Dutch gable, quoins and detailing to the chimneys. These details are typical of their type and age.
- 5.9 The building was constructed in 1852 as a 'country house'. This time frame of 1850-1939 sees a higher number of building of this type retained and therefore there are a large number of comparable examples.

5.10 A number of extensions have occurred to the building since its construction. As shown in Figure 10, the historic part of the building, as of 1888, is outlined in pink.

5.11 This demonstrates that although the elevation which has the circular bay (the rear of the building) has not changed in its form, the front of the building has undergone a number of extensions and alterations.

5.12 This is demonstrated in a clearer level of detail on an overlay of the 1903 Ordnance Survey Plan with an existing plan of the building. Although not completely definitive, this overlay gives a sense of the extent of adaptations and additions that have occurred to the massing and form of the building.

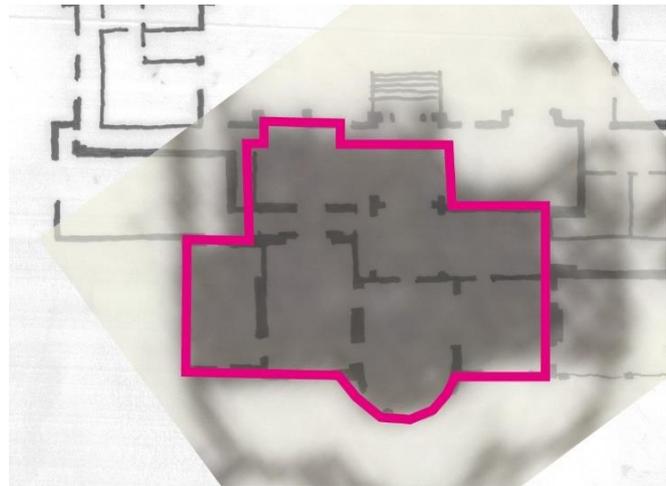


Figure 11 - 1888 Ordnance Survey map overlaid with existing ground plan

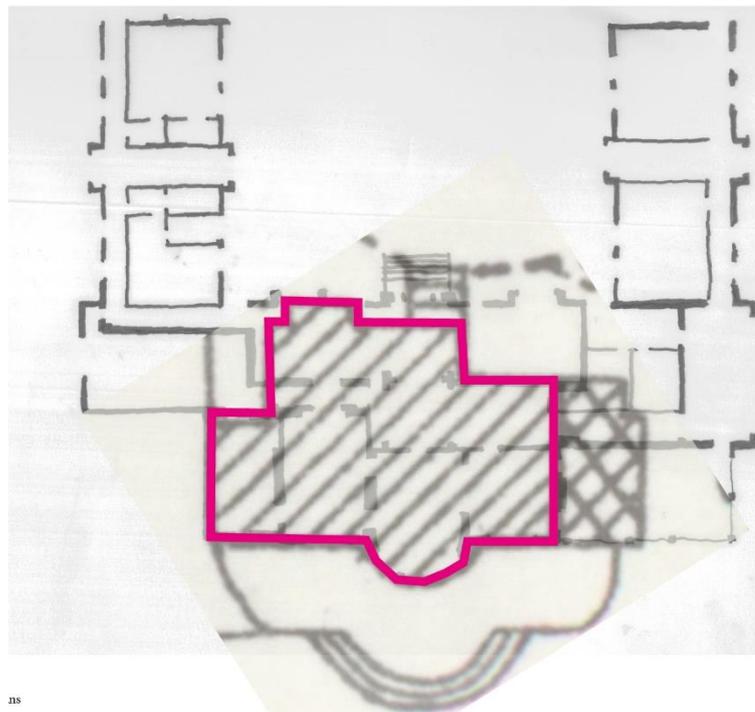


Figure 12 – 1903 Ordnance Survey Map overlaid with existing ground floor plan

5.13 The overlay shows that the rear of the building has been extended in order to appear symmetrical. Historic mapping shows the stepping in the rear façade until the late 1970s. Beyond this, the building has been further extended to either side to create rear wings which now create a 'U' shaped plan form.

5.14 A large western extension is shown on historic mapping however this appears to have been demolished and replaced with these later wings. The main entrance into the hotel from the car park is now from the east through one of these wings, with access also provided from the newly created courtyard also apparent. These wings are not considered to be a positive contributor to

the principal building in heritage terms, although care has been given to ensure that their design and materiality is in keeping with the main building. The north-western kitchen also appears to have been rebuilt around the time the wings were added.



Figure 13 – The former principal elevation of the building is now concealed from a number of views by the later extensions to the building and is now only really appreciable from within this later courtyard formation. This elevation has been changed significantly since it was constructed to appear as a symmetrical façade, originally, as demonstrated by the historic mapping, this elevation was stepped. The built form shown to the left-hand side of the entrance is a later 21st century alteration to the building. The later wings and infill extension are also visible here.



Figure 14 – Main view of house from the entrance of the site. The later wings now obscure the lower levels of the building from views and now form the main entrance into the hotel. This results in a confused hierarchy to the building. The wings also have a simple appearance, with elements almost appearing as if they are back of house.

- 5.15 It is also apparent that the original glass extension, likely to have been a greenhouse or conservatory, has been removed from the side of the building. This was a large element of the ground floor and may have been constructed as a result of Charles Lestourgen's interest in botany. This has been replaced with a modern, more solid 'orangery' type addition in 2008. The orientation of this element has been altered from that historically seen.



Figure 15 – New orangery addition

- 5.16 All of the outbuildings and structures shown on historic mapping have been lost, with the exception of one building which is now in staff use for the hotel.



Figure 16 – Only one of the historic outbuildings associated with the former residential house remain. This has however been heavily adapted for use by the hotel and is considered to retain very limited value.

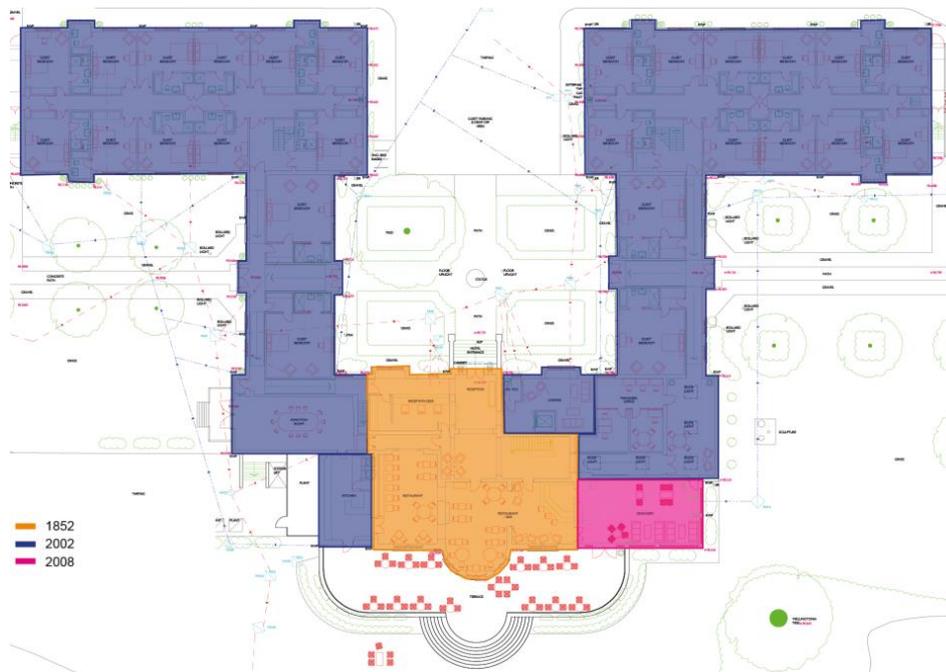


Figure 17 - Age of construction (orange dating to 1852, blue circa 2002 and pink 2008).

5.17

In addition to the external alterations and additions, the building has also undergone several alterations internally to facilitate its use as a hotel. A significant alteration has been the change to the plan form by creating openings within several the walls. Further alterations include the replacement of flooring and skirting and the insertion of spotlights throughout. To the upper floor, all the rooms have been refurbished for use as either hotel rooms or conference with little to no features retained at these levels. There are also no significant features retained at basement level which houses all the services required for the hotel.



Figure 18 – Internally, the building has been altered for its use as a hotel. New large openings have been formed through internal walls to allow for a more open plan aspects for customers. The floors have been modernised and the skirting replaced almost entirely. The plaster to the walls appears to be replaced throughout and spotlights, speakers and vents have been inserted within almost every ceiling. All but one chimney surround and fire place have been removed and there are no ceiling roses retained.



Figure 19 – The ground floor level has been modernised throughout with the plan form having been altered to facilitate the buildings use as a hotel. New joinery has been installed throughout with a large number of the original features of the building having been lost.



Figure 20 - The upper floors of the building have been heavily adapted for conference and hotel bedroom use. This has resulted in these levels having almost entirely been modernised.

- 5.18 A building inspection was undertaken in September 2018 which noted that the main staircase was out of use due to incidence of movement and was at the time supported by temporary props. The inspection also noted other areas of concern including the condition of the ground floor ceilings and water ingress as well as other areas of cracking/movement to all floor levels which have affected fire precautions.

- 5.19 A structural inspection of the building was undertaken in September 2019 by Structural Engineers Cambridge Ltd (Appendix 3). This initial inspection notes that the “*main block of the building has been affected by cracking and distortion, which is indicative of foundation movement. The classification of the damage on the Building Research Establishment’s scale is generally 2 (moderate) where the crack width does not exceed 5mm, and in some places 3 (serious), where the crack width exceeds 5mm. The trend of movement suggests subsidence of the southern corner of the building, with a division along the length of the main stairwell. This stairwell forms an axis of weakness between the southern part of the original building and the later infill extension completing the north-east frontage of the building.*”
- 5.20 As a result of this movement, a number of areas of damage were noted in addition to the stairs including widespread cracking in the ceilings and wall cornices, movement in the basement floor, unknown water leak at basement level, subsidence to the semi-circular terrace steps and instances of cracking on the north-west face of link.
- 5.21 Following, remedial works were undertaken to the stair to ensure it was stable; however, following this work, it was noted that the geometry and handrail heights of the stair will not meet Building Regulations standards. The issues with movement cracking and water ingress are still apparent and the building is also not compliant with the Disability Discrimination Act (DDA).

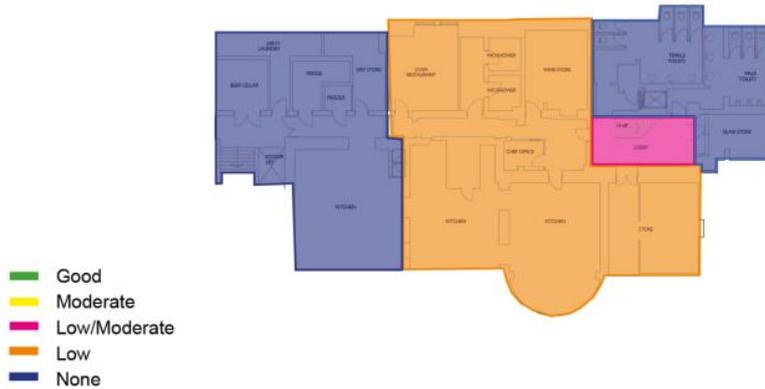
Significance Plans

- 5.22 Presented below are a number of illustrative plans which indicate the residual significance of each room/rooms on each floor level of the building. The significance of each room is considered to be formed by a combination of its evidential, aesthetic, historic and communal values, and its place within the overall plan-form or hierarchy of the building.
- 5.23 The purpose of this exercise is to ensure that there is a baseline understanding of the architectural and historic value of the listed building, and also any other relevant aspects which constitute significance.
- 5.24 The significance levels follow current best practice methodology in terms of signifying differences in residual architectural and historic interest between individual rooms. The notation of a room as being above or below the level of another does not infer that it does not form an intrinsic part of the asset overall but that the levels of individual merit within the spaces differ, and that rooms with a lower level of significance may be more capable of accepting adaptation than others. In each case, specific consideration should be given to the individual character of each room and space and how it sits within the hierarchy of the building, how it fulfils a function within the building and how residual levels of interest may help to explain that.
- **Moderate** – Rooms/spaces which retain their intended plan form and a number of features of interest and therefore hold a moderate level of heritage significance
 - **Low/moderate** – Rooms/spaces which retain their plan form and some features of interest which are considered to be, at best, of low/moderate value in heritage terms
 - **Low** – Rooms/spaces which have had their original plan form altered and/or have lost features of interest, retaining only a low level of heritage significance
 - **None** – rooms/spaces of no heritage value and are modern insertions

5.25 It is important to note that amongst areas of lower significance, there may still be opportunities for beneficial improvement of these spaces or adaptation to render them more supportive of the building's historic interest.

5.26 Plans for the basement and second floor levels of the building are not currently available and, as such, only the ground floor and first floor levels are assessed below. However, it should be noted that these levels of the buildings are not considered to be of significant value as a result of their hierarchy within the buildings and the numerous alterations they have undergone.

