

# MARRONS

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WDC PLANNING
Ref
Officer
29 JUL 2013
SCANNED
CC CR PD MA
PRE GEN DIS

## BY GUARANTEED 1.00PM DELIVERY

26 July 2013

Our Ref: ASJ SJS 4842-1-3  
Your Ref:

Dear Sir

## REVISED DEVELOPMENT STRATEGY REPRESENTATIONS

Please find enclosed representations prepared by Marrons Planning on behalf of William Davis Limited and Hallam Land Management to the 'Revised Development Strategy'.

Should you have any queries regarding these representations, please contact Alasdair Jones of this office.

Yours faithfully



**MARRONS**

Enc

# LOCAL PLAN

helpingshapethedistrict

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## Revised Development Strategy Response Form 2013

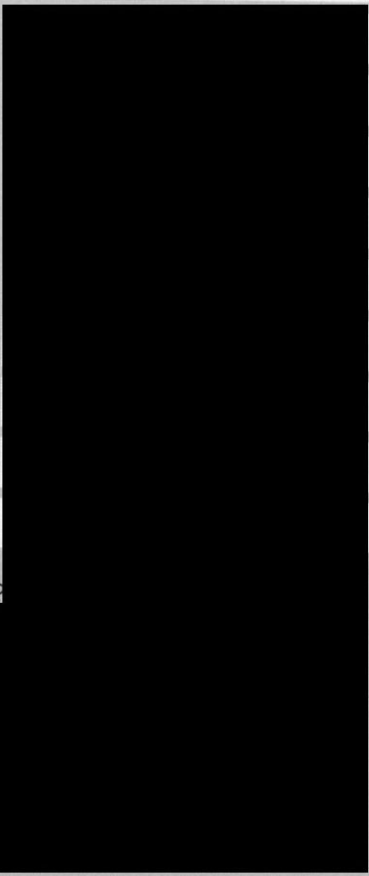

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Ref:
Rep. Ref:

Please use this form if you wish to support or object to the Local Plan - Revised Development Strategy.

**If you are commenting on multiple sections of the document you will need to complete a separate copy of Part B of this form for each representation.**

This form may be photocopied or, alternatively, extra forms can be obtained from the Council's offices or places where the plan has been made available (see back page). You can also respond online using the LDF Consultation System, visit: [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan)

### Part A - Personal Details

	1. Personal Details	2. Agent's Details (if applicable)
Title		Mr
First Name		Alasdair
Last Name		Jones
Job Title (where relevant)		
Organisation (where relevant)	Hallam Land Management & William Davis Limited	
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Postcode		
Telephone number		
Email address		
Would you like to be made aware of future consultations on the new Local Plan?		
About You: Gender		
Ethnic Origin		
Age		
Where did you hear about this consultation e.g. radio, newspaper, word of mouth, exhibitions, bin hanger?		

## Part B - Commenting on the Revised Development Strategy

If you are commenting on multiple sections of the document you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Level of Housing Growth 2011-2029

Paragraph number / Heading / Subheading (if relevant)

Sections 4.1 - 4.2

Map (e.g. Proposed Development Sites - District Wide)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (Use a separate sheet if necessary).

a. Please see attached report, paragraphs 2.1 - 2.7

b. Our clients consider that, at this stage in the preparation of the Local Plan, that the scale of housing provision 2011 - 2029 can be seen as no more than interim given the pending publication of a revised Strategic Housing Market Assessment for the Coventry and Warwickshire sub-region. Notwithstanding that, it is our considered view that the Revised Development Strategy should have been based on the provision of, at least, 12,800 new homes.

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## Part B - Commenting on the Revised Development Strategy

If you are commenting on multiple sections of the document, you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Broad Locations for Development

Paragraph number / Heading / Subheading (if relevant)

Policies RDS3, RDS4 and RDS5

Map (e.g. Proposed Development Sites – District Wide)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (use a separate sheet if necessary).

- a. Please see attached report, part 3, paragraphs 3.1 - 3.10
- b. Our clients support the proposed strategy for the distribution of development, and in particular the southern expansion of Warwick, Leamington Spa and Whitnash. However, we consider that the scale of development to be accommodated across the District may require some adjustment to the presently proposed pattern of growth.
- c. The assumed level of housing provision on windfall sites is too high. The submitted plan should include the assumption that no more than 10% of the outstanding level of housing provision should be from windfall sites.

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# Part B - Commenting on the Revised Development Strategy

If you are commenting on multiple sections of the document you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Part 5. Strategic Development Sites and Infrastructure

Paragraph number / Heading / Subheading (if relevant)

Sections 4.1 - 4.2

Map (e.g. Proposed Development Sites - District Wide)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (Use a separate sheet if necessary).

- a. See attached report, part 4, paragraphs 4.1 - 4.3
- b. Our clients support the continued identification of the land south of Gallows Hill, Warwick, as an appropriate site for development.
- c. Hallam Land and William Davis do not consider this site to be an appropriate location for employment development for the reasons set out in a separate detailed objection to this aspect of the Revised Development Strategy.
- d. In the Submitted Local Plan the site south of Gallows Hill, notated Option 1 on Map 3 and table at paragraph 5.1.2., the site should be allocated for residential use.

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## Part B - Commenting on the Revised Development Strategy

If you are commenting on multiple sections of the document, you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Southern Sites

Paragraph number / Heading / Subheading (if relevant)

Paragraphs 5.1.1 - 5.1.33

Map (e.g. Proposed Development Sites - District Wide)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (use a separate sheet if necessary).

- a. See attached report (and Appendices 1 and 2), part 5, paragraphs 5.1 - 5.22.
- b. The Revised Development Strategy highlights two possible sites of 7 ha - 8 ha in size, to the south of Warwick and either side of Gallows Hill. These are referenced Options 1 and 2. Both are described as providing for the expansion of the Warwick Technology Park.
- c. Our clients are advised that the greater demand is for employment premises characterised by Use Classes B1c, B2 and B8. Neither Option 1 or Option 2, as presently described, would be attractive to investors in such premises (see appended report from Bromwich Hardy).
- d. In order to address the demand for employment premises the more appropriate site would be the land to the north of Gallows Hill and to the west of the Gallows Hill/Europa Way junction. This is the more attractive site for investors. Its value is enhanced by the proximity to a proposed park and ride facility.
- e. The site described in Option 1, to the south of Gallows Hill, is not an appropriate location for employment uses (see appended report from the Heritage Collective). It also is unsuited to meeting present market requirements. Nor could it be satisfactorily developed as an expansion of the Warwick Technology Park.
- f. The submitted plan should identify the Option 1 site for residential development.

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# Part B - Commenting on the Revised Development Strategy

If you are commenting on multiple sections of the document you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Infrastructure Requirements

Paragraph number / Heading / Subheading (if relevant)

Paragraph 5.1.14

Map (e.g. Proposed Development Sites - District Wide)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (Use a separate sheet if necessary).

a. See attached report, part 6.

b. In order to fund the various levels of new infrastructure required to service the sites south of Warwick and Whitnash, our clients support the preparation of a Community Infrastructure Levy (CIL). Separate comments on the draft CIL have been presented to the Council on behalf of the clients.

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## Part B - Commenting on the Revised Development Strategy

If you are commenting on multiple sections of the document, you will need to complete a separate sheet for each representation

Sheet  of

Which part of the document are you responding to?

Justification for sites south of Warwick

Paragraph number / Heading / Subheading (if relevant)

Paragraph 5.1.26 et seq

Map (e.g. Proposed Development Sites – District Wide)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (use a separate sheet if necessary).

a. See attached report, part &.

