

WARWICK DISTRICT LOCAL PLAN 2011-2029

MATTER 7a: Proposed Housing Site Allocations and Safeguarded Land – H46A - Gallows Hill

STATEMENT BY GARY STEPHENS, MARRONS PLANNING ON BEHALF OF: HALLAM LAND MANAGEMENT LIMITED & WILLIAM DAVIS LIMITED (HLM/WD) (229/8278)

This Statement relates solely to Proposed Allocation H46A – Gallows Hill

1) What is the current planning status of the site?

1. H46A is in part now a commitment in that the eastern half of the proposed allocation has the benefit of an outline planning permission for up to 450 dwellings granted by the Secretary of State in January 2016¹. HLM/WD are preparing an outline planning application for the residential development of the western half of the proposed allocation. It is their current intention to submit the application to the Council in 2016.

2) How does it fit within the overall spatial strategy?

2. H46A conforms with the relevant elements of the spatial strategy as set out in Policy DS4.
3. It is located on the edge of the built-up area, is directly opposite Warwick Technology Park (the largest office park in the District²), and at its nearest point within 1km of Warwick Town Centre. The location will also benefit from the planned investment in community facilities as a result of the other major committed developments which surround the site. The site is therefore in full accordance with criteria b.
4. Development would not lead to a coalescence of settlements as it is bound on three sides by built development (either built or committed) in accordance with criteria d.

¹ It has been requested that a copy of the Secretary of State's decision be added to the Examination Evidence Base documents

² As identified on page 38 of EC03 Employment Land Review Update

5. Development would not have a detrimental impact on the significance of heritage assets in the wider area³, or areas of high landscape value, in accordance with criteria e and f. There is no material intervisibility between H46A and the heritage assets to the west, notably the Registered Park and Garden, because of existing and recently established planting belts. Any historic field divisions within H46A have been lost over time, and now the site has the character of a late 20th century intensively farmed landscape. Development of H46A can reinforce existing landscape features and introduce new landscape elements of intrinsic quality. Furthermore, it can create new publicly accessible views of the upper parts of Warwick Castle and other nearby landmarks, adding to local distinctiveness, and the visual quality and interest of the development.
 6. It is therefore a sustainable and suitable location for housing, and fits with the overall spatial strategy.
- 3) In addition to housing provision, are there other benefits that the proposed development would bring?**
7. Yes, the Council wish to see the comprehensive development of land at Gallows Hill and The Asps (Modification 14 to Policy DS15), as well as between the other strategic sites within this area (Modification 15 to Paragraph 2.68). In order to achieve this, the development of the western half of H46A is necessary in order to complete a safe pedestrian and cycle connection between the committed strategic sites to the west and east of Europa Way, with the Banbury Road and Warwick Town Centre. This connection avoids the vehicular route along Gallows Hill, and would provide an attractive alternative route, thereby encouraging use of sustainable modes of transport in accordance with paragraph 35 of the Framework.
 8. In addition, development of the western half of H46A can continue the proposed green infrastructure corridor along the southern boundary of the eastern half of H46A, and enable the connection to be made between the proposed Country Park to the east of Europa Way and Warwick Castle Park to the west. This will help to establish the ecological network within the area in accordance with paragraph 117 of the Framework.
 9. As noted above in paragraph 5, there are also heritage benefits in terms of creating new publicly accessible views of the upper parts of Warwick Castle and other nearby

³ A plan showing the location of heritage assets is attached at Appendix One.

historic landmarks within the town. Development can therefore draw on the contribution made by the historic environment to the character of a place in accordance with paragraphs 58 and 126 of the Framework.

10. In addition to housing, there are therefore sustainable transport, biodiversity and heritage benefits as a result of the development of the western half of H46A, which also have wider benefits in improving the sustainability credentials of the other committed strategic sites to the east. Its development would therefore contribute to the achievement of sustainable development in accordance with the Framework.