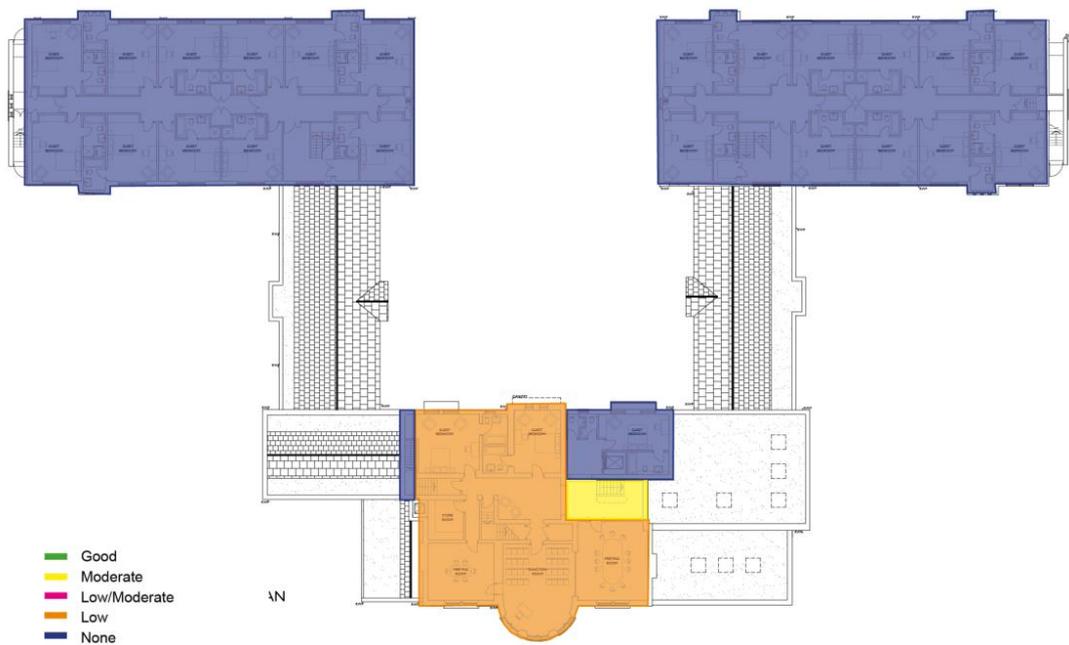
Basement



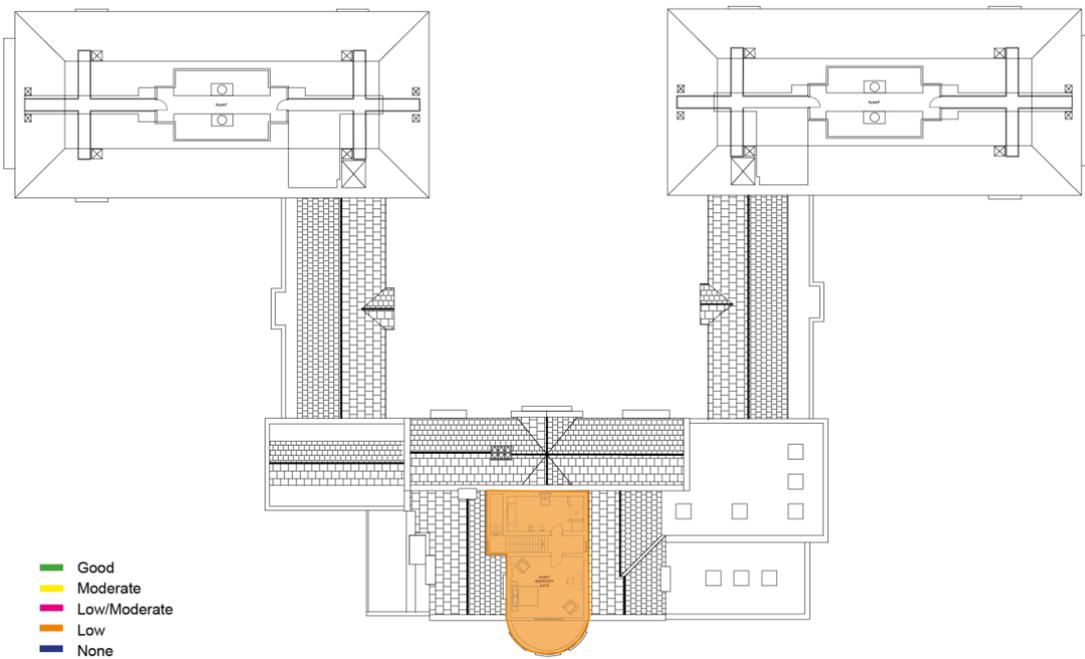
Ground Floor



First Floor



Second Floor



Summary

- 5.27 The building has been heavily altered through demolition, extension and alteration both internally and externally, including building and structures within its grounds. Original elements of the building, such as the glass house, have been demolished and have been replaced with modest quality additions. The original entrance to the building has been superseded by the later wing resulting in a confused hierarchy.
- 5.28 Felix Hotel is a modest example of its type which has been extensively altered throughout. Structural movement is evident with the main stair having to under structural interventions. As a result, it is considered to hold a **low** level of significance overall. This assessment takes into account the internal significance of all floor levels including the alterations, loss of features and the alterations which have occurred externally.
- 5.29 There are limited moderate or low/moderate value rooms within the building, which are considered such due to the retention of their plan form; however, the numerous alterations, extensions and demolitions which have occurred elsewhere result in the overall significance of the building being lowered, with the large extensions particularly detracting from its overall value. There is insufficient remaining fabric to provide a high level of discrimination, and what remains of the building's architectural merit does not warrant designation at the national level as confirmed by the issuing of Certificate of Immunity by Historic England and is of a **low** value at a local level.
- 5.30 Additional photographs can be found within Appendix 2.

6.0 Proposed Scheme

- 6.1 This proposed scheme seeks the demolition of the existing building on site and the construction of a purpose-built care home facility. It will provide 80 ensuite resident rooms with a variety of communal spaces as well as ancillary spaces required for the day to day running of the facility. It will also provide a Dementia Excellence Learning Centre.



Figure 21 - Proposed site plan (Carless + Adams)

- 6.2 The access into the site will be retained as a two-direction entrance. Car parking will provide 31 no. bays with 2 no. disabled bays and a service bay. The proposed replacement building has been located centrally within the site, in essentially the same location as the former building, encompassed by an enhanced landscaping scheme.
- 6.3 The proposed building is two storeys, with accommodation in the roof. It will be constructed in plain grey/buff brick, laid in a Flemish bond, with a slate roof and stone detailing to the façade. The first floor of the building will be used exclusively for a dementia unit with the ground floor for patients with general care needs.

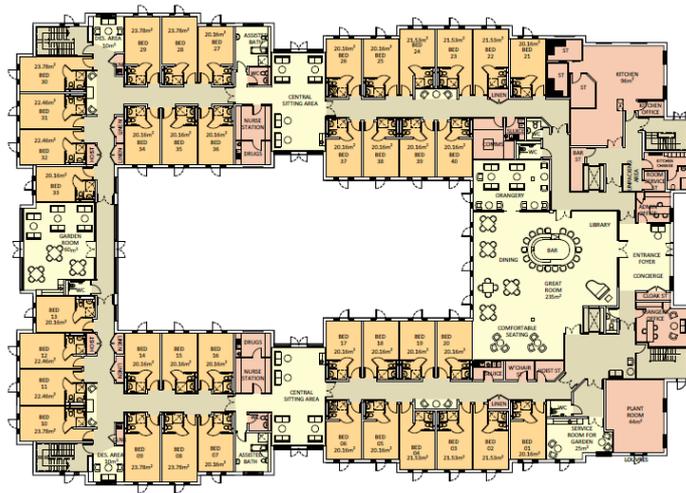


Figure 22 – Proposed ground floor plan (Carless + Adams). All bedrooms at this level have access externally onto individual terraces with planting beds, including those that face into the internal courtyard. In addition to these individual terraces there is also a garden room to the western end which faces the lawns, meadow and orchard. A large communal room is shown to the east end of the building which will provide



Figure 23- Eastern elevation of proposed care home. (Carless + Adams)

- 6.4 The massing of the facades has been broken up through the use of forward and recessed elements across the elevations. In addition to this, glazed connections, located off-centre along the northern and southern elevations and centrally to the western elevation, have been incorporated to further reduce the effect of mass.
- 6.5 The building has been designed with a neo-classical aesthetic with the use of sash windows, brick quoins around window openings, deep eaves, and cornice detailing creating visual interest. The eastern elevation, which is the principal entrance, is symmetrical in appearance with a central portico, constructed in stone, providing access into the building. The windows to this elevation all sit under flat arches and decrease in size as you move from ground floor to first floor enhancing the classical proportions of the building. Chimneys have been incorporated into the roofscape which contribute to the traditional appearance of the building and add interest to the ridgeline. Four dormers are seen within the roofline to allow light into the accommodation at this level.
- 6.6 The design approach of the principal elevation is continued around the building. Additional features such as arched lintels, casements windows, blank windows, partially glazed doors with over and side lights, as well as pediments above the projecting elements adding variance to the elevations.



Figure 24 - Northern elevation (Carless + Adams) showing two storey glazed link.



Figure 25 - Southern elevation (Carless + Adams)



Figure 26 – Western elevation (Carless + Adams)

- 6.7 As part of the proposed works, a new landscaping scheme for site is also proposed. This is split into a number of elements: the drive & arrival court, meadow/orchard, sensory garden, the lawns, woodland buffer, terraces and courtyard. These areas will use both high-quality materials and planting palette throughout. There are also two areas of biodiverse roofs are proposed which will consist of pre-sown wildflower mats. The landscaping also intends to incorporate stone architectural features from the existing building, as well as the coade stone dog and gazebo.
- 6.8 A fundamental part of the proposed landscaping scheme is the retention and enhancement of the existing trees, wherever possible, to strengthen the contribution these provide to the site character. In addition to this, proposed trees and vegetation will be planted across the site with nesting boxes, bat/bug boxes and log piles also incorporated into the scheme to increase the biodiversity and ecological value of the site. The proposed landscape scheme will heighten the sense of place and soften the propose built form, as well as encourage independent use of the spaces.



Figure 27 - Landscaping proposal map (LUC)

7.0 Impact Assessment

- 7.1 In order to assess the effect of the proposed development on the significance of heritage assets and/or their settings, it is necessary to determine the *nature* and *extent* of any impacts resulting from the proposal.
- 7.2 When assessing the impact of a proposed development on individual or groups of listed buildings, it is important to assess both the potential, direct physical impacts of the development scheme as well as the potential impacts on their settings and where effects on setting would result in harm to the significance of the asset. It is equally important to identify benefits to settings, where they result from proposals.
- 7.3 The proposed development is considered below in terms of its impact on the significance of the heritage assets, and the contribution which setting makes to their significance. Assessment of impact levels are made with reference to Table 2 in Section 3 and satisfy '**Step 3**' of Historic England's GPA 3.

Felix Hotel

- 7.4 As discussed within Section 6 of this document, Felix Hotel is considered to hold a **low** level of heritage value. To date, as part of discussions with the Local Planning Authority, the building has not been identified as a non-designated asset. Due to its lower level of significance, if the building is not identified as such moving forward, normal planning considerations should be applied when determining this application.
- 7.5 If the building is considered to justify being identified as a 'non-designated' heritage asset by the Local Planning Authority, paragraph 197 of the National Planning Policy Framework would then apply. This policy requires a balanced judgement to be undertaken when considering impacts on non-designated assets. In heritage terms, it is the scale of harm resulting from the demolition of the building which is to be balanced alongside other material considerations relevant to the application.
- 7.6 In this case, due to the proposed demolition of the existing building, the scale of harm to the asset would equate to a "total loss" of significance in terms of the NPPF. The level of significance being lost is **low**.
- 7.7 Due to its placement within the site and set back nature from the principal roads, the existing building cannot be reasonably described as a 'landmark', nor does it have a significant impact on the immediate area or a group value with any surrounding built form.
- 7.8 Externally, it has been extended and altered on a number of occasions, resulting in the 'front' elevation (accessed from the internal courtyard) and the side elevations being significantly altered. This is particularly true of the front elevation which was originally a stepped façade which has been altered in the 20th century to have a symmetrical appearance. Although the rear bow elevation has undergone limited alterations, its design and features are typical of a building of its type, being neither rare, unusual, or architecturally refined. It is noted that on either side of this rear bow elevation, extensions have occurred including a 20th century conservatory addition. The view of the building from the main driveway/car park is dominated by the modern wings and additions constructed in the 21st century.
- 7.9 Internally, the layout of the building has been altered as a result of its historic changes of use including its use as a County Centre and most recently as a hotel. Internal features have been systematically removed including, flooring, skirting, fire places/surrounds. Those features which

do remain are typical of many houses of this period. There is clear movement to the foundations of the building resulting in evident cracking through all floor levels. The internal and external alterations diminish the building's ability to illustrate its historic and architectural interest. It is therefore apparent that the significance of the building as a heritage asset is **low**.