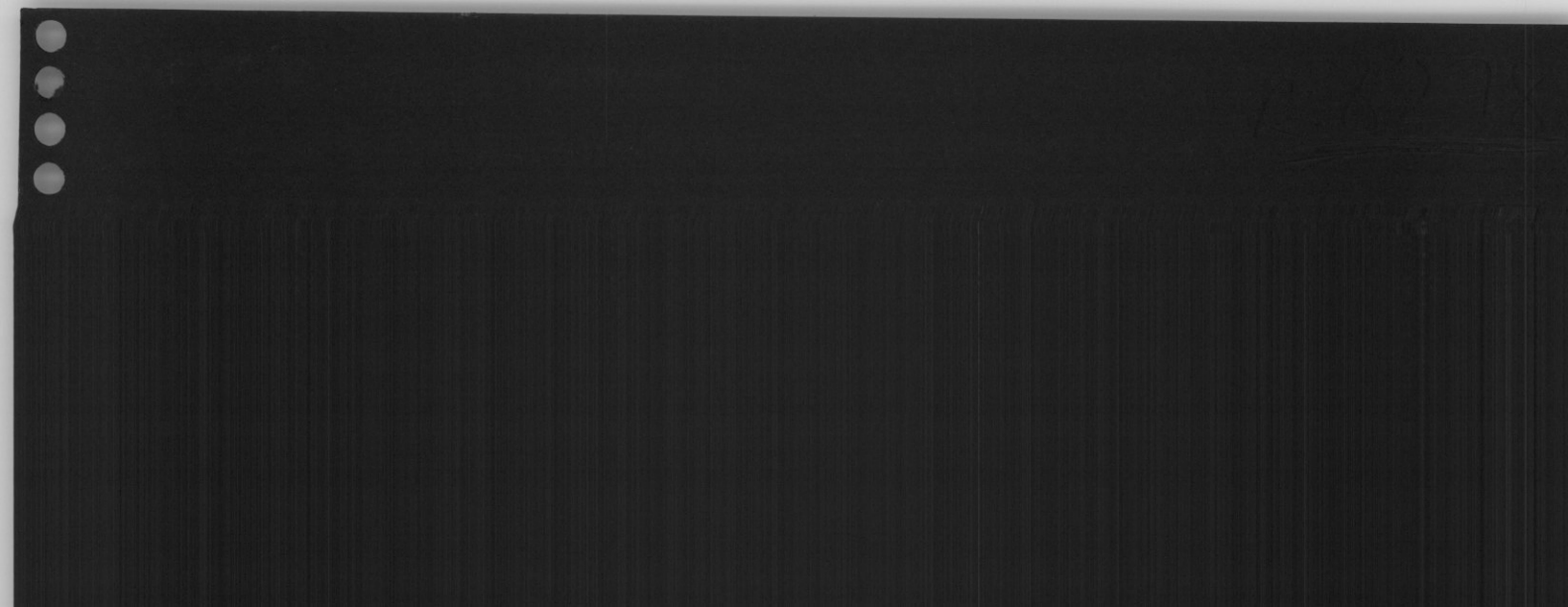
b. In addition to the matters set out in the above noted paragraphs, our clients would ask the Council to acknowledge that the land in their control represents a self-contained site, capable of development within Phase 1 of the plan period in order to address the present shortfall in the forward supply of housing land.

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Ref:

Rep. Ref.







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Telephone: 0116 2892200 Website: www.marmons.net

# MARMONS PLANNING



**RESPONSE TO REVISED  
DEVELOPMENT STRATEGY  
WARWICKSHIRE LOCAL PLAN**

**OBH  
WILLIAM DAVIS  
AND  
HALLAM LAND MANAGEMENT**

**JULY 2013**

**Marrons  
1 Meridian South  
Meridian Business Park  
Leicester  
LE19 1WY  
Ref: 4842-1-3**

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## APPENDICES

Appendix 1	Marketing Report and Commentary (18 July 2013). Bromwich Hardy
Appendix 2	Heritage Assessment (July 2013). Heritage Collective

## 1. INTRODUCTION

- 1.1 Marrons act for Hallam Land Management and William Davis Limited, who have an interest in 13.7 ha of land to the south of Gallows Hill, Warwick. The land is identified in the Revised Development Strategy as a development site forming part of a wider scheme for the growth of Warwick, Leamington Spa and Whitnash to the south of the three towns. Our clients are presently preparing an outline planning application for the residential development of the site to provide up to 250 dwellings and areas of open space and structural landscaping.
- 1.2 The Revised Development Strategy (RDS) identifies sites for residential and employment growth, including two options for the provision of 7 ha – 8 ha of new employment land, within the above noted strategic expansion area. Option 1 would allocate an area of 7 ha – 8 ha for employment uses on our clients' site.
- 1.3 This objection to the RDS covers the following issues arising from a consideration of the revised strategy for the area south of Warwick.
- a) The proposed level of housing growth 2011-2029.
  - b) The distribution of new housing provisions.
  - c) Strategic development and infrastructure provision.
  - d) Locations for 7 ha – 8 ha of employment land south of Warwick/Whitnash.
  - e) The justification for the sites south of Warwick/Whitnash.
- 1.4 In formulating these objections and with particular reference to the issue of locating 7 ha – 8 ha of land for employment within the expansion area to the south of Warwick/Whitnash, the clients have commissioned specialist advice from:
- a) Brookbanks; re highways and traffic matters.
  - b) Bromwich Hardy; re the provision of land for employment uses.
  - c) The Heritage Collective; re the impact of the development options on the heritage assets of Warwick Castle Park, Warwick Conservation Area and the Toll House.

1.5 Reference is made to these documents at appropriate points in these submissions.

## **2. RDS1. LEVEL OF HOUSING GROWTH 2011– 2029**

- 2.1 These submissions relate to the proposed level of housing provision for the period 2011 – 2029, for 12,300 new homes as set out in Policy RDS1. This equates to an annual average rate of provision of about 700 dwellings per annum.
- 2.2 In response to the Preferred Options Local Plan, in 2012, we submitted, on behalf of our clients, that the plan should make provision for the completion of 12,800 new homes over the period 2011 – 2029.
- 2.3 The Revised Strategy includes a higher level of housing provision (12,300 dwellings) than that set out in the Preferred Options of 2012 (10,800 dwellings). The higher level of provision is based on receipt of updated evidence, in particular the publication of the Economic and Demographic Forecasts Study (December 2012).
- 2.4 This study concludes that the District's economy is forecast to continue to outperform that of the West Midland Region over the period 2011 – 2029.
- 2.5 Taking the impact of the proposed Coventry Gateway proposal into account (now approved, subject to Secretary of State intervention), part of which falls within the District, the report's findings suggest that the economic led scenarios, outlined in the study, would give rise to a housing requirement of between 13,100 – 13,900 new homes; 726 – 772 dwellings per annum (see para 6.6. Economic and Demographic Forecasts Study December 2012). On that basis the provision of only 12,300 dwellings will prove inadequate to meet the housing demands arising from economic growth and development across the District.
- 2.6 Paragraph 4.1.1 of the plan notes that following receipt of the advice from the Inspector appointed to examine the now withdrawn Coventry Core Strategy, the Council, together with Coventry City, Nuneaton and Bedworth and Rugby Borough Councils, the Council have initiated the preparation of a Joint Strategic Housing Market Assessment (SHMA). The first stage of the Assessment is not due to report until August 2013.
- 2.7 By reference to those circumstances, it is therefore the case that the provision of 12, 300 homes 2011 – 2029 across the District can be seen as no more than an interim working figure for the purposes of establishing the Revised Strategy for growth. It will be superseded by the level of provision that will be set out in the submitted plan on the basis of the SHMA, and by



reference to the Economic and Demographic Forecasts Study. On that basis, we would therefore submit that the plan should be progressed on the basis that provision should be made for the development of at least 12,800 new homes so that the economic growth of the District is not frustrated by the insufficient, inadequate levels of available housing.

### **3. RDS3. DISTRIBUTION OF NEW HOUSING**

- 3.1 The distribution of new housing provision is described in Policy RDS3 of the strategy.
- 3.2 In previous submissions on behalf of Hallam Land and William Davis, we indicated that our clients supported the strategy to concentrate growth within or on the edge of the urban areas of the District. In particular, it was noted that the strategic expansion of Warwick/Leamington Spa/Whitnash to the south of the towns offered a number of advantages for sustainable growth and development compared to other options
- 3.3 Policy RDS3 in the Revised Development Strategy (RDS) is similar to Policy PO3 (Broad Location of Growth) in the 2012 Preferred Options, save for the introduction of a reference to avoiding the use of Green Belt sites where suitable and available non-Green Belt land would be more appropriate. Our clients support therefore the overall thrust of Policy RDS3.
- 3.4 Policies RDS4 and RDS5 set out the broad locations for development and detailed site allocations. These include the southern sites, south of Warwick, Leamington Spa and Whitnash. Our clients' land south of Gallows Hill, falls within this area, as shown on Map 1 in the RDS. We therefore support the extent and location of the development sites to the south of Warwick, Leamington Spa and Whitnash (the southern sites). However, the overall scale of residential development to be accommodated within the area may need to be amended following the completion of the Strategic Housing Market Assessment currently underway.
- 3.5 The geographic spread of the development sites within the Southern Area has been amended (when compared to the Preferred Options 2012) to embrace land to the south of Heathcote Lane, at Lower Heathcote Farm, whilst deleting the greater part of the land east of Banbury Road/West of Europa Way. However, within the "remaining" part of this block, the land to the south of Gallows Hill remains as a proposed allocation. We support the allocation of this area of land.
- 3.6 Part of this land, directly to the south of the Warwick Technology Park, is shown as an Employment Land Option within this development area, extending to between 7 ha or 8 ha of the site (see 5.1.2 Site Proposals and Map 3). We comment on this more detailed aspect of the distribution of development sites in our clients' submissions relating to Strategic Development Sites and Infrastructure.