**4) What are the potential adverse impacts of developing the site?
How could they be mitigated?**

11. Objections have been made to the proposed allocation of H46A on the grounds of its potential adverse impact on the setting of heritage assets within the wider area; notably the Grade II listed Toll House at the junction of Banbury Road and Gallows Hill, the Grade I listed Warwick Castle to the north west, and the Grade I Registered Park Warwick Castle Park and Warwick Conservation Area to the west. The attached plan at Appendix One shows the location of these assets in relation to the western half of H46A.
12. The extent to which there are potential adverse impacts of developing H46A on heritage assets was the subject of much debate at the Inquiry into proposals for development of the eastern half of H46A. Similarly, the Inquiry into proposals for H46B (The Asps) considered these same heritage assets and the contribution of land around them to their significance⁴.
13. In his decision letter in respect of the eastern half of H46A, the Secretary of State concluded there would be a negligible impact on the setting and significance of Warwick Castle and other listed buildings (paragraph 16) and limited less than substantial harm to the setting and significance of the registered Castle Park and of Warwick Conservation Area (paragraph 17). That harm was outweighed by the benefits of the development (paragraph 42).
14. Furthermore, the Inspector considering this appeal identified limited or no intervisibility between the appeal site and the heritage assets, subject to screening, as the basis for his recommendation to the Secretary of State. He also identified no

⁴ It has been requested that a copy of the Secretary of State's decision be added to the Examination Evidence Base documents

planned intentional or functional relationship between the Registered Park and the proposed allocation (eastern or western parts of H46A). He also specifically questioned consultation responses from Historic England (English Heritage as previously was) alleging a meaningful historical or aesthetic connection between the Registered Park and the two parts of the proposed allocation. At the Inquiry, it was accepted that there was no evidential basis for this allegation.

15. It is appreciated that the Secretary of State's conclusions relate to the eastern half of H46A, and that consideration must also be given to the western half of H46A. In this respect, the Inspector's Report (paragraphs 388 to 428) is particularly relevant to the following assessment of the potential harm to heritage assets as a result of development of the western half.

Views from Warwick Castle

16. The Inspector commented on this issue at paragraphs 394 and 395 of his report and his conclusions are relevant to both halves of H46A. As with the eastern half of H46A, part of the western half is visible from the Castle ramparts and publicly accessible towers. The Inspector did not attribute any particular value to the proposed allocation sites in this view. The fields as seen from these upper parts form a small part of a panorama and extensive views of undeveloped countryside will remain. Moreover, any development will be seen in the context of existing and consented development to the north and east.
17. The impact on these views can also be mitigated through layout and structural landscaping, so that the effect of development is reduced to entirely acceptable levels, causing no harm to the appreciation of the Registered Park or to the view itself. In addition, as with the eastern half of H46A, there are no public views of the Towers presently from within the site. The benefits of creating new views, which are publicly accessible, was recognised by the Inspector and that approach is endorsed by the Framework and guidance (the PPG and Historic England's setting guidance).
18. These mitigation measures are shown within the Illustrative Masterplan Document as submitted with the representations made by HLM/WD to Proposed Modification 10. It is concluded therefore there is negligible impact on the setting of Warwick Castle, and no harm to the appreciation of the significance of that asset.