- 7.10 This is the level of heritage merit which should be applied in the balanced judgement of NPPF 197 in the context of other material considerations arising from the application proposal. It is important also to note that the application of paragraph 197 is not weighted in the way that the policies relating to designated heritage assets are weighted. There is no requirement for the other material considerations to clearly outweigh the impact on the non-designated heritage asset as there would be if it were a designated heritage asset. Also, there is no specific requirement to consider alternative schemes.
- 7.11 With this in mind, the proposed loss, as a result of the demolition of the building, in terms of NPPF 197, is a loss of **low** significance.
- 7.12 An Existing Building Review has been undertaken by Carless + Adams, which accompanies the planning application submission, which details alternative options considered and why the retention of the building is not feasible.
- 7.13 The proposed replacement building is a two-storey structure, with accommodation with the roof level, which will be used as a purpose-built dementia care home. The design of the building has been carefully considered to not only respond to the site constraints, but also provide a high-quality building which has a traditional/classical language and palette that promotes and reinforces local distinctiveness.



Figure 28 - Visualisation showing the principal elevation of the building (Carless + Adams)

- 7.14 The building is located in a similar position within the site as the previous building and is surrounded by a strengthened landscape scheme. As such, the structure is no more or less prominent than the extant building on site and the immediate setting of the building is retained and enhanced. It is noted that the perceived massing of the structure is an increase on the existing single-storey wings of the building. As such, the main facades have been carefully designed with a varied footprint, with recessed and progressing elements to articulate the additional mass and to add variety and interest. The building will be constructed to a high specification, with its scale, massing and detailed design being appropriate to the context.

- 7.15 The proposed landscaping scheme has been carefully designed to ensure that it is not only appropriate and functional for the users of the care home but also enhances the appearance and biodiversity of the site. It will create a strong sense of place, providing a clear transition from the building to its open setting, reflecting a traditional approach of a house set in a garden with parkland beyond. Various spaces offer residents a range of uses/amenity with private terraces offering private spaces and gardening opportunities within the herbaceous borders. There are also several shared terraces to encourage social interaction and to allow for a greater appreciation of the landscape.
- 7.16 Activities such as growing are also supported through the scheme. This would occur within the proposed greenhouses and the herbaceous borders alongside the private terraces. The meadow orchard supplements these uses and creates the opportunity for fruit growing and picking. The sensory garden will primarily serve residents with dementia. This approach and variation to the landscape is a positive connection and nod to the original owner of the building, Charles Lestourgeon, who was a keen botanist and silviculturist.
- 7.17 The approach towards the new building will be to utilise existing and proposed trees to help denote the arrival as well as soften the built form. In this area, as well as others across the site, architectural elements of the existing Felix Hotel building will be retained and used within the landscape design. The retention of fabric and reuse within the landscaping allows for an appreciation of the former building, whilst adding interest to garden spaces.



Figure 29 - Visualisation of entrance into the site

- 7.18 The benefits of the scheme, presented fully in the Planning Statement accompanying the application, include the substantial contribution the proposals will bring for high-quality care needs, and in particular dementia needs, of the local community. These factors would make a positive contribution to the social wellbeing of the community. Additional benefits include the strengthening and enhancement of the landscape which not only create a positive link to the original owner of the former building but also re-uses elements of the former building throughout the proposed landscape.

- 7.19 Paragraph 192 of the NPPF states that there is a general preference in favour of retaining any heritage asset. However, the desirability of doing so is dependent on the significance of the asset and the effect the development would have on its significance. Whilst in this case the development would result in the total loss of its significance, it is clearly shown that the significance of the building is low; as such, a low degree of harm should be attributed to its loss. There are numerous appeal decisions to support this level of harm/significance conclusion, two of which can be found in Appendix 3 and 4. In all these cases, the decision-maker has taken account of the level of significance to be affected and how this sits alongside other material considerations within the balanced judgement.
- 7.20 There is sufficient information presented in the Heritage Statement, in accordance with paragraph 189, to be able to make the balanced judgement of 197 in the context of the other material considerations relevant to the application. The Planning Statement presents the evidence of these material considerations and how the balanced judgement can be made.

8.0 Conclusion

- 8.1 This Heritage Assessment has been prepared on behalf of Cassel Hotel (Cambridge) Ltd. to accompany and application for Full Planning Permission relating to the demolition and redevelopment of the Hotel Felix site.
- 8.2 This report focusses on above-ground built heritage only. The proposed impacts upon below-ground heritage are considered within an accompanying archaeological report produced by Andy Josephs Associates.
- 8.3 With regard to the demolition of the existing building, if Paragraph 197 is found to be relevant in this case, the National Planning Policy Framework requires a balanced judgement to be undertaken when considering impacts on non-designated assets.
- 8.4 This Heritage Statement has concluded that the level of significance being lost as a result of the proposed demolition is **low**.
- 8.5 The balanced judgement required by NPPF 197 in relation to other material considerations relating to the application, including the provision of benefits, is presented in the Planning Statement accompanying the application.

APPENDIX 1
CERTIFICATE OF IMMUNITY NOTIFICATION
REPORT

Case Name: Hotel Felix, Cambridge

Case Number: 1471651

Background

Historic England has received an application to assess Hotel Felix in Cambridge for a Certificate of Immunity (COI) from listing.

Asset(s) under Assessment

Facts about the asset(s) can be found in the Annex(es) to this report.

Annex	List Entry Number	Name	Heritage Category	HE Recommendation
1	1471820	Hotel Felix	Listing	Do not add to List

Visits

Date	Visit Type
07 August 2020	Full inspection

Context

The Close (now known as Hotel Felix) was sold in May 1967 to Cambridgeshire County Council, who applied for 'change of use to a country and teachers' centre and use of land as playing fields' (local planning ref: C/0485/67/O). The Council sold the building in 2001, and it was converted for use and extended as a hotel, with symmetrical wings of accommodation added to the north-east and north-west, and front elevation extended around 2002 (S/0817/00/F). A conservatory and function room were added to the east and west respectively around 2008 (S/0297/08/F). An application was submitted in 2017 for the proposed development and extension of the hotel to provide a new reception area and 16 additional bedrooms (S/4502/17/FL), however while permission was granted the extension was not carried out.

Hotel Felix is not located within a conservation area. The building has not previously been assessed for listing, or for a COI.

Assessment

CONSULTATION

The applicant (as representative of the owner), the local authority, Historic Environment Record (HER) Officer, and Victorian Society were invited to comment on the factual details of the case as part of the consultation process. Representatives of the owner and the Victorian Society responded stating they had no corrections or further information to add to the report. No other responses were received.

DISCUSSION

The statutory criteria for listing are the special architectural or historic interest of a building, as set out in the Principles of Selection for Listed Buildings (November 2018). To be of special architectural interest a building must be of importance in its design, decoration or craftsmanship. Special interest may also apply to particularly significant examples of building types or techniques and significant plan forms. To be able to justify special historic interest a building must illustrate important aspects of the nation's history and / or have closely substantiated historical associations with nationally important individuals, groups or events; and the building itself in its current form will afford a strong connection with the values aspect of history. Before 1700,

all buildings that retain a significant proportion of their original fabric are likely to be regarded of special interest; from 1700 to 1850, most buildings that retain a significant proportion of their original fabric are likely to be regarded of special interest, though some selection is necessary; from 1850 to 1945, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary.

In addition to the criteria outlined above, the Historic England Listing Selection Guide for Suburban and Country Houses' (December 2017) is relevant in this case. The Selection Guide outlines the historic development of suburban villas and detached houses, and construction of good-quality substantial homes for the professional classes on the edges of flourishing cities such as Cambridge. Most houses which pre-date 1850 that are unaltered and of interest will be listable. Due to the great number of suburban houses built in the second part of the C19, a greater degree of selection will apply when assessing these buildings for listing. Quality of elevational design, interest of planning, quality and survival of decorative elements, and innovation rather than imitation are all important factors for consideration. Intact and early examples of interesting technological improvements may add to a building's special interest. Many houses undergo change; the most important determinant is whether changes have been positive and contributory, or negative and harmful.

The Close, now known as Hotel Felix, was constructed in 1852, and is an attractive suburban villa, typical of those being built for the professional classes of flourishing cities in the mid-C19. The identity of its architect is not known. Its owner, a surgeon at Addenbrooke's Hospital in Cambridge, was a keen botanist and silviculturist, and commissioned a glasshouse along the south-east side of the building, however this was removed when the house was adapted for use as an adult education centre around 1970. The most notable feature of this former house is its bowed façade, terrace and steps to the garden to the south-west. Its large plate glass windows and carved-stone classical surrounds, while attractive, are typical of this period, when technological advances made larger panes a possibility.

This private residence was converted and vastly extended for use as a hotel around 2002, with large wings of accommodation added to the north-east and north-west. The front (north-east) elevation was heavily altered at this time, with bays of windows added to the south-east side to match those on the north-west side. The hotel was further extended around 2008 when a conservatory and function room were added to the east and west sides respectively. In addition to these vast extensions, the interior of the building has been much altered. While the main stair, attractive internal window surrounds and some cornicing survive, the architectural quality of the interior of this former residence has been negatively affected by its conversion to an adult education centre and later a hotel. All fireplaces have been lost, and the legibility of the original plan form has been affected by the removal of walls and creation of openings for use as a hotel.

In comparison with listed suburban houses from this period, Hotel Felix is not associated with a known architect, has been vastly extended and altered, and does not retain a high proportion of its original internal features. Although an attractive building, it does not possess special architectural or historic interest and does not meet the strict criteria for listing in a national context. Historic England recommends that Hotel Felix be issued a COI.

CONCLUSION

After examining the available records and other relevant information and having carefully considered the architectural and historic interest of this case, the criteria for listing are not fulfilled. Hotel Felix does not meet the criteria for listing in a national context, and a COI should therefore be issued.

REASONS FOR DESIGNATION DECISION

Hotel Felix, a former house, now a hotel, built in 1852, and extended around 1970, 2002 and 2008, is not recommended for listing, and a COI should be issued for the following principal reasons:

Degree of architectural interest:

- * its design is not associated with a known architect;
- * the former residence was vastly extended around 1970, 2002 and 2008, when it was adapted for use as an adult education centre, and later as a hotel;
- * the architectural quality of the interior has been negatively affected by its conversion to a hotel, with the removal of all fireplaces, removal of walls and creation of openings for use as a hotel.

Countersigning comments:

Agreed. Hotel Felix, although displaying some architectural interest through its detailing and composition, is too altered to meet the criteria for listing. A Certificate of Immunity should therefore be issued.
Caroline Skinner
8 September 2020.

Annex 1

Factual Details

Name: Hotel Felix

Location: Huntingdon Road, Girton, Cambridge, CB3 0LX

County	District	District Type	Parish
Cambridgeshire	South Cambridgeshire	District Authority	Girton

History

Hotel Felix, formerly known as 'The Close' or 'Howe Close' was constructed as a private dwelling in 1852 for Charles Lestourgeon, a surgeon at Addenbrooke's Hospital in Cambridge, who bought the site in 1849. A keen botanist and silviculturist, he had a glasshouse constructed adjoining the south-east side of the house. The 1871 Census records Charles Lestourgeon and his wife as occupants, along with their daughter Lucy Ellen, a cook, housemaid, needlewoman, groom and footman. In 1901, the residence was occupied by the politician Sir John Gorst, MP for Cambridge University, and his wife Mary Elizabeth, daughters Hylda Marian and Edith Violet, grandson Archibald Valentine, and six servants.

The 1:2500 Ordnance Survey maps published in 1888, 1903, and 1926, show 'The Close' as having a flight of steps to the centre of its front (north-east) elevation, a glasshouse to its south-east side, and a bowed rear (south-west) elevation, terrace and steps to the garden. The 1:1250 Ordnance Survey map published in 1968 shows 'Howes Close' with much the same plan form. The house was sold in May 1967 to Cambridgeshire County Council, who extended the house for use as an adult education centre (or 'County Centre' as it was known). The 1977 OS map shows a large extension was constructed to the west of the house and the Victorian glasshouse removed around 1970. The Council sold the building in 2001, and it was adapted for use as a hotel, with symmetrical wings of accommodation added to the north-east and north-west around 2002. It appears the infill extension to the east side of the front entrance (imitating the bays to the west of the door) was also constructed at this time. A single-storey conservatory was added to the east side of the former house around 2008 (partially on the site of the former glasshouse), and a function room was added to the west side.

Details

Former house, now a hotel, built in 1852, and extended around 1970, 2002 and 2008.

MATERIALS: the roofs have slate coverings, and walls are constructed of gault brick with stone dressings.

PLAN: the former house is roughly rectangular in plan, with steps to the centre of the front (north-east), and a bowed central bay, terrace and steps to the garden (south-west); symmetrical side wings projecting north-east and north-west were added around 2002; and a rectangular-plan conservatory and function room were added to the east and west around 2008.