## Windfalls

3.7 Table 2 of the Revised Development Strategy sets out the various components of supply. This refers to completions, commitments, an allowance for consolidation within existing employment areas, small urban SHLAA sites and Windfalls. The balance of provision having made allowance for the above, will be provided from the sites allocated in the RDS, in part 5.

3.8 Our clients were critical of the Council's approach to windfalls and small urban SHLAA sites in response to the Preferred Options (2012).

3.9 They remain of that view and consider that the allowance for windfalls, including the small urban SHLAA sites, should be reduced to no more than 10% of the requirement to be met from new sites, as the following calculation shows.

Housing Requirement 2011 – 29	12,300
Commitments. Sites with Permission	1,681
Consolidation in Employment areas	450
Balance to be provided	10,169
Windfalls	1,016
Allocations	9,153

3.10 On the basis of the above calculation, the allocations in the Revised Development Strategy are some 2,523 dwellings short of meeting the requirement ( $9,153 - 6,630 = 2,523$ ). We therefore consider that additional land for new housing will need to be identified, over and above those sites presently noted in the RDS

## 4. STRATEGIC DEVELOPMENT SITES AND INFRASTRUCTURE

4.1 This part of the strategy (section 5) provides further detail on the development proposals for each of the proposed greenfield site allocations. Sub section 5.1 deals with the Sites South of Warwick and Whitnash and includes, inter alia:

- d) Land South of Gallows Hill.
- e) 430 - 630 dwellings
- f) 7 ha – 8 ha of employment (dependent on the outcome of considerations about Options 1 and 2).
- g) Phased for development in the phases 1 and 2 of the plan (phases not defined in policy).

4.2 The lower scale of residential development would arise if the 7 – 8 ha of employment land were developed south of Gallows Hill under Option 1, (as described in paragraphs 5.1.6 and 5.1.7 of the plan. Note, paragraphs 5.1.2 and the table has the options the “wrong way round”).

4.3 Our clients support the continued identification of the land south of Gallows Hill as an appropriate site for development. They further consider that it should be used for the provision of new housing and that any land, west of Europa Way that is required for employment uses, should be located to the north of Gallows Hill.

## 5. **LOCATING 7 HA – 8 HA OF EMPLOYMENT LAND. SOUTH OF WARWICK/WHITNASH**

- 5.1 The following sets out our clients' view that the more appropriate location for 6 ha – 8 ha site for employment uses is to the north of Gallows Hill, under Option 2, as referred to in paragraph 5.1.7 of the RDS (note: the table at paragraph 5.1.2 incorrectly describes this as Option 1).

### **Current Market Conditions for Employment Land**

- 5.2 In order to inform my clients' views in respect of this issue, they commissioned a report from Bromwich Hardy, local agents specialising in all aspects of commercial property, (attached). In this report the agents comment that the Council's perception appears to be that demand in the area south of Warwick is centred around a wish to attract office occupiers, and that this would be best satisfied by an expansion of the Warwick Technology Park. However, the agents view is that the demand for offices can be absorbed within Tachbrook Park and Tournament Fields (south west Warwick) or at the other locations noted in Fig 11 of the G L Hearn report (Employment Land Review Update. May 2013). The success of local manufacturing companies, such as Jaguar Land Rover, has increased the demand for industrial and warehouse buildings (use Classes B1c, B2 and B8), particularly where there is good access onto a dual carriageway and the national motorway network. These characteristics are best satisfied, in their view, by the land directly to the west of Europa Way but to the north of Gallows Hill under Option 2 and including land to the east of the area shown on Map 3. This site is of more than sufficient size to absorb the 7 ha – 8 ha now considered by the Council to be appropriate for employment within the south of Warwick and Whitnash development area and it would better satisfy the wider market than a site promoted as an extension to the Warwick Technology Park.

- 5.3 Based on that premise, the more appropriate location would be that shown on the plan in the Bromwich Hardy Report extending from the Technology Park east to Europa Way. This is well placed in relation to the strategic highway network (Europa Way), where there will be vehicular capacity available to absorb the increased volume of commercial traffic. It is also the case that the development would be co-located with a new park and ride facility; thereby encouraging the increased use of public transport for journeys to the Technology Park and the new employment premises. At the same time, this would also result in a reduction in the parking congestion in and around the Technology Park through the modal shift of existing trips to more sustainable

public transport modes. Similar benefits will arise for trips to the Tachbrook Employment Area should the park and ride facility to be developed at this location.

- 5.4 Overall, given that the greater demand is for B1c, B2 and B8 uses on employment sites, Bromwich Hardy advise that the sites north of Gallows Hill could be more readily and successfully marketed for these uses over the plan period, compared to the land south of Gallows Hill. This land (Option 1) would not have the same attraction for those uses. It is also the case that the site of the Option 2 land is already influenced in its character by the proximity of employment uses and buildings to the west and to the east, and employment buildings could therefore be more easily assimilated into the landscape hereabouts, whether for B1c, B2 or B8 uses.
- 5.5 In contrast to the Option 2 land, the land south of Gallows Hill if developed for employment would give rise to a number of disadvantages.
- a) Banbury Road provides an important and pleasing gateway entrance to Warwick. It is already congested in the peak hours. The allocation of employment uses near to Banbury Road will increase this congestion which, in turn, will have a detrimental visual impact on this pleasing gateway entrance to the town.
  - b) It is not considered to be a location of preference for commercial investors and would risk becoming a long term vacant site.
  - c) The existing, well documented, problems of car parking overspill from the Technology Park into the Gallows Hill corridor will be exacerbated by the development of the site south of Gallows Hill, as there will be less convenient choices for travel and occupants on any new scheme will continue to use the car.
  - d) The site south of Gallows Hill does not have ready access to the primary highway network in the same way as the land north of Gallows Hill enjoys.
  - e) Development of larger scale employment units could not be as easily assimilated into the landscape on this site owing to more sloping nature of the land. Also, any landscaping would need to mature over a longer period than would be the case for two storey housing in order to achieve assimilation of the development into the wider landscape. In the short term therefore, there would be a

detrimental visual impact on the Banbury Road corridor. The development to the east of the road would be more "industrial" in nature and more imposing on this gateway route than housing.

### **Heritage Issues**

- 5.6 In assessing the merits of the site referenced Option 1, the relationship between the land and the heritage assets of Warwick Castle Park, Warwick Conservation Area and the Grade II Listed Toll House (at the junction of Gallows Hill and Banbury Road) should be taken into account. Each of these assets lie to the west of the Option 1 land. This exercise has been undertaken for Hallam Land and William Davis by the Heritage Collective. The comments below are based on their findings. A copy of their report is attached.
- 5.7 Warwick Castle Park is the "designed setting" for Warwick Castle. The eastern boundary to the Castle Park follows the line of the Banbury Road. The design of the park incorporates a tree belt along this eastern margin. There are no lodges or gates along Banbury Road to provide formal approaches to the castle from the east. The Banbury Road corridor therefore provides part of the outer setting of the park.
- 5.8 The Warwick Conservation Area encompasses the medieval town of Warwick, including the castle and the Castle Park. The boundary to the Conservation Area in the vicinity of Gallows Hill, follows the line of the Banbury Road and the eastern margin to the Castle Park as described above. The setting of the park and the Conservation Area are contained within the immediate road corridor. The Gallows Hill site (Option 1), in its undeveloped form, does not therefore contribute to the setting or heritage significance of these heritage assets.
- 5.9 The Toll House, whilst not a building of particular archaeological or artistic merit, is a building of local heritage significance within the Banbury Road corridor and lies within the immediate setting of the park and the Conservation Area.
- 5.10 In assessing the impact of housing development on the setting and significance of the above noted heritage assets, the following characteristics of our clients' housing development proposals are of relevance:
- A 20m wide woodland belt along the Banbury Road frontage opposite the Castle Park. This will reinforce the existing

“woodland” approach to Warwick experienced along this road corridor.

- Landscape Buffers around all other edges of the development.
- Predominantly two storey housing, with the margins to the site restricted to two storeys.
- Generous provision for open space with the highest area of the site kept open.

(Design Details from the draft Design and Access Statement prepared for the clients and for the forthcoming Planning Application.)