The Setting of Warwick Castle Park and Warwick Conservation Area

19. The Inspector commented that the potential effect on the setting of these two heritage assets is essentially the same, and relates principally to the following two issues which were debated at length at both appeals in relation to H46A and H46B:
- whether the land (H46A) forms part of a designed view to and from the heritage assets; and
 - whether Banbury Road presents a designed approach to the Town and the Castle Park.
20. In respect of the first issue, and based on the evidence presented by all parties at the Inquiry, the Inspector concluded at paragraph 413 that it was unlikely there was ever the intention of a designed view, and that even if there was an intention, it was a filtered and oblique view. He also noted the current view is much changed, and that proposed planting within the Park⁵ will further diminish any views.
21. This planting screen within the Park is also supplemented by the existing roadside hedgerow along the western boundary of H46A with Banbury Road, and the 15m wide tree belt behind the hedgerow which was planted in 2014 and is now establishing itself. This planting will further mitigate against any potential adverse impacts on views to and from the heritage assets.
22. In respect of the second issue, the Inspector concluded that there was no certainty that Banbury Road was a designed approach. However, even if it were, he considered the proposal would hardly be visible (if at all) from Banbury Road due to the intervening vegetation and distance.
23. It is accepted that development of the western half of H46A would be closer to Banbury Road. However, the views from Banbury Road are still filtered by the roadside vegetation and existing tree belt which is now established and maturing after 18 months. The Inspector commented on the potential effectiveness of this planting and its screening function, and in the longer term views will be completely screened by the tree belt.
24. The direction of the view along Banbury Road is also towards the town, not over the proposed allocation, and given the ability to provide a substantial buffer between

⁵ As proposed within the Castle Park Conservation Management Plan

Banbury Road (and the Toll House) and built development within the layout (as shown on the submitted Illustrative Masterplan), it is concluded there would be limited less than substantial harm to the setting of the Castle Park and Conservation Area.

25. It is common ground with the Council that any potential adverse impacts can be mitigated and that the site is suitable for development (HO22PM Warwick SHLAA Form – W10). Implementation of these measures within the layout will avoid any potential adverse impacts, and ensure any harm is limited.
26. Based on these measures, the submitted Illustrative Masterplan identifies the western half of the proposed allocation having a capacity of 235-275 dwellings (subject to density). This is significantly more than the capacity given by the Council within Proposed Modification 10 (180 dwellings) and HLM/WD have made representations objecting to this aspect of the policy. Discussions are ongoing in this respect, and HLM/WD are seeking to reach agreement with the Council on an illustrative masterplan and capacity prior to the Hearing Session⁶.
27. There are no other potential adverse impacts that cannot be satisfactorily mitigated. Appropriate controls during construction and the provision of a green corridor on the southern boundary would mitigate against any potential adverse impact on the potential Local Wildlife Site to the south.

5) What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?

28. There are no physical or other constraints to development of H46A.
29. On site infrastructure will be provided, including highways, foul and surface water drainage, utilities, green infrastructure, and public open space. HLM/WD will also deliver, or make contributions towards delivering, improvements to off site infrastructure where necessary and in accordance with the Infrastructure Delivery Plan. These may include highway improvements, public transport, education facilities, healthcare facilities, indoor and outdoor sports provision, libraries, emergency services, and community facilities. It is envisaged these would be addressed via a Section 106 Agreement and conditions.

⁶ It is intended to submit a Statement of Common Ground to the Inspector.

6) Is the site realistically viable and deliverable?