EXTERIOR: two-and-half storeys in height over a raised basement. The front (north-east) range has a long roof gabled to the south-east and north-west, and the rear range has three perpendicular roofs gabled to the north-east and south-west, all with slate coverings. The walls and chimneys are constructed of gault brick with stone dressings. All windows throughout the building are segmental-arched and contain timber-framed sash windows, unless otherwise stated. The front (north-east) elevation is seven bays in width, with three window bays either side of a central projecting entrance bay and flight of stone steps. The entrance bay has a Dutch gable with a decorative stone finial, a pair of sash windows to the first floor, and a curved lead-covered canopy over the ground floor entrance supported by carved wooden consoles. Under the canopy, a segmental-arched door opening contains double-leaf timber-framed overlights and half-glazed doors, flanked to each side by a narrow segmental-arched window, and boot scrape in a segmental-arched stone surround. North-west of the entrance bay, the first floor has three windows; the ground floor has a single window, and a box bay window with a hipped leaded roof, containing a pair of windows separated by a carved-stone engaged-column mullion; the raised basement has two windows under the box window. The section south-east of the entrance bay was constructed around 2002 to imitate the section north-west of the entrance; the glazing bars are slightly thicker than the original. The rear elevation to the garden is arranged in three gabled sections. The central section has a Dutch gable to the attic with a carved stone finial, and a

two-storey bowed bay with a balustraded parapet, and three pairs of windows to the first and ground floors, those on the ground floor descending all the way to the ground. The gabled sections either side of the bowed bay each feature a single pair of windows on the first and ground floors, those on the ground floor descending all the way to the ground. All pairs of windows on the garden elevation feature a carved-stone engaged-column mullion and stone sills. Retractable canopies were added over the ground floor windows of the side sections in the early C21. From the terrace (the ground covering of which was replaced by timber decking in the early C21), a flight of seven bowed stone steps descend to the garden to the south-west. The south-east and north-west side elevations each have a substantial chimney stack, constructed of gault brick with stone dressings. The south-east side has a large round-arched and margined stair window, while the north-west side appears to have had a smaller window opening (presumably illuminating a former service stair) which was blocked when the building was extended around 2002. The single-storey kitchen adjoining the north-west side appears to have been reconstructed around 2002. Two accommodation wings were added around 2002, projecting north-east and north-west from the side elevations of the former house, each having a single-storey link leading to a two-storey block to the north. A single-storey conservatory and function room were added to the south-east and north-west sides respectively around 2008.

INTERIOR: the entrance hall retains a moulded classical cornice, and segmental arch with plain engaged pilasters on the south-west wall to the stair hall (infilled with a square-headed door opening around 2002). The entrance hall was modernised as a hotel reception around 2002, with a reception desk and access to the west accommodation wing on the west side, and a square-headed opening to a lift lobby on the east side (added around 2002). The stair hall retains segmental arches on plain pilasters to the north, east and west, and original staircase to the first floor on the east side. The staircase comprises turned barley-twist balusters, two to each bracketed open tread, supporting a moulded wooden handrail which terminates in a volute over a turned barley-twist newel post. From the stair hall, corridors lead south-east to the east accommodation wing (added around 2002) and north-west to the function room (added around 2008). South-west of the stair hall, the bow-ended drawing room features a decorative classical cornice, a classical window surround with fluted engaged-column mullions, and an ornamental marble and gilded fireplace (which appears to have been introduced around 2002). Two square-headed openings in blocked round-headed arches provide access to the dining room to the west, which features a plain cornice, and provides access to a small kitchen to the west. A square-headed opening on the east wall of the drawing room provides access to the bar, which features an ornamental cornice, and provides access to the conservatory to the south-east (added around 2008). The stair to the first floor is lit by a large round-arched window over the half-landing, in a classical wooden surround with carved consoles. Over the stair, the ceiling features a classical cornice and bands of plasterwork including a prominent band of Celtic fretwork. The first floor has three rooms to the south-west overlooking the garden, each having a plain cornice and classical window surround with an engaged-column mullion to each pair of windows. The dividing wall between the east room (now known as the Calypso Room) and central room (now known as the Atlas Room) has been removed and a partition introduced. The west room (now known as the Phoebe Room) was subdivided around 2002 to provide a kitchen to the rear. On the north side of the landing, there are two bedrooms in the original part of the building, and an additional bedroom, toilets and lift in the extension in the north-east corner (added around 2002). From the first floor landing, a service stair provides access to two small rooms in the attic (not accessible at time of visit in August 2020). The basement is accessed via a modern stair under the main stair, with a plain wooden handrail, stick balusters and newel posts, and contains the services for the building, a large kitchen, freezers, pantry, wine cellar and staff dining room. No original fireplaces survive throughout the building.

Selected Sources

Books and journals

The Victoria History of the County of Cambridge and the Isle of Ely: Volume IX, (1989), 129-131

Other

Bidwells, 'Cassel Hotels (Cambridge) Ltd, Certificate of Immunity: Hotel Felix, Cambridge', (July 2020)

Map

National Grid Reference: TL4314860563



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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - 1471820_1.pdf

APPENDIX 2

EXTERNAL AND INTERNAL PHOTOGRAPHS

External





Basement





Ground floor





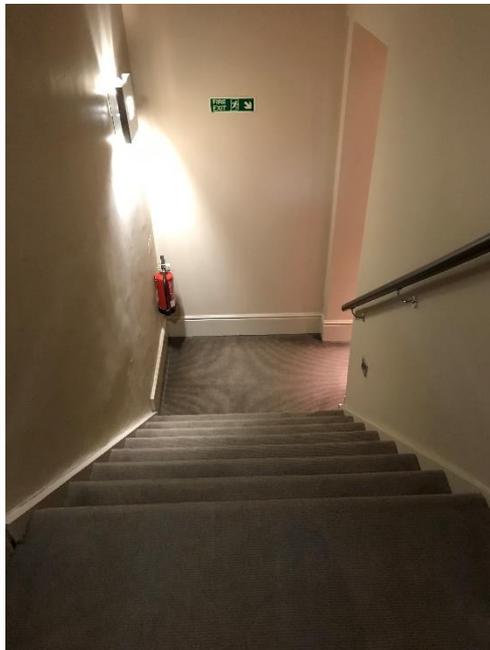




First and Second Floor







APPENDIX 3
**APPEAL DECISION 2020 – LORD NELSON,
CLEEVE**



Appeal Decision

Inquiry Held on 4 – 6 February 2020

Site visit made on 6 February 2020

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2020

Appeal Ref: APP/D0121/W/19/3237905

Lord Nelson, 58 Main Road, Cleeve, BS49 4NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Tout of Tout Limited against the decision of North Somerset Council.
 - The application Ref 17/P/5406/FUL, dated 7 December 2017, was refused by notice dated 9 May 2019.
 - The development proposed is the demolition of the former Lord Nelson Public House and the mixed-use redevelopment, incorporating petrol filling station with associated retail store and air/water facilities, replacement lounge bar/restaurant, hair and beauty salon and owner's office accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the former Lord Nelson Public House and the mixed-use redevelopment, incorporating petrol filling station with associated retail store and air/water facilities, replacement lounge bar/restaurant, hair and beauty salon and owner's office accommodation at the Lord Nelson, 58 Main Road, Cleeve, BS49 4NR in accordance with the terms of the application reference 17/P/5406/FUL, dated 7 December 2017, subject to the conditions set out in the schedule attached to this decision.

Procedural Matters

2. The appeal site is within the Green Belt. This is noted in the officer's delegated report, but has not been considered in any great detail by the Council either in the report or in its evidence to the Inquiry. This is a matter that has been raised by interested parties. It is not, however, the subject of any of the Council's reasons for refusal.
3. The National Planning Policy Framework (the Framework) informs that new buildings in the Green Belt should be regarded as inappropriate. Both paragraphs 145 and 146 confirm that there are exceptions to this. Having considered the development in the context of the Framework, it would not benefit from the exception that allows for the replacement of an existing building within the Green Belt. Whilst the replacement building would incorporate a bar/restaurant use, it would also include other uses. The new building would not, therefore, be in the same use as the one it would replace.

4. Notwithstanding this, another exception is limited infilling in villages. Although the appeal site is large in comparison, it is mainly surrounded by existing adjoining development, as well as the main A370 road. Within this context, I am satisfied that the development would amount to limited infilling within the village of Cleeve.
5. Accordingly, I find that the proposal would not amount to inappropriate development within the Green Belt and I have not included this as a main issue in this appeal.

Main Issues

6. The main issues in this case are as follows:
 - The effect of the development on the living conditions of the neighbouring occupiers with regard to outlook, as well as noise and light generated by the development;
 - The effect of the development on protected species with regard to light generated by the development; and
 - Whether or not the loss of the local heritage asset is acceptable.

Reasons

Living Conditions

7. The appeal site is currently occupied by a public house (PH) with a beer garden to the rear and car parking to the side; the public house and car park run alongside the A370 (Main Road) through Cleeve. The development proposed comprises the demolition of the existing building and erection of a multi-use building which would be predominantly two storey. It would have a single storey element along the boundary of the appeal site with 56 Main Road. A petrol filling station (PFS) would be located adjacent to the new building and would occupy the majority of the existing car park with the remaining parking area retained for parking to serve the development. Additional parking is also proposed in replacement of the current beer garden.
8. There are a number of residential properties either adjoining or in close proximity to the appeal site. The effect of the development on the occupiers of these residential properties was identified as including matters of (i) outlook, (ii) light, and (iii) noise and disturbance. I have considered each of these matters as follows.

(i) Outlook:

9. The footprint of the existing PH is close to the boundary of the appeal site adjoining 56 Main Road and Walnut Lodge and is clearly visible from the gardens of these adjoining dwellings, as well as from the front of Little Halt. Indeed, the existing building (including its extensions) is a substantial presence when viewed from the gardens of these properties. The footprint of the proposed multi-use building would be closer again to these boundaries and, when viewed from the gardens of both Little Halt and Walnut Lodge, would appear to be more substantial when compared to the existing PH. In

- particular, the building would appear a more solid structure when compared to the fragmented nature of the rear extension and rear roof profile of the PH.
10. Notwithstanding this, the development would only affect the outlook when viewed from the front garden of Little Halt and from the kitchen and bedroom windows in its front elevation. The view from this property would be of the single storey element of the development with the two-storey element beyond. Having regard to this, the degree of separation between the site and Little Halt, and the orientation of this dwelling to the new building, the development would not appear overbearing when viewed from this property.
 11. With regard to the effect of the development on Walnut Lodge, in view of its orientation the development would not dominate the outlook from the front or rear elevation of this dwelling. Indeed, the development would be closest to the garage and driveway serving Walnut Lodge and there would be a degree of separation between it and the private garden space around the dwelling, such that the development would not appear unacceptably overbearing when residents use these garden areas.
 12. Turning to No 56, the side elevation of this dwelling would be within a metre or so of the side elevation of the single storey element of the proposed building. This element would run along a substantial length of the shared boundary, such that it would be viewed from both the front and rear gardens of the property and from the windows in the front and rear elevation of the dwelling. Notwithstanding this, the single storey height of this element of the building, together with the slope of the roof away from the boundary would result in a form of development that would not dominate the outlook from the dwelling or appear overbearing when viewed from the front or rear gardens. Furthermore, there would be a minimal appreciation of the two-storey element from the gardens of No 56 as it would be set some way off the shared boundary. The effect of the development on No 56 would, therefore, be acceptable.
 13. The residential properties of 60 Main Road and The Orchard both adjoin the existing car park of the PH. The PFS canopy would be closer to these dwellings and their gardens when compared to the existing built development. Whilst the canopy would be visible from these adjoining properties, from the gardens in particular, it would not appear overbearing, particularly as the structure would be open sided and there would be a sufficient degree of separation between it and these neighbouring dwellings.
 14. My attention has been drawn to the effect of the development on residents opposite the appeal site. Having regard to the degree of separation between the site and the properties along Millier Road, the development would have a minimal impact on the living conditions of these nearby occupiers with regard to the matter of outlook.
 15. In summary on the matter of the effect of the development on the outlook from adjoining and nearby residential properties, having regard to the location and scale of the existing building on the site, the development proposed would not harmfully change the living conditions of the occupiers of adjacent dwellings.

(ii) Light:

16. An amended External Light Environmental Impact Assessment (dated 7 January 2020) has been submitted and supplemented by a proof of evidence from the Appellant's lighting specialist. The assessment included a proposed lighting layout plan¹ which modelled the likely effect of the development from the external lighting proposed for the scheme. This demonstrates that lighting could be designed and directed such that lighting levels would steeply decline close to the boundary of the site and that the lighting design would reduce the impact in terms of contrast with the recognised low levels of ambient light in the area. The evidence demonstrates that it is unlikely that light would trespass onto adjoining land, particularly taking into account the proposed 2 metre high boundary treatment around the site.
17. The assessment also compared the likely effect of light from existing light sources on site, some of which would result in light spilling onto land adjoining the existing car park (No 60 and The Orchard) and onto the adjoining highway.
18. Whilst the Council acknowledges the results of the assessment, its particular concern was in relation to the effect of light reflected from either transient or fixed items under the petrol station canopy or under other proposed light sources; that this was not taken into account in the assessment. Its concern was also in respect of glare during foggy or damp weather conditions.
19. The appellant's lighting specialist confirmed that whilst light from reflection may well be experienced, this would not be so great as to cause an issue to nearby residents. Similarly, it is likely that any effect from light as a result of glare would only be experienced in certain weather conditions. Even in those specific conditions there is no substantiated evidence before me to suggest that the effect of glare would be unacceptable. The appellant suggested that any of these effects would be mitigated to a degree by the boundary enclosure.
20. Interested parties also expressed concern with regard to light spill resulting from vehicles manoeuvring about the site. I noted that the site is fairly level and, as such, it is unlikely that vehicle lights would raise, encroaching onto adjoining land above the proposed 2 metre high enclosure. Furthermore, the evidence before me does not support the concerns of residents with regard to vehicle lights pointing towards the properties along Millier Road, opposite the site. Having regard to the distance between the site and these dwellings as well as the intervening vegetation and boundary treatments, it is unlikely that the development would have an unacceptable effect in respect of light trespass into these properties.
21. Having regard to all of the above, and noting that the proposed opening hours (0700 to 2300) would mean that vehicle movement on the site would cease and external lights would be switched off outside of these times, I conclude that the development would not be unacceptable with regard its effect on the living conditions of neighbouring occupiers as a result of light. In reaching this conclusion I have taken into account the lack of any technical evidence to contradict the appellant's case on this matter.

