



Appeal Decision

Site visit made on 18 December 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/K2420/W/23/3326394

Watling Inn, 291 Watling Street, Nuneaton CV11 6BQ

- 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 Akshay Barot against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00065/FUL, dated 16 December 2021, was refused by notice dated 14 March 2023.
 - The development proposed is the construction of a new two-storey hotel block to rear of existing hotel, consisting of an additional 24no. rooms with associated parking area.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new two-storey hotel block to rear of existing hotel, consisting of an additional 24no. rooms with associated parking area at Watling Inn, Nuneaton CV11 6BQ in accordance with the terms of the application, Ref 22/00065/FUL, dated 16 December 2021, and the plans submitted with it, subject to the conditions within the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 19 December 2023. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into account any subsequent comments received in arriving at my decision.
3. The application originally proposed 32 bedrooms but was amended during the Council's consideration to 24 bedrooms. This amended version of the proposal was subject to re-consultation. As such, I am satisfied that no party would be prejudiced by my consideration of the amended smaller scheme.
4. Planning approval was granted in 2017 for the existing building to change from C2 (residential institutions) to C1 use (hotels, boarding and guest houses). The Appellant has demonstrated that the approved site plan included the grassed area to the rear (the location of the proposed building the subject of this appeal). The grassed area is not separated from the existing building and relates to the use of the hotel as associated and conjoined land. It has a strong functional and visual connection to the existing building and the evidence has demonstrated that the grassed area is not, and has not been, put to a different purpose. As a result, the grassed area is deemed to be part of the hotel use and forms part of its planning unit. I shall consider the appeal on this basis.

5. The application site straddles the boundary of two district councils. Development has already been approved¹ in association with the proposed scheme, to the front of the site, by Nuneaton and Bedworth Borough Council. This gave consent for four additional parking spaces and the removal of the canopy and gate alongside the hotel to enable access to the rear.

Main Issues

6. The main issues are:
- Whether the proposed development would be in a suitable location, and
 - The effect of the proposal on the character and appearance of the area with particular regard to its scale and design.

Reasons

Suitability of location

7. The appeal site is alongside the A5. The site is close to, but beyond, the settlement edge of Nuneaton. The site is within a linear row of various land uses that include residential, commercial and agricultural plots. An urban extension of residential development is being completed, located to the southwest of the A5. Therefore, whilst the built form of Nuneaton largely conjoins this linear row and the site is not isolated from nearby settlements, the row it is within is in the countryside for policy purposes.
8. The development plan for the district includes the Site Allocations and Development Management DPD [2016] (SADMP). The Plan states that beyond the defined settlement boundaries development will be restricted to proposals that fulfil the criteria of SADMP policy DM4. This policy identifies that development in the countryside will only be allowed in limited circumstances, most of which are not applicable to the proposal. Nevertheless, the policy states that development would be acceptable where at c) it would significantly contribute to economic growth, job creation and/or diversification of a rural business.
9. Moreover, policy 23 of the Core Strategy [2009] (CS), supports tourism development that would comply with five criteria. These require development to support existing facilities, be of a scale and design that complements the surrounding area, adds to the district's distinctiveness, complements existing tourism themes and adds to the area's economic wellbeing.
10. The Appellant identifies that the site is within a 10-minute drive of two railway stations, and a bus stop is within 400 metres of the site providing a regular bus service into Nuneaton. Furthermore, being located on the A5 and adjacent to Nuneaton, the site has easy access to the strategic highway network and nearby large settlements. The Appellant's Transport Statement has demonstrated that around 50% of visitors to the hotel travel by means other than the private car, demonstrating its accessibility by other means. As such, the site is in an accessible location providing relatively easy access to existing facilities and the proposal would be capable of making a strong contribution to the area's economic wellbeing.

¹ Planning Application Reference: 038563

11. The appellant identifies that the proposal would result in the creation of 5 additional jobs. Furthermore, the additional bedspaces would increase tourist accommodation provision in the area in support of the local tourism industry, boosting the local economy through increased financial activity. Moreover, the Appellant has demonstrated that the hotel is currently running at an average of 87% occupation level. As a result, expansion of the facility would enhance the sites capability to generate greater tourist activity. This proposal, which seeks to expand an existing rural business, would enable visitors to stay longer within the area which would be of benefit to local tourist markets. Therefore, the economic benefits of the scheme would be supported by the Council's tourism related policies that seek to support such development in the countryside.
12. Accordingly, the site would be in a suitable location for the proposed development. Consequently, the proposal would comply with the parts of CS policy 23 and SADMP policies DM24 and DM4 that relate to locational suitability and Framework. These seek, among other matters, for policies and decisions to help create the conditions in which businesses can invest, expand and adapt and to enable the sustainable growth and expansion of all types of businesses in rural areas.