- 5.11 The development of the Gallows Hill site for new housing would be consistent with the character of other established residential areas close to the edges of the Castle Park, including Bridge End, east of West Street and Stratford Road. These indicate that the park can co-exist with housing in close proximity without damage to its heritage significance.
- 5.12 The creation of the 20m woodland barrier reduces any visual impact of the new housing along the Banbury Road corridor and would, in turn, materially enhance the setting of the registered park within that corridor. There will therefore be no harm to the setting or significance of the Castle Park or the Conservation Area. Indeed, it may be argued that some benefit would rise from this form of development. Any possible impact that might arise from views to the east over from the park would be much reduced as a consequence of the existing and proposed woodland areas, along the Banbury Road.
- 5.13 Insofar as there may be views from the battlements of Guys Tower and Caesars Tower within the Castle buildings, housing development at a distance of more than 1km would merge unnoticed into the general background of buildings and structures.
- 5.14 New housing would be located 150m or more from the Toll House and will not therefore have any noticeable impact on the views of this building experienced from the Banbury corridor.
- 5.15 By contrast, development of the site for employment uses would have the effect of bringing buildings similar to those on the Warwick Technology Park closer to the Banbury Road corridor and therefore the Castle Park and the Warwick Conservation Area.



5.16 The employment buildings will be physically larger and taller than the proposed two storey housing. Also, the scale and grain of the development will be very different. Employment buildings on the Option 1 site will therefore be more prominent in the landscape and would also be more evident than new housing in views from the Warwick Castle Towers.

5.17 In consequence, there will be an effect on the character and appearance of the Banbury Road corridor and therefore the setting of the Castle Park and Warwick Conservation Area. The east side of Banbury Road could become more like the north side of Gallows Hill. The visual influence of bulky structures in employment use would not be in the best interests of the designated heritage assets noted above.

5.18 Whilst it might be argued that the overall impact does not amount to substantial harm to the heritage assets in the terms of para 133 of the NPPF, they would be materially greater than those associated with housing.

5.19 By contrast, employment uses on the site north of Gallows Hill, under Option 2, on the more extended site to which we refer, would have significantly less impact on the historic environment to the west of the Warwick Technology Park. There would be no impact on the setting of Castle Park or the Conservation Area. Toll Cottage would not be affected.

### **Summary of Objection**

5.20 The RDS looks to provide for between 7 ha – 8 ha of new land for employment, south of Warwick. Two possible sites are highlighted in the report; Option 1 on land south of Gallows Hill and Option 2 to the north of Gallows Hill. Both are described as providing for the expansion of the Warwick Technology Park, which will be characterised by B1a and B1b uses. However from a commercial and marketing standpoint, the greater demand is for premises to meet uses referenced as B1c, B2 and B8. As described on Map 3 in the RDS, neither site would prove attractive to investors in those areas because they have a poor visual presence onto the primary road network and no direct access to it. On those terms the more appropriate site would be the land fronting on to Europa Way, north of Gallows Hill and as shown on the plan in the Bromwich Hardy report..

5.21 If the expansion of the Warwick Technology Park remains the Council's "goal", the more appropriate site would be the land north of Gallows Hill under Option 2. This is better placed in relation to the primary road network than Option 1. It will also be in proximity to the site for the proposed park and ride,

near to the Europa Way/Gallows Hill/Heathcote Lane roundabout. Development of the latter, in conjunction with the expansion of the Technology Park, could incorporate proposals to resolve existing parking problems within the Technology Park and at the same time encourage a switch to public transport journeys to work.

5.22

Development of the Option 1 land south of Gallows Hill for employment would give rise to a number of disadvantages:

- Increased congestion on Banbury Road.
- No direct access to Europa Way for commercial vehicles.
- Continuation of parking problems along Gallows Hill arising from the present levels of employment at the Technology Park.
- Detrimental visual impact on the character and appearance of the Banbury Road corridor and the setting of the Warwick Conservation Area and the Castle Park.
- Detrimental visual impact on the setting of Toll Cottage.
- The least attractive of all the sites noted in this submission from a marketing and investment standpoint.

## 6.

### **INFRASTRUCTURE REQUIREMENTS**

#### 6.1

Our clients note the Council's intention and programme to prepare and secure the approval of a Community Infrastructure Levy (CIL) Schedule to fund the various levels of new infrastructure required to service the strategic sites south of Warwick and Whitnash. They would broadly support the approach set out in the draft CIL, about which they will be submitting separate comments and are prepared to contribute to the funding of the infrastructure via the levy charge.

7. **JUSTIFICATION FOR THE SITES SOUTH OF WARWICK AND WHITNASH**

- 7.1 Our clients' land represents a discrete and self-contained site which can be brought forward for development in the short term. A three year build programme is envisaged following the grant of permission. An outline planning application will be submitted to the Council in August 2013. The site will therefore be brought forward for development within the phase 1 period of the Local Plan and will contribute to redressing the housing land supply shortfall referred to in para 5.1.32 of the Revised Strategy.

## **APPENDIX 1**

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MARKETING REPORT AND COMMENTARY (JULY 2013).  
BROMWICH HARDY

**MARKETING REPORT AND COMMENTARY**  
**IN RESPECT OF**  
**LAND AT GALLOWS HILL, WARWICK**  
**ON BEHALF OF**  
**HALLAM LAND MANAGEMENT LIMITED**  
**AND**  
**WILLIAM DAVIS LIMITED**

**LAND TO THE SOUTH  
OF  
GALLOWS HILL  
WARWICK**

**1.0 INSTRUCTIONS**

- 1.1** Instructions have been received from Hallam Land Limited and William Davis Limited, to advise on the marketability of the proposed employment sites north and south of Gallows Hill, Warwick, and as set out in Warwick District Councils proposed Development Strategy in preparation for the publication of a new Local Plan.
- 1.2** The relevant sections within the Report are paragraphs 5.1.5, 5.1.6 and 5.1.7, which link to the map on page 35 of the Report.

**2.0 QUALIFICATION AND EXPERIENCE**

- 2.1** Richard Hardy is a Chartered Surveyor and has practised in the Warwick District and wider areas since 1978, specialising in all aspects of commercial property, acting for landlords, developers and occupiers. He therefore has detailed knowledge of the existing employment areas within the District as well as the specific up to date requirements of organisations both looking to expand within or move into the area. As a result he is fully qualified to comment upon the proposals put forward by Warwick District Council.

**3.0 MARKET DEMAND AND AVAILABILITY**

- 3.1** There is a perception within the market place, that Warwick District only wish to attract office occupiers and this is borne out by the view that any additional employment land should be seen as an expansion to the Technology Park. However, the office market is, and has been, extremely depressed since 2007, and major occupiers are looking to concentrate on the more significant Business Parks around the M42, such as The Birmingham Business Park and Blythe Valley at Solihull.
- 3.2** Local demand can readily be absorbed within Tachbrook Park, which still has approximately twelve hectares of land available and Tournament Fields where there is a similar area, thus totalling some twenty four hectares of land which is more suitable for an office environment.
- 3.3** With the success of local major manufacturing companies such as Jaguar Landrover, there has been a significant increase in demand for both industrial and warehousing buildings. However, accessibility is of paramount importance and with particular regard to a good roadway network such as direct access onto dual carriageway (as

proposed with Europa Way) and the national motorway network (linked to Junctions 13 and 14 of the M40).

- 3.4 Bearing in mind the existing availability of Tachbrook Park and Tournament Fields, any further allocation should be specifically targeting industrial and warehousing occupiers.

#### 4.0 THE PROPOSAL

- 4.1 It is proposed between seven and eight hectares of employment land should be provided and this should be earmarked as an extension to Warwick Technology Park and in particular looking to appeal to technology based companies who might be attracted by the clustering of like minded businesses.

- 4.2 Warwick Technology Park is something of a misnomer, in as much that it was originally developed by Warwickshire County Council as a Park limited to companies who were technology based, but it very soon became apparent that there was little demand from those companies and therefore the Park simply became a general office Park and occupiers now include National Grid, Midshires Co-operative Society, Smith and Nephew amongst others. Thus the attempt to "cluster" technology based companies onto an ordinary Business Park is a flawed concept.

- 4.3 The two suggested sites are adjacent to the Park, fronting onto Gallows Hill (Option 1), whilst Option 2 sits to the rear and is accessed from the Park. The location of both is inappropriate and comments on both sides are set out below.