¹ The amended drawing DM75 – Proposed Lighting Layout (luminaire isolux) within the External Light Environmental Impact Assessment (dated 7 January 2020)

(iii) Noise and Disturbance:

22. The appellant has provided an updated noise assessment, the methodology of which was agreed by the Council's noise specialist. The assessment and the accompanying technical evidence conclude that, whilst the assessment indicated that there would be an incident of background noise levels being exceeded, the development would not have an adverse impact on the living conditions of neighbours by virtue of noise from plant or activity on the site. I also note that as the PH was not open at the time of either assessments; the appellant confirmed that background noise levels recorded are likely to have been elevated had the PH been open during the assessments.
23. Whilst the Council does not dispute the technical results of the assessment, it's concerns, shared by interested parties, are that the use of the site would intensify and that the effect of short-lived bursts of noise caused, for example, by the shutting of car doors would disturb local residents; thus rendering the development unacceptable.
24. I note that in order to undertake a noise assessment neither background nor predicted noise levels are expressed as a maximum. However, the assessment confirms that the **lowest** of the median, mode and mean noise levels recorded were used as the baseline figure for the background noise level. Furthermore, the predicted noise levels provided in the assessment, as shown on table 6-2², have been calculated taking into account the short-lived instantaneous instances of noise that the development is likely to generate, together with an appropriate sound penalty³. I am, therefore, satisfied that the results of the comparison⁴ are reliable in terms of assessing the likely effects of the development with regard to noise.
25. Notwithstanding this, I acknowledge that some instances of short-lived bursts of noise might be discernible above the background noise from the receptors identified, and that for some receptors these instances might be more likely in the late evening (i.e. 2200 to 2300). However, it is not reasonable in this case to compare the noise generated by the proposed development with noise generated by the existing situation (i.e. the site without an active use). In this regard, there is no dispute that the lawful use of the site and building is as a PH. Whilst there was some discussion at the Inquiry as to whether this is a legitimate fallback position, the appellant was clear that for financial reasons the site must be put to some use. Accordingly, comparisons of the proposed situation with the situation resulting from an active use of the site is appropriate. Indeed, both parties refer to the active PH use in comparison with the proposed use in relation to the matter of noise. I shall, therefore, use the same comparison.
26. I acknowledge that patrons of the PH are likely to have stayed longer at the site than patrons would in the proposed development. However, PH patrons would have generated the same short-lived bursts of noise that would be generated by the propose development (i.e. car doors slamming). Furthermore, the use of the beer garden would also have resulted in instances of short-lived bursts of noise from children playing or raised voices. I also note

² Page 28 of the SLR Noise Assessment dated December 2019.

³ Section 6.0 of the SLR Noise Assessment dated December 2019

⁴ In the last column of Table 6-2 of the SLR Noise Assessment dated December 2019

that the licence granted for the PH⁵ permitted opening hours, as well as live and recorded music, until 2300 most days and later on other days.

27. In view of the above, it is clear that the PH use would have generated a degree of noise. In some instances, the type of noise that would have been generated is comparable to that which would be generated by the proposed development. I acknowledge that in all likelihood noise generated on the site would be over a longer period throughout the day. However, taking account of the existing background noise levels and the comparisons made in the assessment results, that are not disputed by the Council, a more intensive use of the site over a longer period of the day is not likely to result in substantial adverse effects. Accordingly, it is unlikely that the development would generate noise and disturbance to a degree that would be harmful to the living conditions of the neighbouring occupiers. In reaching this conclusion, I have had regard to the proposed hours of operation that would prevent activity on the site during the recognised night-time hours.
28. I note the concerns of interested parties with regard to the potential use of the car parking areas outside of the proposed opening hours. Whilst I have not substantiated evidence to suggest that such activity is likely, this would be a matter for the Police.
29. In summary on this first main issue, I acknowledge the strength of objection from interested parties with regard to the potential impact of the development on their enjoyment of their properties and their day to day lives; I do not underestimate the concerns of those living near the appeal site. However, in the absence of any evidence to suggest that the development would cause an unacceptable degree of detriment in respect of noise, light, and outlook, I can only conclude that it would be appropriate in terms of its effect on the living conditions of neighbouring occupiers. In this regard, the development would not conflict with the requirements of Policy CS3 (Environmental impacts and flood risk assessment) of the North Somerset Council Core Strategy adopted 2017 (CS) or Policy DM32 (High quality design and placemaking) of the North Somerset Council Development Management Policies - Sites and Policies Plan (Part 1) Adopted July 2016 (the NSSPP). These policies do not permit development that would cause harm to amenity or prejudice the living conditions of adjoining occupiers as a result of it having an overbearing impact. Policy DM32 also encourages high quality design that is appropriate to its position within the landscape and/or townscape.

Protected Species

30. The appeal site is within close proximity to the designated North Somerset and Mendip Bats Special Area of Conservation (SAC). The SAC has two components; the site of special scientific interest (SSSI) at King's Wood and Urchin Wood and the Brockley Hall Stables SSSI. The first is around 280 metres to the south of the site and the second some 1.9km north-east of the site. The two species of bat supported by the SAC are the lesser horseshoe bat and the less common greater horseshoe bat. There is also a known lesser horseshoe bat maternity roost within 400 metres of the site.
31. The Council confirm that habitats close to the SAC are significant to sustaining the breeding population of horseshoe bats, including the juvenile bats. An area

⁵ Inquiry Document 9.

- around the SAC has been identified as a juvenile sustenance zone (JSZ), which is important for commuting and foraging to support the adult females and juveniles of the species. The appeal site is within the JSZ.
32. The application was accompanied by an ecological appraisal⁶ and a bat survey report⁷. Having regard to the results of the bat survey, it is common ground that there are no bat roosts on the site; it is unlikely that the site provides a significant foraging resource for bats; but that part of the appeal site is used by SAC bats for commuting.
33. The appellant also undertook an initial habitat regulations assessment in November 2017⁸, as well as a later shadow habitats regulations assessment⁹ in January 2020. Both conclude that, with mitigation, there would be no adverse effect on the integrity of the SAC as a result of the development.
34. Initially, the Council had suggested that the mitigation proposed was insufficient and that the parts of the site used by the SAC bats should be retained and protected to support the overall conservation objective for the SAC. However, during the course of the Inquiry the Council's position changed and the parties agreed that, subject to the imposition of appropriate conditions, there would be no adverse effects on the integrity of the SAC.
35. Notwithstanding the above, in determining this appeal I am the competent authority for the purposes of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). In compliance with regulation 63 of the Habitats Regulations I have had regard to all relevant evidence before me, including the consultation responses from Natural England¹⁰.
36. With regard to the provisions of regulation 63(1) of the Habitats Regulations, it is clear that the proposal is not directly connected with or necessary to the management of the protected site. Furthermore, I note the location of the development within the JSZ and proximity of the site to SAC bat commuting routes. Whilst it was agreed that there are no other plans or projects that ought to be taken into account in combination with the proposed development subject of this appeal, I cannot be certain that the development alone is unlikely to have a significant effect on the nearby European site. Accordingly, I must undertake an 'Appropriate Assessment' in compliance with regulation 63(1).
37. I have already outlined details of the habitat and species for which the SAC has been designated. I have also identified the relationship between the appeal site and the SAC. Furthermore, I have no reason to disagree with the common ground between the parties on the importance of the appeal site and surrounding area to the integrity of the SAC, which is particularly for the purposes of commuting. I have also had regard to the objectives of the SAC, as set out in the evidence¹¹.

⁶ Engain Ecological Appraisal dated 14 June 2017 – CD A32.

⁷ Engain Bat Survey Report and Assessment dated 25 November 2017 – CD A33.

⁸ Engain HRA Report dated 20 July 2018 – CD A42.

⁹ Aspect Shadow Habitat Regulations Assessment dated January 2020 – Appendix 5778/3 of Dr Dan Simpson's proof of evidence.

¹⁰ Dated 26 November 2019 - Appendix 5778/2 of Dr Dan Simpson's proof of evidence; and dated 30 January 2020 – received by e-mail to The Planning Inspectorate on the same date.

¹¹ Annexe 2 of Appendix 5778/3 of Dr Dan Simpson's proof of evidence.

38. Evidence submitted to the Inquiry demonstrates that SAC bats are known to commute in the area of the appeal site from the SAC (which is to the south of the A370) to the pasture land on the opposite side of the A370, broadly to the north of the appeal site. The activity recorded in the bat survey is consistent with this. The proposal would bring lighting to parts of the site that are not currently lit. The scheme would also develop the beer garden in order to provide a car parking area, together its associated lighting. This is of particular concern as it is likely that SAC bats use part of the appeal site for commuting. Accordingly, I agree with the appellant's conclusions¹², that in the absence of mitigation, there is a potential for an adverse effect on SAC bats and, therefore, the integrity of the SAC.
39. Turning to the proposed mitigation, I note that the commuting route is already interrupted by the streetlights along the A370. These switch off between the hours of midnight to 0500¹³. The opening hours proposed by the appellant would not include these hours and it was agreed that a condition could be imposed to require all external lighting on the site to be switched off outside of the proposed hours of opening. Furthermore, the lighting scheme and boundary treatment have been designed so as to minimise light trespass along the edges of the site, thus reducing the effect of the development on the corridor currently used by the SAC bats, as shown on plan number 5778/HRA8¹⁴. This plan also shows the enhancement of boundary vegetation with a scheme designed to encourage the use of this corridor.
40. In addition, the parties have agreed a number of conditions to secure the proposed mitigation, control all external lighting on the site and require a scheme of mitigation during the construction phase.
41. Having regard to the above, I am satisfied that the adverse effects of the development on the SAC bats can be mitigated and that the necessary mitigation can be secured. Accordingly, the development would not adversely affect the integrity of the SAC.
42. In addition to the conclusions above, both the Framework and the development plan require the enhancement of biodiversity as well as its protection. In this regard the scheme proposes the retention and enhancement of land to the south of the appeal site, outside of the developed area, for the provision of a night roost for SAC bats and improved planting to encourage foraging and commuting. These improvements can be secured by conditions.
43. Finally, aside from the effect of the development on the SAC bats, interested parties have concerns that the development would have an adverse effect on the general ecological value of the site and surroundings. Whilst these concerns are noted, the substantial ecological evidence before me does not support them.
44. Having regard to all of the above, I conclude that the development would not have an unacceptable effect on protected species and would, therefore, comply with CS Policy CS4 (Nature conservation) as well as NSSPP Policy DM8 (Nature Conservation). These do not permit development that has an adverse impact on identified sites of international importance and require, amongst other

¹² Paragraph 5.6.1 of Dr Dan Simpson's proof of evidence.

¹³ The mechanism to switch the lights on and off is not adjusted to account for day light saving.

¹⁴ As shown on plan number 5778/HRA8 of Dr Dan Simpson's proof of evidence.

matters, the protection and enhancement of important habitats. The development would also comply with paragraphs 175 and 176 of the Framework.

Heritage Asset

45. North Somerset's Historic Environment Record (HER) for the current and previous building¹⁵ describes the Lord Nelson as a Roadhouse Pub that was built in the 1930's in a traditional Tudor-Revival style. The HER informs that the PH replaced a small inn and posting house, The Nelson Inn, which dated from the early 1800s. Although the building was considered by Historic England for listing in 2017, it was not recommended for listing. Furthermore, the Council do not have an adopted 'local list'. Nonetheless, it is common ground between the parties that the building is a heritage asset, albeit non-designated.
46. In addition to the relevant local plan policies CS5 (Landscape and the Historic Environment) of the CS and DM7 (Non-designated heritage assets) of the NSSPP, the Framework provides guidance on proposals effecting heritage assets. At paragraph 192 it requires account to be taken of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
47. Paragraph 197 of the Framework also informs that, when considering applications that affect non-designated heritage assets the effect on the significance of it should be taken into account, and that a balanced judgement would be required having regard to the scale of any harm or loss, and the significance of the heritage asset.
48. The building is an example of a shift in the style of public houses that were built during the inter-war period. The 'Tudor' style of the building's design is one of a number of styles used in such roadside public houses that were built during that period and is found in other examples¹⁶. There are other inter-war roadside public houses in nearby villages that are in current use, in particular The Rising Sun in Backwell and The Star in Congresbury. Indeed, the Council advise that 14 examples exist in North Somerset along the A370¹⁷. Such examples are also found in the wider south west region¹⁸. As these all provide examples to illustrate the change that occurred in the type of public houses built during the inter-war period, as referred to by the Council¹⁹, the local significance of the building is limited in terms of its rarity. Whilst I acknowledge that the Lord Nelson still retains a skittle alley, that alone would not alter my conclusion with regard to the rarity of the PH as a whole.