Character and appearance

13. The area of Watling Street, close to the appeal site, consists of a variety of uses. This includes large format warehouse buildings and individual dwellings. There is a static caravan park, Overbrook Grange Park, to the west of the site and a bungalow, with caravan storage activity behind, on the eastern side of the site. The adjacent uses create a staggered front building line and a disparate pattern of development. The existing hotel is a two-storey brick building that has been extended to the front and rear. Its rear garden is substantial and enclosed by a combination of fencing and planting, limiting views in or out of the site. Due to its enclosed nature and backland location, the site makes a neutral contribution to the character and appearance of the area and surrounding countryside.
14. The proposed building would be a linear form of development. It would be two-storey with a shallow pitched roof. The design would include a dining area at one end within a glazed section. Bedroom windows would be grouped in a regular rhythm with brickwork infill panels providing good definition of these vertical components, with the main walls treated in render. This would result in a well-designed building that would contain a strong regular pattern with a clear articulation of form. The use of brick and a pitched roof enables the building to complement some of the features of the existing hotel somewhat. However, based on the varied local character, it would be unnecessary for the proposal to fully replicate all features or form of the hotel.
15. The scale of the proposed building would be similar to the existing hotel in terms of footprint and height, although rationalised in a single linear shape. It would also be comparable in scale to nearby commercial and agricultural buildings and would not therefore be seen as an incongruous addition to the site or surrounding area. Furthermore, the proposed building would be screened from most public views and would not dominate the site or be overt in wider views. It would be only partially glimpsed in views from the public footpath beyond existing buildings and would be framed with mature trees

behind in such views. As a result, the proposal would have a modest visual impact on the surrounding area.

16. Consequently, the proposal would complement the character and appearance of the site and area and would not harmfully encroach into the countryside. Accordingly, the proposal would comply with CS policy 23 and SADMP policies DM4 and DM10 and the Framework with respect to matters of character and appearance. These seek, among other matters, for development to be of a design and scale that is appropriate to minimise impact on the character of the surrounding area and to complement the character of the surrounding area with regard to scale, layout and design.

Other Matters

17. The Council has raised concerns that the existing hotel may only be available as emergency accommodation for the homeless and other vulnerable people with tourism no longer a primary use of the facility. The Council states this assertion is based on the comments made by the appellant during discussion of the proposal. However, the appellant has clarified that accommodation for the homeless is not part of the application, although such accommodation may be provided occasionally as an additional service provided beyond the hotel's normal operation.
18. The Council's Housing Options Team states that the hotel is the largest supplier of temporary accommodation in the Borough, with 9-11 guests staying at the facility in a given week. This is a welcome additional service offered by the hotel and is clearly required to bolster the Council's provision of accommodation for vulnerable people, who also seem to be satisfied that this is a suitable site to place such people. Moreover, it is noted that even if occupied by 11 such guests, most of the hotel has been retained as available for normal hotel guests.
19. The Council has failed to demonstrate that the limited accommodation of specific groups of people would result in a material change of use. Further, it has not provided any compelling evidence to demonstrate that the existing hotel is unlawful or operating in breach of its C1 use. Moreover, the proposed annex is described as a C1 use that is to be used in association with the existing hotel. As a result, I have considered this appeal on the basis that it would operate in the manner proposed. Other options are available to the Council if it chooses to investigate the current lawfulness of the site.
20. The proposal would include the provision of a new driveway to the rear of the site, passing the side of 289 Watling Street. However, the access route would only be alongside the boundary for a short period and the proposed car park would be well beyond the rear boundary of No 289. As such, any noise from additional cars using the site would be infrequent and motor vehicles would be travelling at low speeds resulting in limited noise disturbance to the adjacent residential occupiers.
21. Resident occupiers of Overbrook Grange Park have objected to the proposal, with a petition signed by most residents. The objection asserts that the hotel has, in the past, generated noise disturbance and anti-social activity. However, the proposal is described as an extension to a hotel. As such, there is no clear reason why such an activity would be incompatible with its surrounding context. Furthermore, there is no clear evidence that demonstrates how the

proposed development would exacerbate any existing issues around the hotel. Moreover, the Council's Environmental Health Officer has raised no objection to the scheme subject to the imposition of conditions to mitigate noise and odour impacts from the plant area and ventilation system of the kitchen. Accordingly, I find that the living conditions of neighbouring occupiers would not be materially harmed subject to the imposition of a suitable noise scheme and ventilation details, secured by planning condition.