#### 5.0 EMPLOYMENT AREA

##### 5.1 Option 1

As stated above, the major demand for Employment Space is from B1c, B2 and B8 occupiers. Reference is made to any new development on this side of the road "enhancing the profile of the Technology Park". If one is to construct industrial style buildings, clearly there will be no enhancement and indeed it could seem to be detrimental to the Park. In addition, the height and scale of these buildings will be very visible from, not only Warwick Castle, but also St Mary's Church which is another major tourist attraction in Warwick Town.

Any development as proposed would be accessed off a single carriageway road which would be running through a residential area. Industrial/warehousing operators need to have the ability to work on a 24/7 basis and as a result HGV movement would take place throughout the day and night thus creating a conflict between the employment and residential occupiers.

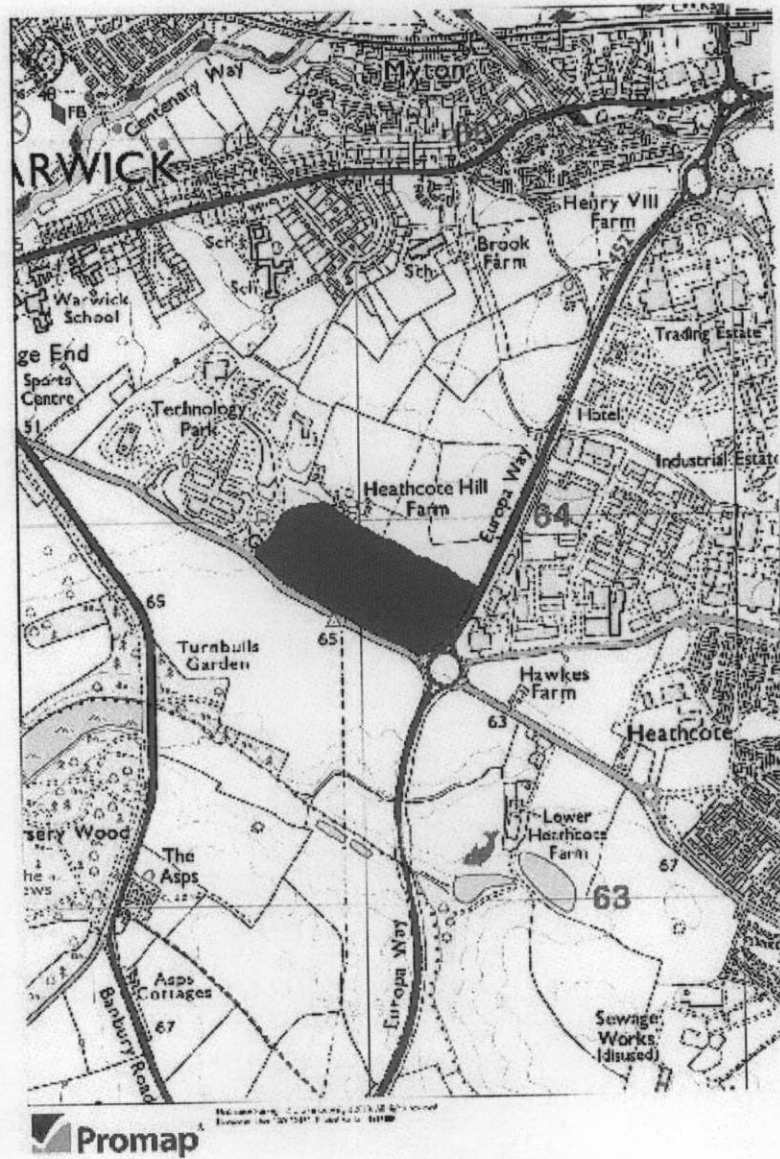


## **5.2 Option 2**

The proposal assumes that access will be obtained through Warwick Technology Park. However, its design precludes any form of major access into the suggested land with no gaps between site boundaries. In addition problems already exist with parking on the Park, (as acknowledged in paragraph 5.1.8 in the Revised Development Strategy document ) and any increase in traffic movement within the Park would be resisted by all of the occupiers, particularly if the additional traffic movement is to be HGV based.

## **6.0 An Alternative Proposal**

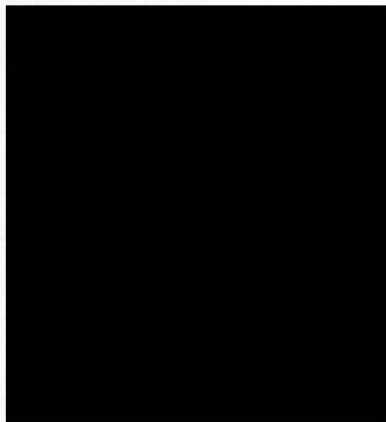
- 6.1** As an alternative, an employment area could be created on the north side of Gallows Hill in the area between the Europa Way roundabout and the Technology Park as shown coloured green on the plan below.
  
- 6.2** This site could be accessed directly off Europa Way roundabout thus avoiding the need to pass by residential property, and indeed could incorporate a Park and Ride facility which would overcome the parking issues at Warwick Technology Park, with pedestrian walkways running through from the Park and Ride to the Park.



## 7.0 SUMMARY

RMH/APG  
18 July 2013

- 7.1 The location of both Options is flawed as it predicates an expansion to Warwick Technology Park. The demand is for industrial and warehousing and neither of these sites are suitable.
- 7.2 Alternatively the land between Warwick Technology Park and Europa Way can provide not only a better employment area but also can overcome the parking issues that currently exist and are acknowledged on the Technology Park.
- 7.3 By allowing any form of development on the South side of Gallows Hill will create a conflict between the need for good vehicular access to that area and the areas of residential development that are proposed along either side of this road.



## APPENDIX 2

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HERITAGE ASSESSMENT (JULY 2013). HERITAGE  
COLLECTIVE

# HeritageCollective

## Heritage Assessment




## Land at Gallows Hill, Warwick

On behalf of Hallam Land Management Limited and William Davis Limited

July 2013

Project Ref: 13/0976



Project Number: 13/0976  
Authored by: Jonathan Edis  
Date: July 2013  
Document version M:\HC\Admin\Templates\Report  
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# HeritageCollective

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3.0	PREDICTED IMPACTS OF THE PROPOSED DEVELOPMENT	14
4.0	CONCLUSIONS	18

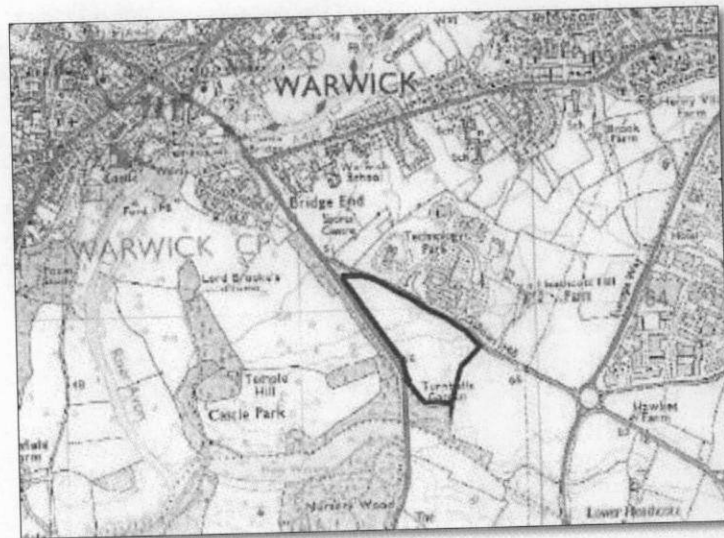
Appendix 1: Note by Luke Denison, Researcher, Heritage Collective

Plate 1: Site Location  
Plate 2: Eastern extension of Castle Park, VCH  
Plate 3: Plan of Castle Park in 1791  
Plate 4: Plan of the Borough of Warwick in 1806

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## 1.0 INTRODUCTION

1.1 This heritage assessment has been prepared by Heritage Collective LLP on behalf of Hallam Land Management Limited and William Davis Limited. It relates primarily to a wedge-shaped parcel of land on the east side of the A425 Banbury Road, to the south-east of Warwick, referred to as the Gallows Hill site. This land, which extends to some 13.77ha and which is about 1.2km from the town centre, is proposed for housing development by Hallam Land and William Davis, an objective that is consistent with Warwick Council's Preferred Options of May 2012. It rises gently towards the south-east, and is bounded on its long sides by the A425 and by Gallows Hill.<sup>1</sup> To the north-east of the site is the Warwick Technology Park and to the south-west is Castle Park, the designed setting for Warwick Castle. Plate 1 illustrates the site in relation to the main features discussed in this report.