¹⁵ HER numbers 47044-MNS8737 and 8994-MNS2428 - Inquiry Document 1.

¹⁶ Including the building's sister pub, the Eastfield Inn in Bristol - paragraph 5.2.4 of Dr Kate Hudson-McAulay's proof of evidence.

¹⁷ Paragraph 5.2.12 of Dr Kate Hudson-McAulay's proof of evidence

¹⁸ Paragraph 5.2.6 of Dr Kate Hudson-McAulay's proof of evidence and her Appendix 7.

¹⁹ Paragraph 5.2.7 of Dr Kate Hudson-McAulay's proof of evidence.

49. The Council suggest that the Lord Nelson has a value as part of a group with the other examples of such PH's. However, the buildings do not form a collection by virtue of their proximity to each other and I have little evidence to suggest that the buildings are socially or historically connected, other than by their use, type and period within which they were built. In this regard I cannot agree that there would be a group value as would usually be considered in a heritage context.
50. As noted above, the building has a 'Tudor' style of design and, whilst it has been significantly altered externally, these alterations have not affected the front elevation to a significant degree. Furthermore, the original wings of the building (the dining room and skittle alley) are still legible. Notwithstanding this, the HER informs that the design of the building is 'competent and typical rather than noteworthy'. While the design of the building and its materials are unusual within the immediate context of the site, its local significance is low in terms of its aesthetic interest, particularly as other examples of its design exist in the local (North Somerset and south west area).
51. Internally, the layout of the building has been extensively altered, so much so that it is difficult to appreciate the value of the majority of the remaining original features it contains. Whilst the layout alterations and the extensions to the building were carried out in response to the more recent trend for open plan eating and drinking establishments, they have been extensive. Accordingly, the original layout of the building is no longer clearly legible. This diminishes the building's ability to illustrate its historic interest, i.e. the change in the approach to the design of such public houses during the inter-war period, as referred to by the Council.
52. I acknowledge the historical associations with the building, particularly those during WWII and the value the Council and interested parties place on these associations. However, the evidence suggests that the use of the building by popular celebrities during WWII was short lived. Furthermore, the other WWII associations would have been usual in other such buildings that existed at this time in nearby villages or in the wider North Somerset area. In view of this I cannot conclude that the building's historical associations result in it having a high degree of local significance.
53. Furthermore, it is clear that interested parties attribute significant value to the building in terms of its community value as a PH. Whilst I acknowledge the importance of such a community use to local residents, this would not add to the local significance of the building in a heritage context.
54. The building does possess a landmark quality that is to its credit. Indeed, this is a matter referred to in representations from interested parties. The setting of the building contributes to this quality.
55. In summary on the matter of the building's significance, I acknowledge the value the Council place on the building. Whilst I agree that the building is an illustration of design and legislation changes for PH's during the inter-war period, having regard to my findings above, I conclude that the significance of the Lord Nelson PH as a heritage asset is low.
56. Notwithstanding the above, the development would result in the total loss of the heritage asset and, therefore, its significance. As I have concluded that the significance of the building is low, the weight to be afforded to the harm

resulting from its loss is also low. Nevertheless, such harm weighs against the development.

57. Paragraph 192 of the Framework requires that I take account of the desirability of sustaining and enhancing the significance of heritage assets; the presumption is that preservation is desirable. Paragraph 192 also requires account to be taken of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, **and** the desirability of new development making a positive contribution to local character and distinctiveness.
58. At present the building makes little contribution to any of the aspects of sustainability within the Framework. The appellant's evidence was that neither the re-establishment of the PH use nor the adaptation of the building to achieve the mixed use proposed would be viable. Whilst I acknowledge that evidence was not submitted to expand upon this, I have no doubt that the appellant considered these options when considering how to use the site. Furthermore, there was little evidence to suggest that some other operator could establish a viable use of the current building. Whilst the appellant confirmed that a pub operator showed an interest in the property in 2016 (at the time he purchased the site), it is not known if that operator made an offer on the building. Accordingly, there is limited evidence before me to assist in determining whether the building could make a positive contribution of the sort envisaged in paragraph 192 b) of the Framework.
59. What I do have before me is a viable scheme that would clearly make a positive contribution to the sustainability of the community of Cleeve, not least to local character and distinctiveness²⁰. The benefits of the scheme have been highlighted by the appellant and include the creation of around 50 jobs, which would be substantially more than those generated by the PH. I have no reason to conclude that it is unlikely that jobs created by the development would not be filled by residents of Cleeve, as suggested by interested parties. Furthermore, jobs would also be created during the construction phase.
60. The development would provide a mix of uses in one central location within the village. The majority of these uses would be community facilities, including a convenience store akin to a mini supermarket, a hairdresser, a beauty salon, a bar/restaurant, an office and a petrol filling station. Interested parties suggest that Cleeve is already well served in terms of such facilities and have suggested that the development would have an adverse effect on local business. However, I have little evidence to support these concerns; to my mind there would be no harm in increasing the amount and range of facilities within the village. Indeed, having regard to the type of uses proposed, it is likely that the development would make a positive contribution to the social wellbeing of the community and would result in an overall positive contribution to the sustainability credentials of the village. These benefits have been highlighted in many of the 100 or so letters of support for the scheme.
61. Interested parties suggest that the PFS would not contribute to the Government's aims of reducing carbon emissions. It is acknowledged that the Government's current aim is to phase out the sale of vehicles that rely on petrol and diesel. The appellant confirmed that the long-term plan for the business would go beyond the Government's deadlines for this. As such, the

²⁰ Paragraph 192 c) of the Framework.

appellant's evidence is that the development would not only open with electric vehicle charging points, but would expand upon this facility in the future. Accordingly, the development would contribute to the Government's aims. Until that time, the development would mean that local residents would have to travel less to refuel. These matters can only be a benefit of the scheme that weigh in its favour.

62. In terms of the environmental objective of sustainability, whilst the development would result in the loss of a building that has a landmark quality within the village, the scheme proposes a building of a similar scale to the PH. Interested parties have concerns with regard to the design of the scheme and its size in relation to the existing built development in the area. However, there is no objection from the Council with regard to its design in terms of its effect on the character and appearance of its surroundings. I would agree with this. Indeed, the building would be a well-designed prominent development within the local vernacular and proffer its own landmark quality.
63. When dealing with non-designated heritage assets, the Framework requires a balanced judgement to be made. On the one hand, I agree with the Council, that there is a general presumption in favour of retaining any heritage asset. However, the desirability of doing so is dependent on the significance of the asset and the effect the development would have on its significance. Whilst in this case the development would result in the total loss of its significance, as I have found the significance of the PH to be low, I have attributed a low degree of harm to its loss.
64. In addition, the appellant's evidence is limited in terms of the lack of viability of the re-use of the building, including the re-establishment of the PH. Accordingly, the harm in this case is not entirely justified by the lack of viability or interest in the re-use of this heritage asset.
65. Weighing in favour of the development, I have identified considerable benefits to the scheme. It would contribute to the community of Cleeve by achieving all three of the overarching objectives of the Framework²¹ and, in this regard, would easily be considered to be sustainable development. Furthermore, having regard to the appellant's business background and the role the development would play in his overall business plan, I am satisfied that the development would proceed after the loss of the heritage asset has occurred, in accordance with paragraph 198 of the Framework.
66. My decision in this case is finely balanced. The harm resulting from the loss of any heritage asset is not to be taken lightly, but in this case the benefits of the scheme and the overall positive contribution it would make to the community of Cleeve tip the balance in its favour. Accordingly, the loss of the local heritage asset in this case would be acceptable.
67. In reaching this conclusion, I have had regard to the CS Policy CS5 (Landscape and the Historic Environment) and NSSPP Policy DM7 (Non-designated heritage assets). Whilst both policies support the conservation of the historic environment of North Somerset, they require the decision maker to take into account the building's significance and whether it warrants protection from removal. In view of my assessment in this case, my decision complies with these policies.

²¹ As listed in paragraph 8 of the Framework.

68. I have had regard to the appeal decisions referred to by the Council. As I do not have the details that would have been available to the decision maker in these cases I am unable to make an informed comparison. Notwithstanding this, in the cases referred to it is clear that the balancing exercise has been undertaken and that the appeals have been dismissed as the balance has tipped against the development. In those cases the significance of the heritage asset may well have been greater, resulting in the decision maker attributing greater harm to their loss. Furthermore, the benefits of those schemes may not be comparable to those of the proposal before me. The examples referred to by the Council demonstrate that when undertaking the balancing exercise each case must be considered on its merits.

Other Matters

69. I note the significant objection to the development, much of which has been considered already in this decision. I now consider the remaining matters that have been raised by interested parties.
70. The representations with regard to highway and car parking matters including concerns about queuing traffic on the adjoining highway network; pedestrian safety; the car park capacity; and effect of large delivery vehicles to the site. However, the evidence before me, including the consultation response from the Council's highway engineer, concludes that the proposal would not have an adverse effect upon the road network, highway safety or pedestrian safety. Accordingly, in the event that the development would result in additional vehicle movements in the area or queuing during busy periods, this would be an inconvenience but would not lead to a harmful effect upon pedestrian and highway safety; nor would it be a reason to withhold planning permission.
71. Interested parties suggest that the development would contribute to air pollution in the area. Whilst vehicle activity would increase on the site, I have no substantiated evidence to suggest that such an increase would have a significant adverse effect with regard to air pollution.
72. There are concerns from interested parties with regard to the location of a PFS in close proximity to residential properties. My attention has also been drawn to the need for the developer to comply with legislation relating to the storage and sale of petrol, diesel and other such items. The appellant has experience in establishing and operating facilities similar to that now proposed and I have no doubt that the necessary steps would be taken to comply with all relevant legislation, particularly that relating to PFS's. Furthermore, I note the Council have not objected to the development on this basis and I have no reason to conclude otherwise.

Conditions

73. The conditions set out in the accompanying schedule are based on those suggested and agreed by the main parties. Where necessary I have amended the wording suggested in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance. The pre-commencement conditions were also discussed and agreed by the parties during the Inquiry.
74. The ecological mitigation and enhancement details, together with the construction management plan and conditions relating to the external lighting

- are essential in the interests of ensuring the development would not have an adverse effect on protected species, including the SAC bats.
75. The building survey record and programme of archaeological works are necessary in view of the heritage value of the building, and the historical use and development of the site.
76. As the landscaping of this development and its means of enclosure are essential in the interests of ecology, good design and the living conditions of nearby residents, the conditions relating to these matters are necessary. As is the requirement for details of sustainable surface water drainage in the interest of the environment and to prevent flooding. Details of materials are required to ensure the design of the development is acceptable.
77. The requirement for details of mechanical ventilation and for the storage and collection of waste are required in the interests of the living conditions of nearby residents. For the same reason it is also necessary to limit the noise generated by external plant and machinery; to control the hours of operation; to ensure certain windows in the development are obscurely glaze and non-openable; to remove certain permitted development rights that would allow the alteration of these windows in the future; and to restrict the hours of activities relating to deliveries and collections, including the means of fuel delivery to the site.
78. Completion of the parking areas is necessary to ensure there would be sufficient provision and a condition requiring the use of micro renewable or low carbon technologies is imposed in the interests of securing sustainable development.
79. The bar/restaurant within the development would be an essential element of the scheme not only in mitigating the loss of the PH as a heritage asset, but also in terms of the benefits of the scheme that weigh in its favour. The conditions requiring the implementation of this element of the scheme and controlling the loss of this use in the future are, therefore, essential. The appellant has not suggested that he would be unable to comply with the conditions and as the evidence indicates that the site would be developed, retained and operated by the appellant, I am satisfied that the conditions would be reasonable in all other regards.

Conclusion

80. Whilst I understand the apprehension of local residents, there is no substantive evidence to justify the dismissal of the appeal on the grounds of harm to living conditions. The development would also be acceptable in terms of its impact on protected species. The benefits of the scheme would, on balance, weigh in favour of the development, despite it resulting in the loss of a non-designated heritage asset. In reaching these conclusions I have not found conflict with the development plan.
81. For these reasons I conclude that the appeal should be allowed.