22. Furthermore, due to its orientation and position, the proposed building would not appear dominant within the outlook of adjacent residential occupiers or result in substantive overlooking, protecting their living conditions from adverse effects.
23. Concerns have been raised by interested parties that surface water and foul would discharge into the Weddington pumping station, which is claimed to be overloaded. However, Warwickshire County Council's Flood Risk Management Team has found that the proposed water management strategy is acceptable in principle subject to a condition for details of a suitable outfall. As a result, this matter has raised no objection from the Council's drainage team and can be satisfied through a planning condition.
24. The proposal would replace existing grassland with built form. It includes the removal of a fir tree hedge and the provision of a new hedge and shrub planting areas to the rear of the site. The submitted ecological survey identifies that the site does not provide a habitat for any protected species. The site mostly consists of grassland and hedgerow boundaries of low to moderate quality. The grassland seems to be low value, accommodating limited habitat interest. I am satisfied that the limited loss of habitat can be mitigated through enhancement of biodiversity through a suitable condition to achieve a net gain.

Conditions

25. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
26. It is necessary for details relating to a sustainable drainage strategy and biodiversity mitigation plan to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. The conditions are required prior to construction commencing because drainage works may occur within the footprint of the building and biodiversity details relate to the initial setting out of the site.
27. Based on the comments received by Warwickshire County Council Flood Risk Management Team, the drainage condition is required to demonstrate a suitable off-site outfall rate is created. This can be secured by condition in the interests of offsite flood management, to achieve climate change objectives and satisfy SADMP policy DM7. The biodiversity condition is required to off-set the loss of the grassland to achieve biodiversity net gain in accordance with SADMP policy DM6 and paragraph 185(b) the Framework [conditions 4 and 5].

28. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are also necessary with respect to the protection of trees/hedgerows, and the provision of planting and materials, in the interests of the character and appearance of the area and to ensure the delivery of a net gain to Biodiversity [3, 6 and 9]. The kitchen and plant room could be a source of harmful noise and odour impacts. As such, conditions for a noise protection scheme and details of ventilation, would be required to protect the living conditions of nearby residential occupiers from the adverse effects of noise and odour [7 and 8].
29. The Council has requested that a condition be imposed to deal with the event of unexpected contamination being found on site. However, the submitted evidence does not convince me that this condition is necessary and has not been applied.

Conclusion

30. The proposal would accord with the development plan, when taken as whole, and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. As such, the appeal is allowed, and planning permission granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, Proposed elevations – Drawing 1160-SK1-3, Proposed Ground and First Floor Plans – Drawing 1160-SK1-2, and Proposed Site Layout Plan and Elevation – Drawing 1160-SK1-1.
- 3) No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the building hereby permitted have been deposited with, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4) Prior to the commencement of the development (including ground works or vegetation clearance), a Biodiversity Enhancement and Management Plan (BEMP) 12 shall be submitted to and approved in writing by the local planning authority. The BEMP is to provide a minimum of 10% net gain on the reported loss. The plan shall include:
 - a) Description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of biodiversity enhancements and their management including for protected species;
 - d) Appropriate management options for achieving the aims and objectives of the project;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) On-going monitoring and remedial measures; and
 - i) Details of the legal and funding mechanism by which the long-term implementation of the plan will be secured. The plan will be supported by a BNG metric calculation using the latest DEFRA version of the metric. The approved plan will be implemented in accordance with the approved details.
- 5) Prior to the commencement development, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework. The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes

duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground). The approved drainage scheme shall be implemented prior to the first occupation of the development.

- 6) During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.
- 7) No development above foundation level shall commence on site until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority. All works which form part of the noise mitigation scheme shall be completed before the permitted development first comes into use.
- 8) No development above foundation level shall commence on site until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.
- 9) No development above foundation level shall commence on site until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

End of conditions