*Plate 1: Gallows Hill site location, with Castle Park to the west and Warwick Technology Park to the north-east*

1.2 Gallows Hill is one of several sites under consideration for development in the Warwick area, and it is relevant that English Heritage has commented on their progress in relation to their effects on heritage considerations. This report is not a sequential analysis of all the sites, but it does comment on the

<sup>1</sup> Illustrated in the topographical study in Figure 8 of the Design & Access Statement.



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suitability of the Gallows Hill site for housing development and on English Heritage's observations made in correspondence since 2009.

- 1.3 A Developer Forum on 8 May 2013 led to the issue of a Revised Development Strategy which proposes two options for the provision of employment land in the Warwick area. Option 1 is to provide employment on the Gallows Hill site, instead of the residential development scheme promoted by Hallam Land Management Limited and William Davis Limited. Option 2 is to provide employment on land east of the Technology Park. The relative merits of these options are discussed further below.
- 1.4 This assessment has regard to the duty placed on the decision maker under section 66 of the Planning (LBCA) Act 1990, and government advice on development affecting the setting and significance of heritage assets in the NPPF. It also has regard to local planning policies relating to heritage, and to guidance and advice issued by English Heritage, particularly in respect of the *Setting of Heritage Assets* 2011. This assessment is based on historical research carried out by a professional researcher employed by Heritage Collective, and it is informed by a site visit undertaken on 29 June 2013 in good weather.
- 1.5 The starting point for this assessment is a series of letters written by English Heritage to the local planning authority, which comment on various options for development in the Warwick area. These letters are summarised in the following paragraphs.
- 1.6 English Heritage's letter of 26 July 2012: This letter commented on the Warwick Local Plan Preferred Options Consultation. In summary, it referred to the Landscape Character Assessment Report by Richard Morrish Associates dated 2009, which considered Site D, land south of Gallows Hill, to be unsuitable for development in principle, and the area of highest relative value (out of 9 sites) to the setting of Warwick. Paragraph 5.4 of the report was quoted by English Heritage as referring to the land as "...important to the setting of Castle Park and prominent in approaches to Warwick." English Heritage's letter then made two observations which are materially unsubstantiated:

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- First they stated that the development was contrary to the NPPF, without first analysing the setting and significance of the heritage assets or the level of harm. The letter does not state whether there would be substantial harm or less than substantial harm within the meaning of paragraphs 132 to 134 of the NPPF.<sup>2</sup>
- Second, they stated that the harm is not outweighed by the public benefit associated with this housing development. With respect, it is the decision maker's function to undertake this assessment, as is well established in the development management process.

- 1.7 English Heritage then pointed out that the Landscape Character Assessment had not referred to the Historic Environment Record or the Warwick Conservation Area Appraisal, as though these were virtues to be attributed to the document.<sup>3</sup> Various other documents, which were not consulted, were then assumed to point towards the unsuitability of the site for development, without any critical analysis or further inquiry from the government's advisers on heritage matters.
- 1.8 Subsequent historical research and analysis<sup>4</sup> by Heritage Collective, a specialist firm with considerable experience of the assessment of the effects of change in the historic environment, has demonstrated that there is in fact no basis for supposing that the land proposed for development by Hallam Land and William Davis makes a significant contribution to the significance of any designated heritage assets. Therefore, English Heritage's assumptions, as set out in their correspondence, need to be read in the context of the actual evidence.
- 1.9 English Heritage's letter of 5 July 2011: This letter commented on the move from the Core Strategy to the Local Plan, and it appears to have made no site-specific references to Gallows Hill.

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<sup>2</sup> Paragraph 132 of the NPPF states that "Substantial harm to or loss of a grade II listed building, park or garden should be exceptional." While substantial harm is not described in detail in the NPPF, it clearly equates to highly destructive proposals because it refers to the loss of a park or garden. It is simply not tenable to suggest that development of the Gallows Hill site would lead to the loss of a park or garden, so English Heritage's in-principle objection has no relationship with national heritage policy.

<sup>3</sup> I would not expect a Landscape Character Assessment to contain information from the HER, and I note that Richard Morrish Associates (RMA) quite reasonably make no claim to heritage expertise on their website. However, I question English Heritage's uncritical endorsement of RMA's comments quoted in their correspondence.

<sup>4</sup> Including a site visit.

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- 1.10 English Heritage's letter of 9 April 2010: This advice in this letter was based, on English Heritage's own admission on a "rather crude desk top consideration". It did not refer to Gallows Hill, but rather to six other option sites. The letter refers to earlier correspondence dated 25 September 2009, which is not included within the bundle of letters sent by English Heritage on 26 July 2012.
- 1.11 In summary, the opening position for this assessment is that English Heritage has made fundamental assumptions about Site D, land south of Gallows Hill, site which are not supported by detailed evidence. The following report sets the historical record straight, and addresses the further issue of the proposal in the Revised Development Strategy to substitute the housing option for an employment option at Gallows Hill.

## 2.0 HERITAGE ASSETS IN THE VICINITY OF THE DEVELOPMENT

2.1 There are four main designated heritage assets within the vicinity of the proposed Gallows Hill site which have the potential to be affected by new development. In all cases the effects are indirect, which is to say that the effects would be on the setting of the assets, not involving physical alteration. The four heritage assets are, in summary:

- i. Castle Park: Castle Park is a grade I registered park and garden on the National Heritage List. Laid out in stages from the 16<sup>th</sup> century, but in a more organised way after c.1743, it extends for some 280ha to the south of Warwick Castle and the historic town of Warwick. It is entirely within the Warwick Conservation Area, described below. Approximately 500m of the park boundary is effectively opposite the south-western edge of the Gallows Hill site, which is on the east side of the A425. The park contains a number of listed buildings, of which Warwick Castle (grade I) is the most relevant to this assessment.
- ii. Warwick Conservation Area: Warwick Conservation Area encompasses the whole of the historic town of Warwick, including Warwick Castle and the Castle Park. Part of the south-eastern boundary of the conservation area runs along the A425 Banbury Road, contiguous with the boundary of the registered park.
- iii. Warwick Castle: Warwick Castle is a grade I listed building dating predominantly from the 14<sup>th</sup> century, with pre-Conquest origins and with some sensitively executed 19<sup>th</sup> century restorations. The uninhabited part of the castle, including the 11<sup>th</sup> century earthwork, is a scheduled monument. Warwick Castle stands at a strategic point overlooking the River Avon about 1km north-west of the nearest corner of the Gallows Hill site. It is within the Castle Park and the Warwick Conservation Area, mentioned above.
- iv. Toll House: Listed grade II, Toll House dates from the late 18<sup>th</sup> or early 19<sup>th</sup> century and was built to serve the adjacent turnpike roads. It stands approximately 150m to the north-west of the nearest corner of

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the Gallows Hill site, at the fork in the road where Gallows Hill itself diverges from the A425 Banbury Road.

- 2.2 It is self-evident that the designated heritage assets described above are of high value as structures of considerable importance, and their significance in terms of the definitions in the NPPF can be summarised as follows:<sup>5</sup>
- 2.3 Castle Park: Once known as Temple Park, the landholding has historical associations with the Earls of Warwick in the medieval period, but its modern origins lie in the expansion after c.1743 by Francis Greville, first Earl of Warwick (fourth creation) and first Earl Brooke, and the structural landscaping by Lancelot Brown. It contains a number of architecturally and historically important buildings, of which Warwick Castle itself is the main focus. The park is of intrinsic archaeological interest, particularly the northern area around the castle, and in artistic terms it is a nationally important example of England's contribution to 18<sup>th</sup> century art and culture through the medium of garden and landscape design.
- 2.4 Warwick Conservation Area: Warwick Conservation Area encompasses the medieval town of Warwick, formerly protected by a wall, which contains a substantial number of important buildings that are of outstanding architectural and historic interest, including Warwick Castle and the Collegiate Church of St Mary. The conservation area also includes Castle Park, which is listed grade I. Warwick is a town of considerable archaeological significance, both in terms of buried remains and standing buildings. It is also of considerable artistic importance, in terms of the intrinsic merit of certain buildings and designed spaces, and in terms of its widely appreciated aesthetic qualities.
- 2.5 Warwick Castle: Historically, the origins of the castle traditionally lie with Queen Ethelfleda, who ordered the first defences to be built at Warwick c.914. The castle itself has been associated with the Earls of Warwick since the medieval period, and it withstood a brief siege in 1643 during the Civil War. It is an exemplar of English medieval fortification in a fine state of

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<sup>5</sup> Considerable importance is now attached to the process of identifying heritage significance (including the relevance of setting) before turning to the assessment of impacts, but in a case such as this where the high levels of heritage interest are manifest, a summary of their significance will suffice.