J Moss

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader of Counsel

Instructed by Head of Development
Management at North Somerset Council

He called:

Mr Michael Cole Dip TP

North Somerset Council

Dr Kate Hudson- McAulay BSc

North Somerset Council

(Hons) MSc PhD Assoc IHBC

Susan Stangroom BSc (Hons)

North Somerset Council

(UCL)

Richard Allard

North Somerset Council

FOR THE APPELLANT:

Hugh Richards of No5 Chambers

He called:

Jonathan Tout

Appellant

Chris Scott BA MA MCIfA

Partner at Solstice Heritage LLP

Graham White

Senior Consultant and Managing Director of
GWLC Lighting Consultancy

Michelle Jane Dawson BSc MSc

Principal Acoustic Consultant at SLR
Consulting Limited

MIOA

Tim Farley BA(Hons) Dip TP MRTPI

Director of Copesticks Ltd

Dr Dan Simpson BSc(Hons),

Technical Director of Aspect Ecology

PhD(Bris), CEcol, MCIEEM

INTERESTED PERSONS:

Hilary Burn

On behalf of Cleeve Parish Council

Peter Stringer

Local Resident

George Stringer

Local Resident

Joan Stringer

Local Resident

G Pritchard

Local Resident

R J Williams

Local Resident

Louise Tranmer

Local Resident

J Walters

Local Resident

R Morley

Local Resident

J Ashman

Local Resident

D Ashman

Local Resident

Richard Ball

Local Resident

K Binham

Local Resident

S J Higgins

Local Resident

D Veale

Local Resident

G Osmund

Local Resident

Tom Clifford

Local Resident

Anita Joyce

Local Resident

Carol Laid

Local Resident

INQUIRY DOCUMENTS

1. Historic Environment Record numbers 47044-MNS8737 and 8994-MNS2428
2. Council e-mails regarding ecology
3. Extract and of plan number 6808-PO2 with annotation.
4. Opening statement made on behalf of the appellant
5. Opening statement made on behalf of North Somerset Council
6. Planning permission decision notice reference 00/P/0083/F3
7. Statement of Mr Williams
8. Updated ecology statement of common ground
9. Licence for the Lord Nelson PH
10. Submission from Mr Richard Ball
11. Submission from Mr Pritchard
12. Letters from Mr Williams
13. Closing submissions made on behalf of North Somerset Council
14. Closing submissions made on behalf of the appellant.
15. Amended list of conditions

Documents Submitted following the close of the Inquiry:

1. Email from Louise Tranmer dated 23 February 2020.

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 6808 SLP – Site Location Plan
 - 6806 BLP - Block Plan
 - 6808 P01 rev A - Existing site plan
 - 6808 P02 rev A - Existing elevations
 - 6808 P03 rev A - Existing roof plan
 - 6808 P04 rev O - Proposed site plan
 - 6808 P05 rev C - Proposed site elevations
 - 6808 P06 rev F - Proposed building elevations
 - 6808 P07 rev C - Proposed ground floor plan
 - 6808 P08 rev D - Proposed first floor plan
 - 6808 P09 rev B - Proposed roof plan
- 3) Notwithstanding the submitted details, no development shall commence until ecological mitigation and enhancement plans and details for the site and the land outlined in blue on plan number 6808 SLP (entitled Site Location Plan) have been submitted to and approved in writing by the Local Planning Authority. The plans and details shall include:
 - i) The location and details of one lesser horseshoe bat night roost feature, two dormouse boxes, four tree bat roosting boxes, three bird nesting boxes, and a hedgehog shelter;
 - ii) A locally appropriate native planting scheme comprising locally appropriate native shrubs, native honeysuckle, and native hedgerow flora to provide moth and butterfly larval food plants, nectar sources, berries and seeds for insects and birds;
 - iii) A management and maintenance plan to include regular mulching of native shrubs; and
 - iv) A scheme of monitoring.

The development shall not be occupied until the ecological mitigation and enhancement has been implemented in accordance with the approved plans and details. The ecological mitigation and enhancement shall thereafter be retained in accordance with the approved plans and details for so long as the use of the development continues.
- 4) No development shall commence, including site enabling works, until a Construction Environment Management Plan (CEMP) for the site and land outlined in blue on plan number 6808 SLP (entitled Site Location Plan) and accompanying documents have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include or be accompanied by:

- i) updated surveys undertaken by an appropriately qualified specialist for protected species including bats, nesting birds, badgers, reptiles and dormice;
- ii) details of temporary fencing;
- iii) method of works;
- iv) siting and installation of services such as drainage;
- v) sensitive storage locations for materials and soils (shown on submitted plans);
- vi) measures for disposal of waste and prevention of pollution;
- vii) measures for avoidance and mitigation of harm to legally protected and Section 41 species and wild mammals, to include provision of removal of any Section 41 species to appropriate habitat (e.g. Common Toad, Hedgehog);
- viii) specification of buffers and fencing for the protection of ecological features and trees in accordance with BS 5837:2012;
- ix) details of construction lighting so as to avoid light spill to retained and off-site wildlife habitats; and
- x) the appointment of an Ecological Clerk of Works with responsibility for the implementation of the CEMP, to advise project management staff and contractors on ecological issues and legal requirements, and to ensure mitigation measures are implemented.

The development shall be carried out in accordance with the approved CEMP.

- 5) No development shall take place including demolition until a Level 2 Building Survey Record of the existing building has been undertaken and the report submitted to and approved in writing by the Local Planning Authority. The building survey must be carried out in accordance with Historic England guidelines.
- 6) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which shall have first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work must provide a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person or persons and shall be completed in accordance with the approved written scheme of investigation.
- 7) Notwithstanding the submitted details, no development shall commence until a scheme of all hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing and proposed ground levels on the site; indications of all existing trees, hedgerows and other planting, identify those to be retained and set out measures for their protection throughout the course of development; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

- 8) Prior to the occupation of the development hereby permitted all hard landscaping shall be completed in accordance with the approved details of hard landscaping. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) Prior to the occupation of the development hereby permitted all surface water drainage works shall be completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SUDS) in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems. The results of this assessment shall be provided to the Local Planning Authority with the submitted drainage details. The surface water drainage shall be designed to ensure that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall also:
- a) provide information about the design storm period and intensity, the method employed to delay, control and reduce the surface water discharge rate and volume from the site by 30% and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) provide a plan indicating flood exceedance routes, both on and off site, in the event of a blockage or rainfall event that exceeds the designed capacity of the system;
 - c) ensure that sufficient treatment trains are implemented to avoid contamination and pollution of local rhynes and habitats in line with the *SUDS Manual C753*;
 - d) Include appropriate measures to prevent runoff of oil, petrol and detergents to protect the local environment; and
 - e) Include a maintenance schedule for the SUDS.

The surface water drainage shall be checked upon installation by a suitably qualified and experienced drainage engineer and written confirmation that the system has been checked and certified as acceptable by the drainage engineer shall be submitted to the Local Planning Authority prior to the occupation of the development hereby approved.

- 10) Prior to the occupation of the development hereby permitted all means of enclosure shall be completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the height, length and materials of all enclosures as well as details of an acoustic enclosure along the boundaries of the site shared with the adjoining residential properties, its acoustic properties and supporting noise data. The means of enclosure shall thereafter be retained

in accordance with the approved details for so long as the use of the development continues.

- 11) Prior to the first use of the bar/restaurant hereby permitted equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 12) Prior to the occupation of the development hereby permitted all parking areas shall be provided in accordance with the approved plans and specifications. The parking areas shall thereafter be retained in accordance with the approved details and shall not be used except for the parking of vehicles in connection with the development hereby permitted.
- 13) Prior to the occupation of the development hereby permitted the windows on the southern elevation (side elevation as noted on drawing No.68088-P06-F) shall be fitted with obscure glazing. The obscure glazing used shall provide a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Decorative Glass Range" (published November 2017). These windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), the obscure glazing and method of opening shall thereafter be retained.
- 14) The development hereby permitted shall not be occupied until measures to generate 10% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in kilowatt hours - KWh) through the use of micro renewable or low carbon technologies have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained in accordance with the approved details for so long as the use of the development continues.
- 15) The development hereby permitted shall not be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained in accordance with the approved details and shall only be used in association with the development.
- 16) The development hereby permitted shall be completed in materials the details of which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 17) The proposed bar/restaurant shall be brought into use within 3 months of the first occupation of the building hereby permitted.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification, the bar/restaurant within the building hereby permitted shall not be used for any purpose other than as a bar/restaurant.
- 19) The premises shall not be open to the public except between the hours of 0700 to 2300.
- 20) The noise rating level of all external plant either singly or in combination, shall not exceed background noise levels when assessed in accordance with BS4142:2014 at the nearest noise sensitive property.
- 21) No deliveries or collections shall take place via the rear delivery doors on the south elevation of the building hereby permitted between the hours of 1830 to 0730 Mondays to Saturdays or at any time on Sundays, bank holidays or public holidays.
- 22) No delivery vehicles or refrigeration units shall be parked on the site with their engine or motor running between the hours of 1830 to 0730 Mondays to Saturdays or at any time on Sundays, Bank holidays or Public Holidays.
- 23) No deliveries or collections using vehicles exceeding 7.5 tonnes gross vehicle weight shall take place between the hours of 1830 to 0730 Mondays to Saturdays or at any time on Sundays, Bank holidays and Public Holidays.
- 24) Fuel deliveries to the site shall be offloaded using gravity only and the tanker engine shall remain switched off during delivery.
- 25) Notwithstanding the submitted details, no external lighting shall be installed until details of the external lighting and its operation have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - (i) a specification of the type and location of the proposed lighting;
 - (ii) nighttime lux level site contour plans showing the existing baseline and proposed lux levels at 2m above ground level at site boundaries at 11pm, with sufficient resolution to include the 0.5lux contour;
 - (iii) design and planting features to be implemented to ensure bat corridors are protected from light spill, ensuring an average lux levels of below 1 lux, aiming for below 0.5lux where pre-existing, and not to exceed 1 lux at periphery of bat corridors;
 - (iv) Measures to avoid light spill on to retained horseshoe bat habitats to retain as dark and unlit at below 1 lux; aiming for below 0.5lux where feasible.

All external lighting shall be installed and operated in accordance with the approved details and shall be switched off outside the hours of 0700 to 2300.

- 26) No external lighting shall be installed until a scheme of light monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme of light monitoring shall include:
- i) measures to ensure that at least 1m width of the eastern boundary of the rear parking area and at least 0.5 width along the eastern boundary of the forecourt is retained unlit by on site lighting; and
 - ii) details of timings and dates of light checks.

Following the installation of external lighting the scheme of light monitoring shall thereafter be implemented and carried out in year's one, two and five following its implementation.

APPENDIX 4

APPEAL DECISION 2020 – PRIORY SCHOOL, BANSTEAD



Appeal Decision

Hearing and site visit held on 25 February 2020

by Paul Jackson B.Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/L3625/W/19/3240562

Priory School, Bolters Lane, Banstead, Surrey SM7 2AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McCarthy and Stone Retirement Lifestyles Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/00472/F, dated 5 March 2019, was refused by notice dated 5 August 2019.
 - The development proposed is demolition of existing buildings and redevelopment to form 44 Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping.
-

Preliminary matters

1. Following refusal, the applicant made another application¹ with additional information and elevation changes intended to address some of the reasons for refusal. This application was also refused planning permission. The appellant notified all those with an interest in the application of its intention in this regard and requested that the revised scheme is substituted into the appeal. Having regard to the Wheatcroft principles², the differences between the schemes are not so significant that the anyone's interests would be prejudiced. I have considered the appeal accordingly.
2. At the Hearing, the Council advised that reasons for refusal relating to harm to a protected species (bats), loss of a community asset and the provision of affordable housing had been addressed in the second application. I accept that additional surveys during 2019 indicate there would be no harm to biodiversity interests and that educational needs are sufficiently provided for elsewhere in the Borough. I consider the S106 Unilateral Undertaking (UU), which facilitates an affordable housing contribution, later in the decision.

Decision

3. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment to form 44 Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping at Priory School, Bolters Lane, Banstead, Surrey SM7 2AJ in accordance with the terms of the application, 19/00472/F, dated 5 March 2019, subject to the conditions in the attached schedule.

¹ Ref 19/02203/F

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issues

4. The main issues can be summarised as the effect of the proposed design and layout of the scheme on the character and appearance of the area; and whether the public benefits outweigh the loss of the Priory School, having regard to the heritage significance of the building (which is locally listed).

Reasons

Policy background

5. Since the issue of the refusal notice, the Reigate and Banstead Development Management Plan 2018-2027 (DMP) was adopted on 26 September 2019. The Reigate and Banstead Core Strategy (CS) of 2014 is adopted policy. The policies of the 2005 Local Plan referred to in the reasons for refusal are superseded.
6. National guidance has changed. The Government issued the National Design Guide (NDG) in September 2019 and new advice in Planning Practice Guidance (PPG) on the Historic Environment was published in July 2019, reflecting changes in the National Planning Policy Framework (NPPF) since 2012.
7. The Surrey Design Guide 2002 remains relevant despite its age, as does the Reigate and Banstead Local Distinctiveness Design Guide of 2004. These supplementary documents provide guidance on Surrey's architectural heritage and suggest ways in which new developments can be sympathetic to the local vernacular.

Character and appearance

8. The new development would be built on the same frontage line facing Bolters Lane and includes features reminiscent of the existing building including a glazed entrance porch, tile hanging, half-timbered gables and dormers. These features would reflect aspects of Surrey vernacular style. It would also be of 3 storeys, though floor to floor heights would be significantly lower than the existing building and the overall height would be less. The proposal to use brick walls with hanging tiles and a plain tile pitched roof would not be out of place in Banstead. The roof would be a conspicuous element with corbelled chimneys, reflecting some of the character of the existing school building. Its overall appearance would give it considerable status in the street scene.
9. The prominent south east elevation facing the Council's car park and The Horseshoe would repeat many of the features seen at the front. The staggered massing of the building around the community courtyard garden would be visually interesting. In terms of townscape, the proposed development would contribute positively to the character of the area as perceived from the main public viewpoints. It would not seriously diminish the sense of openness evident in The Horseshoe.
10. The south west and north west elevations would be simpler, but the 3-storey bulk and length of the building would be broken up with a variety of projecting bays, vertical tile hung elements, balconies and some half dormers. The south west elevation would be between 3 and 6.5 metres from the boundary with the adjacent Anchor Ridgemount care home. This particular aspect of the scheme would not give an impression of spaciousness, but seen in the round, considering the massing and setting of the building in the whole plot, this elevation would not be so cramped as to indicate an unacceptably poor outlook for the residents or an unreasonable density of development. Moreover the appeal scheme would

represent a significant improvement in overall character and appearance compared to the existing tired and utilitarian school buildings.