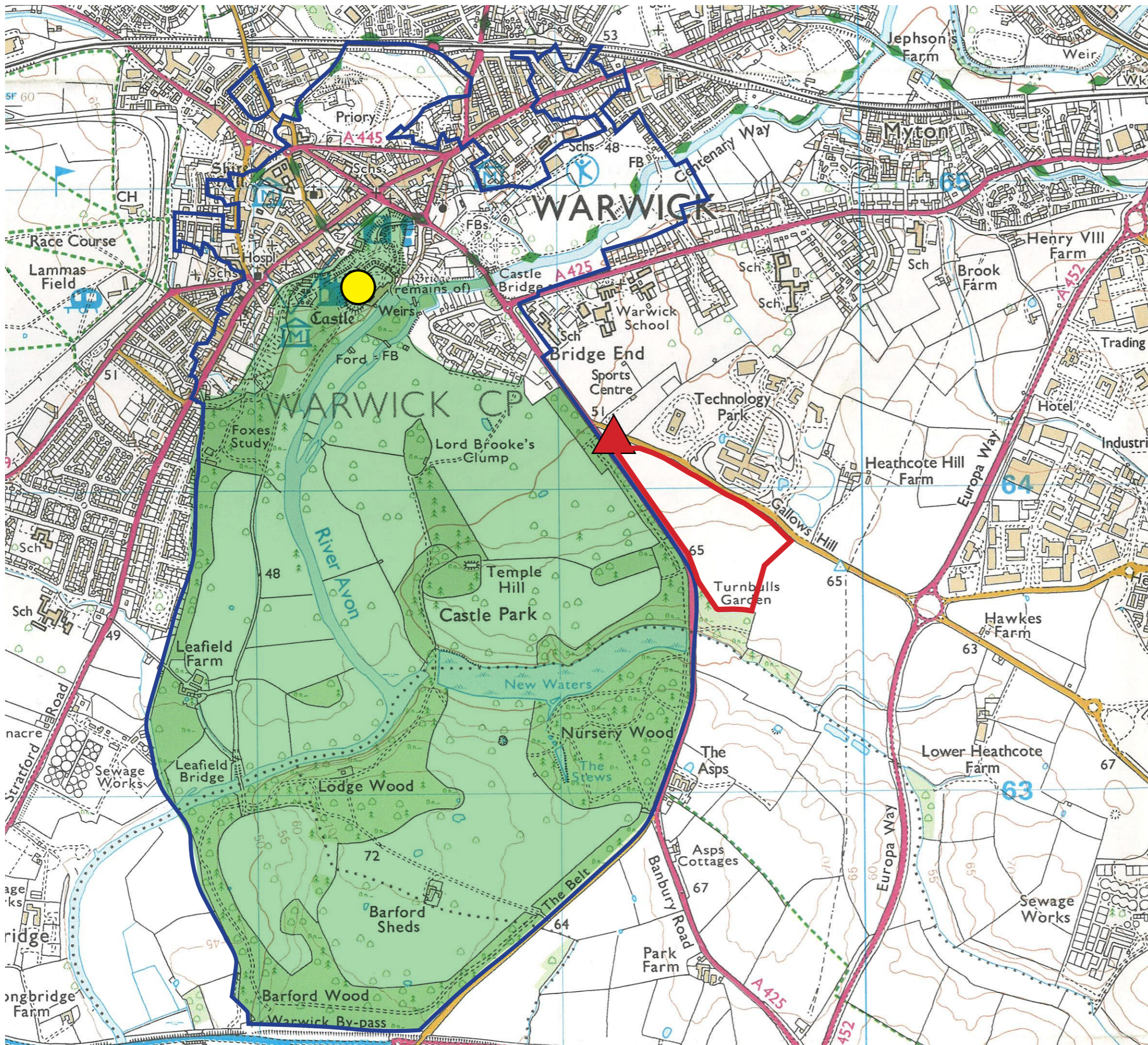
30. HLM/WD are confident development of the western half of the proposed allocation H46A will be viable and deliverable.

7) What is the expected timescale for development and is this realistic?

31. HLM/WD have set out the following timescales leading up to commencement of the development of the western half of H46A.






Time Period	Stage
4 th quarter 2016	Submission of outline planning application
1 st quarter 2017	Determination of outline planning application
2 nd and 3 rd quarter 2017	Preparation of first phase reserved matters and discharge of condition applications
4 th quarter 2017	Determination of first phase reserved matters and pre-commencement conditions
1 st quarter 2018	Site preparation works
2018/2019	First completions

32. As set out in their representations, HLM/WD consider development could therefore commence in 2018/2019, and that 50 completions a year is a realistic target for this site.



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-  Site Boundary
-  Grade II Listed Toll House
-  Grade I Listed Warwick Castle
-  Grade I Registered Warwick Castle Park
-  Warwick Conservation Area

client
Hallam Land Management & William Davis

project
Gallow's Hill,
Warwick

drawing title
HERITAGE ASSETS

scale
1:12,500 @ A3

drawn
ELB

issue date
31 August 2016

rev

APPENDIX 1