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preservation. The structure is of outstanding archaeological and artistic interest in its own right, and it is of aesthetic interest as the focal point within a carefully landscaped setting.

- 2.6 Toll House: Toll houses are of historical interest because they are physical reminders of the 18<sup>th</sup> and 19<sup>th</sup> century road transport systems, and some – like the Gallows Hill example – are architecturally quirky. This particular toll house is not of particular archaeological value, and it is not of artistic merit except in the sense that it is an eye-catching feature. It is a building of local heritage significance within the immediate setting of the registered park and the conservation area.

## The setting of the heritage assets

- 2.7 The primary purpose of Castle Park is to act as the designed setting for Warwick Castle. The castle and the park have interrelated settings with the town and the Warwick Conservation area, and each relies to an extent on the others for their group value. Land outside the registered park and conservation area is relevant to the wider consideration of setting, but it is important to be quite clear about the facts and the historical development of the park.
- 2.8 English Heritage's own formal description of the park, now contained within the National Heritage List, explicitly sets out the development of the eastern part of the park near Banbury Road. It states:
- "The final expansion of the park took place in 1782-7 when the Banbury Road was diverted c. 400m east of its previous course. The second Earl planted new boundary plantations along the road, replacing those planted along the former road boundary by Brown in the mid C18."*
- 2.9 This eastward expansion of the park is illustrated graphically by the Victoria County History in Plate 2 (see also Plate 3 and 4 in Appendix 1).

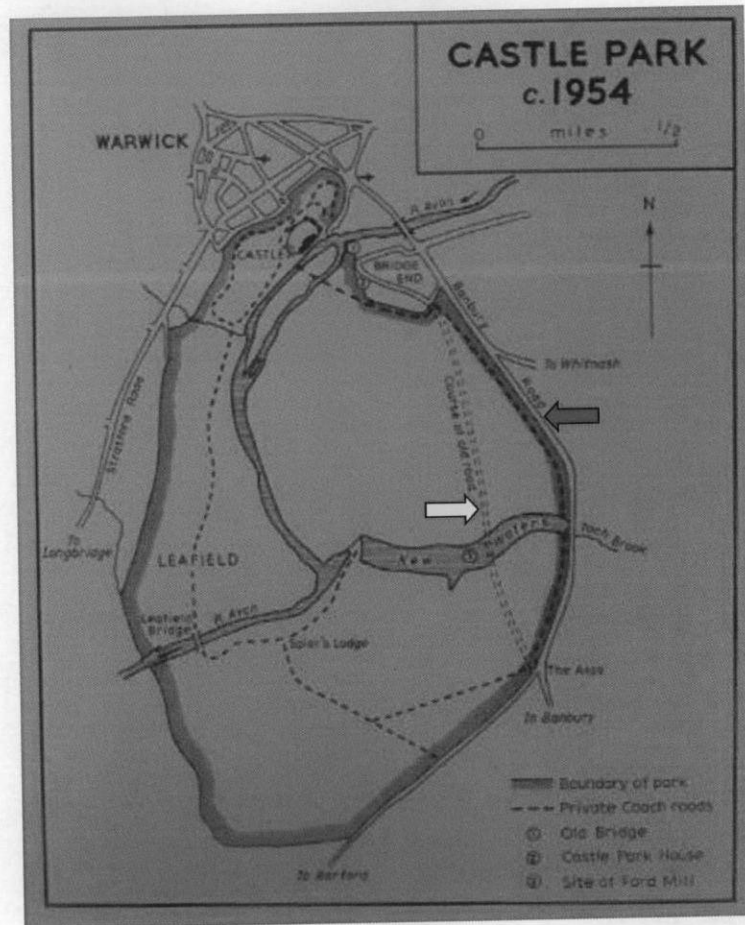


Plate 2: VCH 1969, showing eastward expansion of park, c.1787. The yellow arrow shows the earlier boundary and the blue arrow shows the altered line of the boundary.

2.10 In making an assessment of the eastern margin of the registered park and conservation area, the following facts must be taken into account:

- i. There was a consistent design intent (first by Lancelot Brown c.1750 and later by the second earl c.1787) to provide tree belts along the eastern margin of the park. These actions must have been intended to contain private views within the park itself, and to exclude views of the public road, which was straightened and turnpiked in its later form.
- ii. There is no evidence of any attempts to create views outward from the park toward Gallows Hill in the 18<sup>th</sup> century, or to make use of a "borrowed landscape" by giving the impression that the park extended beyond its actual limits. In fact, all the evidence points to the exact

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opposite. No part of English Heritage's official description of the park attributes any significance to the land east of the park in the vicinity of Gallows Hill.

- iii. There were no lodges or gates into the park along this part of Banbury Road, and there were no formal approaches towards the castle from this area. There is very little evidence that the eastern fringe of the park was optimised or landscaped with drives, and in its current form it is usually inaccessible to the public and in agricultural use.
- iv. New Waters, described in the National Heritage List, is a landscaped area dating to c.1789 laid out within the southern part of the park. The list description makes it plain that the significant views are northward towards the castle, and that Gallows Hill plays no part in their significance.
- v. The eastern margin of the park is a later extension which is clearly of less significance than some other parts of the park. That is not to play down the overall significance of the heritage asset, but simply a reasonable statement of an obvious fact.

2.11 The boundary of the registered park runs along the west side of the A425 Banbury Road. To that extent, the road corridor is part of the outer setting of the park. Similarly, the road corridor acts as the outer setting of the Warwick Conservation Area, which is contiguous with the boundary of the registered park. Drivers approaching Warwick might well be aware of the peripheral presence of the park, and the fact that they are nearing a historic town, and in a general sense Banbury Road acts as an approach to the conservation area within which its heritage significance can begin to be appreciated. It should be noted that the setting of the park and conservation area are contained within the immediate road corridor, and that the majority of the Gallows Hill site is not relevant to their setting or heritage significance.<sup>6</sup>

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<sup>6</sup> That is to say, the majority of Gallows Hill site in its undeveloped form does not contribute to the setting or heritage significance of any designated assets. In its developed form there will be some effects, which are described later in this assessment.



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2.12 Warwick Castle itself is a massive and dominant structure set within a substantial park, and it has a close strategic relationship with the bridge crossing of the River Avon. Although it occupies a commanding position, it is curiously sheltered from the town, set within a private park that tends to be exclusive rather than inclusive. For many visitors, the first real experience of the castle is at quite close quarters, and the principal designed views are from the southern part of the park, as described above. There is no evidence that views to or from Gallows Hill were ever of any particular relevance to the setting or heritage significance of Warwick Castle.

2.13 In summary there is a statutory requirement to give special consideration to the setting of the listed buildings described above, and there is a strong emphasis in the NPPF on the protection of the setting of designated heritage assets, particularly those that are highly graded. The heritage assets in question are for the most part of high or even very high significance, and a high priority should be given to their preservation.

## 3.0 PREDICTED IMPACTS OF THE PROPOSED DEVELOPMENT

### The effect of the proposed Gallows Hill housing development

3.1 The Design and Access Statement of March 2013 describes the concept of the Gallows Hill residential garden suburb, and it sets out the iterations of the master plan and the input of the public consultation in January 2013. It promotes a comprehensive approach to development within which there will be well managed tree-lined landscaped streets, a sensitively managed relationship between town and country, and attractive and safe streets for pedestrians. The development would be for up to 250 new homes. Important factors in the assessment of the effect of the housing development on the setting and significance of heritage assets include the following:

- A 20m wide woodland belt along the A425 opposite Castle Park, reinforcing the parkland character on this approach to Warwick (see paragraph 6.63 in the Design and Access Statement).
- Landscape buffers around all other edges of the site.
- Predominantly two storey housing development, restricted to two storeys on the fringes of the site (see paragraph 6.3.8 of the Design and Access Statement).
- Generous provision for open space, including an open area within the higher ground in the south-eastern part of the site.

3.2 Development of the Gallows Hill site with housing would in principle be consistent with the character of other established residential areas close to the edges of the registered park, including Bridge End and the various developments east of West Street and Stratford Road (that is, the developments in Castle Lane, Castle Close, Stuart Close, Temple Grove, Leyfields Crescent and Lodge Crescent). It should be noted that the whole of Bridge End and part of the housing off West Street is within the Warwick Conservation Area, indicating that the park can coexist in close proximity with residential development without harm to its heritage significance.