11. Turning to the extent of car parking, this would not be unacceptably dominant at the front off Bolters Lane, where there would be new landscaping around existing mature trees. The car parking courtyard to the north of the site would be separated from the building by basic landscaping and would be behind Norgrove Cottage, the neighbouring property, and not easily seen from Bolters Lane
12. I conclude on this issue that the development would not conflict with the design quality aims of CS policy CS4, DMP policy DES1, the guidance on design in the NPPF and the NDG and advice in supplementary guidance documents.

Heritage significance

13. The appeal building was erected as a dwelling in 1885, known as the Red House, by John Jaques, the Victorian game manufacturer, as a wedding present for his daughter and her husband. It was sympathetically extended to the north in 1894. It was sold and became a school in 1932, until closure in 2017, during which time rooms in the house were converted to classrooms, staff rest rooms and offices. It was substantially altered and extended again to the south. The site now also contains several other classroom and sports blocks.
14. The original building was constructed in the popular late Victorian 'Old English' style and retains front and back external elevations of brick, hanging tiles and half-timbered gables surmounted by a steep roof and tall fluted and corbelled chimneys. The design is reminiscent of the architecture of Richard Norman Shaw of a few years earlier. Whilst certain aspects, such as the chimneys, stained glass and the front porch are attractive and of detail interest, the remaining original brick and tile elevations are typical of much speculative and bespoke domestic architecture of the period, of which there are many examples in the Borough. Some original ceiling mouldings, oak panelling and fireplaces of interest remain together with joinery elements such as skirtings and a spiral moulded stair balustrade.
15. The heritage significance of the building derives from these elements of the remaining central part of the Victorian building which also largely retains its original external appearance at the front and rear, albeit with some replacement UPVC windows. However, the large southern classroom extension and substantial internal alterations have significantly diluted its heritage interest as a dwelling. Many of the original internal features that would have been of interest have been removed and the original layout has been compromised by corridors. The 20th century extension to the south has involved removal of a great deal of original fabric. There is nothing inherently special about the remaining internal finishes and details which are typical of many houses of the period. Though their loss would be regrettable, they are not particularly unusual.
16. The building was included on the Council's list of buildings of local interest (non-designated heritage assets) in 2014. An attempt to obtain statutory listing was refused by Historic England in June 2019³.
17. The alterations carried out in connection with school use have much diminished its architectural interest and heritage significance. The 20th century repairs necessary on the upper floor, following a direct hit by an incendiary bomb, have also removed some original fabric. As a surviving substantial Victorian private house, it contributes to the character of the townscape at the west end of Banstead, but the

³ Doc 4

utilitarian and poor quality school buildings on the rest of the site detract, seen from Bolters Lane, The Horseshoe and other public buildings in the area such as the library and the Banstead Centre.

18. The proposal would involve total loss of the non-designated heritage asset, equating to substantial harm. The NPPF advises at paragraph 197 that in these circumstances, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. DMP policy NHE9 requires that development protects, preserves, and wherever possible enhances designated and non-designated heritage assets and that in considering proposals that directly affect non-designated assets, weight will be given to the conservation of the asset and a balanced judgement is necessary having regard to the extent of harm or loss and the significance of the asset.

Other matters

19. A signed and dated S106 UU has been provided which facilitates the provision of a financial contribution towards affordable housing. I consider that the provisions of the S106 are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 56 of the NPPF and Regulation 122 of the CIL Regulations (2010). The requirements of Regulation 123 and PPG have been satisfied. As such I give the UU significant weight.
20. The number of parking spaces provided reflects the town centre location of the development very near to essential public services and close to a shopping centre, together with the likelihood that future occupiers may very well not need to own a car. There is no evidence that the provision would be inadequate or that it would not be in accordance with the Council's guidance.

Balance and conclusion

21. The heritage significance of the building stems from its remaining architectural qualities as a late Victorian dwelling house and for many local people, some cultural and historic interest as a school. The remaining architectural features are not uncommon in the Borough in other areas and in the south east of the country in general. Whilst it would in theory be possible to restore the internal features, rebuild the missing elevation and repair the fenestration, that would be a costly exercise that has not been proposed and is not before me.
22. The replacement building would include timbered gables in a sensitive and proportionate way, reminiscent of the existing building and contributing interest to the street scene. This would not replace the contribution that the existing building makes as a heritage asset but would be attractive. The building line would replicate that of the existing building, retaining the relationship with existing mature scots pine trees, which are important to the overall composition as well as the townscape. The bulky and unremarkable school buildings in the grounds would be replaced. Importantly, the Council acknowledges that the proposal would bring forward much needed accommodation for elderly people in a highly sustainable location within easy walking distance of shops and adjacent to other facilities.
23. Whilst a few flats would have a limited outlook and a few others would have low levels of direct sunlight, this would be mitigated by the 'club lounge' facility within the scheme which would look onto an attractive landscaped garden facing south.
24. CS policy CS4 encourages sensitive restoration and re-use of heritage assets at risk. DMP policy NHE9 indicates that the loss of any heritage asset is to be resisted. The NPPF points out the desirability of sustaining and enhancing the significance of

heritage assets and putting them to viable uses consistent with their conservation. These considerations attract great weight, but the provision of 44 retirement living apartments for the elderly in a highly sustainable location in a building that would enhance the quality of the townscape overall, replacing a large group of poor quality school buildings, significantly outweighs the loss of remaining heritage significance embodied in the Victorian element of the Priory School. The proposal would not conflict with the relevant aims of CS policy CS4, DMP policy NHE9, or the guidance in the NPPF.

Conditions

25. Details of finished levels need to be provided because of the sloping nature of the site. The widened vehicular access needs to be in place before occupation to avoid undue highway safety risks. A Construction Transport Management Plan is necessary to ensure safe access and management of construction traffic and other matters. The hours of construction activity are subject to control in the interests of neighbouring occupiers. Conditions ensure the installation of a sustainable urban drainage system to control rainwater that might otherwise cause flooding elsewhere. The specification of materials used on external surfaces is subject to approval in the interests of character and appearance. Conditions are imposed to protect existing trees and to ensure landscaping and boundary treatment is provided. Car charging points are necessary to meet the Council's aspirations for sustainable transport.
26. The occupants need to be aged over 60 to qualify for occupancy with certain exceptions. To promote walking and public transport, a Travel Plan is necessary with a method of monitoring its effectiveness. Ecological measures are necessary including bat and bird boxes in the interests of diversity. To accord with current development plan policy, measures are necessary to achieve not less than a 19% improvement over the target emission rate in the 2013 Building Regulations. To ensure that the architectural significance of the existing building is recorded, a condition is imposed to ensure that access is provided. Finally, in the interests of good planning, the development is to be built in accordance with the approved drawings.
27. For all the above reasons, the appeal should succeed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walton	Queens Counsel
Ian Hann	Planning Bureau
Chris Surfleet	Bidwells
Robert Towse	ON Architects
Darren Piper	Graham Garner and Partners
Nigel Appleton	Contact Consulting

FOR THE LOCAL PLANNING AUTHORITY:

James Amos	Principal Planning Officer, Reigate and Banstead Borough Council
John McInally	Conservation Officer, Reigate and Banstead Borough Council

INTERESTED PERSONS:

Cllr Sam Walsh	Local Borough Councillor
Martin Matt	Local resident
Catalina Vassallo-Bonner	Local resident
Gillian Hein	Local resident

DOCUMENTS

- 1 Statement of Common Ground dated and signed
- 2 Draft S106 Unilateral Undertaking
- 3 Letter dated 17 February 2020 from G N Day, Group Land and Planning Director, McCarthy and Stone Retirement Lifestyles Ltd
- 4 Listing Decision from Historic England dated 24 June 2019, provided by the appellant

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed external ground levels and the proposed finished floor levels of the proposed building. The development shall be carried out in accordance with the approved details.
- 3) The development hereby approved shall not be occupied until the proposed modified vehicular access to Bolters lane has been provided to a width of 5.5m and radii of 6m, with visibility zones of 2.4m by 49m to the north and 2.4m by 44m to the south in accordance with the approved plans. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high above ground level.

- 4) No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones and between the development site and Norgrove Cottage
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing to and from the site
 - (h) measures to prevent the deposit of materials on the highway
 - (i) no HGV movements to and from the site shall take place between the hours of 8.30am and 9.15am and 3.15pm and 4.00pm on school term days not shall the contractor permit any HGVs associated with the development to be laid up and waiting in Bolters Lane, The Horseshoe and Greenhayes Lane during these times
 - (j) on-site turning for construction vehicles.
- The provisions of the CTMP shall be implemented during the construction of the development.
- 5) No construction works shall take place other than between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.
- 6) No development (excluding demolition and site preparation) shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical 22 Standards for SuDS, the NPPF and Ministerial Statement on SuDS of December 2014. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40%) allowance for climate change storm events and 10% allowance for urban creep, during all stages in the development (Pre, Post and during), and storages volumes shall be provided using an infiltration based system (as per the SuDS pro-forma or otherwise agreed by the Local Planning Authority).
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any floor restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

- e) Details of drainage management responsibilities and Maintenance regimes for the drainage system.
- f) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- 7) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 8) Notwithstanding the approved plans, no development above ground level of any part of the development hereby approved shall take place until written details of the materials to be used in the construction of the external surfaces including the fenestration (and details of the exact positions of extract vents and similar penetrations), roof finishes, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence including any demolition or groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and a related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of retained trees (RPA) shown to scale on the TPP, including the installation of any service routings and drainage runs. The AMS shall also include a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.
- 10) No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, external lighting, boundary treatment, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.
- All hard and soft landscaping work shall be completed in accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the Local Planning Authority.
- 11) All new tree planting shall be in accordance with guidelines and advice contained in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*. Any trees or shrubs or plants planted which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees and shrubs of the same size and species.

- 12) The development hereby approved shall not be occupied unless and until a minimum of 5 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and a minimum of an additional 4 parking spaces are fitted with infrastructure for future provision of a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 13) The occupation of the residential dwellings hereby approved (excluding any on-site staff) shall be restricted at all times to persons 60 years old and above, apart from persons 55 years old and above who are a surviving spouse or partner of an occupant 60 years old and above.
- 14) The use hereby permitted shall not commence until a detailed Travel Plan has been submitted and approved in writing by the Local Planning Authority. The Travel Plan shall set out the measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors. The Travel Plan shall include the means by which modes of transport used by users are to be monitored. At the start of the second year of operation a detailed survey shall be provided to the Local Planning Authority showing the methods of transport used by all users of the building to and from the site and how this compares with the proposed measures and how any additional measures to be taken to encourage the use of public transport, walking and cycling to the site are to be put in place.
- 15) No occupation of the development hereby approved shall take place until ecological measures including bird boxes and bat bricks or boxes have been installed in accordance with the recommendations of the Surrey Wildlife Trust Ecology Services C3225 Report version number 1.1.
- 16) No development shall take place until details of measures to achieve not less than a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate) as defined in Part L1A of the 2013 Building Regulations have been submitted to and approved in writing by the Local Planning Authority in accordance with the Focus Energy and Sustainability Statement of February 2019. The approved measures shall be implemented before any occupation of the development hereby approved.
- 17) The developer shall give the Local Planning Authority 14 days advance notice of the start of demolition of the locally listed building as extended in 1894 and, for a period of 14 days before any stripping out or demolition work takes place, access to the building shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building or interior by making measured drawings or taking photographs.
- 18) The development hereby permitted shall be carried out in accordance with the following approved plans (see page 10 following)

Site Location Plan	SE-2550-03-AC-100	A
Proposed Site Plan	SE-2550-03-AC-101	E
Proposed Ground Floor Plan	SE-2550-03-AC-102	C
Proposed First Floor Plan	SE-2550-03-AC-103	C
Proposed Second Floor Plan	SE-2550-03-AC-104	C
Proposed Roof Plan	SE-2550-03-AC-105	C
Hard and soft Ground Arrangements Plan	D2727-FAB-00-XX-DR-L-1001.pdf	PL02
Site Layout Plan	D2727_FAB_XX_00_DR_L_1100	
Topographical Survey	PP/3204T/Banstead/F1	
Floor Plans	PP/3204T/Banstead/F2	
Existing elevations	PP/3204T/Banstead/F3	
Tree Constraints Plan	9956-KC-XX-Ytree TCP01	A
Proposed Elevations Sheet 1	SE-2550-03-AC-110	D
Proposed Elevations Sheet 2	SE-2550-03-AC-111	C



BIDWELLS