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- 3.3 Housing development on the Gallows Hill site would change the character and visual experience when driving along the A425 Banbury Road, outside the registered park and to the east of the boundary of the park and the conservation area. The change in this area would be the greatest of the effects on the historic environment. As described above, and in the Design and Access Statement, a 20m deep woodland belt would be created on the east side of Banbury Road, reinforcing the park-edge character of the area and reducing the visual impact of new housing (itself limited to two storeys on the fringes of the site) beyond that buffer. The result of creating the woodland buffer would be to materially enhance the setting of the registered park in the A425 corridor, in comparison to its present form and appearance. Contrary to English Heritage's assumption that harm will arise from the Gallows Hill development, there will be a significant benefit in this respect.
- 3.4 The registered park and the conservation area are already sheltered from the A425 Banbury Road by an established tree belt that is 35m deep at its minimum point. Together with the new 20m woodland belt within the Gallows hill site, the total depth of old and new planting between the open part of Castle Park and the new housing will be 55m at least, to which should be added the separation distance across Banbury Road itself. This is a significant barrier that will greatly reduce any possible impact that might arise from views eastward out of the park and the conservation area. To repeat an important point already made in the assessment of significance above, views from the eastern margins of the park are not normally available to the public, and the land here is in agricultural use rather than being laid out as formal parkland.
- 3.5 No significant views towards Warwick Castle will be affected by the proposed housing. While part of the site can be seen from the battlements of Guy's Tower and Caesar's Tower, which are both of medieval date, housing development at a distance of more than 1km would merge almost unnoticed into the general background of buildings and structures visible from these vantage points.
- 3.6 New housing development would probably be located at least 150m from Toll House, without having any noticeable effect on the main view of the listed building when approaching the road junction from the north.

## The effect of employment uses on the Gallows Hill site

- 3.7 Employment use on the Gallows Hill site would in general terms have the effect of bringing development much like the existing Warwick Technology Park westward towards Banbury Road and closer towards the registered park and conservation area. It is reasonable to assume that the employment uses would require taller and larger buildings than the predominantly two-storey houses envisaged in the Design and Access Statement for Gallows Hill. Two main factors would cause different effects when compared with the proposed housing development:
- i. Employment buildings would be physically larger and taller than the proposed housing, and very different in scale and grain.
  - ii. Employment use would have a greater effect (and in all probability a negative impact) on the character of the A425 Banbury Road corridor, within the setting of the registered park and conservation area. The eastern side of Banbury Road could become more like the north side of Gallows Hill, which would not be in the interests of designated heritage assets of the highest importance because of the visual influence of bulky structures in employment use.
- 3.8 Even with new screen planting along the eastern side of the A425, employment buildings would almost certainly be more evident in the public realm than two storey housing. It is likely that there would be harm to the setting of the designated heritage assets (the registered park and the conservation area), and an erosion of significance within the meaning in paragraph 134 of the NPPF. This contrasts with the positive effect of the 20m deep screen planting with two storey housing set behind to the east.
- 3.9 Employment use and buildings would also have a greater effect when looking eastwards from the registered park and conservation area, and they would also be more evident from the towers of Warwick Castle and in the vicinity of Toll House. There would be a more noticeable effect when approaching Warwick on the Banbury Road, within the setting of the park and the conservation area. While these combined effects would not amount to substantial harm within the meaning in paragraph 133 of the NPPF, they

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would be materially greater than those associated with the housing option. For this reason alone, the housing option at Gallows Hill is clearly preferable to the employment option in heritage terms.

- 3.10 Leaving aside the relative merits of housing and employment uses at Gallows Hill, it is plain that the land is not suitable for employment purposes. If the employment option had been proposed first, a measured objection from English Heritage would have had more foundation, in principle at least. However, the employment option has been introduced as an afterthought, and it fails to accord with the very high level of protection that should be afforded to highly graded registered parks and listed buildings, and conservation areas of considerable significance.
- 3.11 Option 2 in the Revised Development Strategy proposes employment use on land to the north of Gallows Hill, wrapping round the eastern side of the existing Warwick Technology Park, and effectively forming a natural extension to that campus. Employment uses and buildings would have significantly less impact on the historic environment to the east of the Technology Park than they would if they were located on the Gallows Hill site. They would not adversely affect the setting of the grade I listed Castle Park, or the setting of Warwick Conservation Area – and there would be very little additional impact on views from Warwick Castle. Toll Cottage would not be affected by the employment use in Option 2, but there would be an effect on the setting of another grade II listed building known as Heathcote Hill Farmhouse, which is at the eastern end of the existing Technology Park. This is listed as a late 18<sup>th</sup> or early 19<sup>th</sup> century red brick structure of two storeys, with sash windows under slightly cambered arches.<sup>7</sup> Heathcote Hill Farmhouse was listed in March 1973, before the Technology Park started to develop in the 1970s and 1980s, but the local planning authority must have allowed the park to develop in such a way that it has preserved the setting of the listed building. On the available evidence, the effective eastward expansion of Warwick Technology Park could be accommodated with less net effect on the historic environment than would be the case if it extended south-west directly towards Castle Park.

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<sup>7</sup> The list description is to be found on Images of England, but for some reason it is not available on the National Heritage List. Note that the building does not appear on the map of 1806 illustrated in Plate 4.

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## 4.0 CONCLUSIONS

- 4.1 English Heritage's in-principle objection to the residential development of the Gallows Hill site is based on unfounded assumptions. The above assessment sets out the real position, which in summary is that the majority of the Gallows Hill site makes no material contribution to the setting of any heritage assets. Insofar as the A425 Banbury Road corridor forms a marginal part of the setting of Castle Park and Warwick Conservation Area, housing development would create a new 20m planting buffer to mirror the late 18<sup>th</sup> century tree belt on the opposite side of the road, within the park. This would adequately protect the park from effects arising from the housing development, and it would reinforce the parkland character of Banbury Road. Contrary to the assertions of English Heritage, there would be a net positive contribution to the quality of the historic environment that should be placed into the balancing exercise with other benefits.
- 4.2 Employment use could be accommodated to the east of Warwick Technology Park with relatively little impact on the historic environment, involving the setting of a grade II listed farmhouse that is already spatially attached to the campus. Conversely, if the employment use were to expand to the south west, on the Gallows Hill site and towards Castle Park and the Warwick Conservation Area, the scale and character of the development would have a negative impact on the historic environment. Even if a similar 20m planting buffer were to be incorporated in to a development for employment use, the height and visibility of the buildings and the nature of the use would harm the setting of the park and conservation area within and beyond the A425 Banbury Road corridor. There would be greater visual effects on the setting of Toll Cottage and views from the towers of Warwick Castle than would be the case if Gallows Hill were used for housing.
- 4.3 Housing development on the Gallows Hill site would be consistent with policy objectives for the protection of the historic environment, and the proposal by Hallam Land and William Davis should be regarded as having a positive effect on built heritage.

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## **Bibliography**

### **Primary Sources**

#### British Library

Ordnance Surveyors Drawing 255	1813	
Warwickshire 33 SW	1:10560	1886; 1903-04; 1923; provisional edition, revision of 1923 with additions in 1938
Warwickshire 39 NW	1:10560	1885; 1904; 1923; provisional edition, revision of 1923 with additions in 1938
Warwickshire 33.14	1:2500	1886, 1923

#### Warwickshire Record Office

Beighton's map of Warwickshire	1728	
Yates and Sons map of Warwickshire	1787-89	
CR 569/252	Warwick St. Mary tithe map	1848
CR 569/253	Warwick St. Nicholas tithe map	1848
CR 1886/M343	Plan of the lawns, pleasure grounds, shrubberies etc belonging to Warwick Castle	1845
CR 1886/M2	A survey of the Leafields, Temple Grounds Spiers Lodge etc	1690
CR 1886/M22	Plan of Castle Park	1791
CR 1886/M24	Plan of the Borough of Warwick	1788
CR 1886/M26	Map of the Borough of Warwick	1870
CR 1886/M34	General plan of the Borough of Warwick	1806 (see Plate 4)
CR 1886/M279	A survey and plot of the Right Hand Temple's	1743
CR 1886/M311	Survey of estates in Warwickshire owned by the Earl of Warwick	1760
CR 1886/M343	Plan of the lawns, pleasure grounds, shrubberies etc belonging to Warwick Castle	1845
QS/111/51	Proposed deviation of branches of the Birmingham, Warwick and Warrington Road	1825

#### **The following sources were not viewed.**

CR 1886/M24a	Plan of the Borough of Warwick	1788	THIS COULD NOT BE FOUND	
CR 1886/M39	Map of the Borough of Warwick	1836		

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CR 1886/M105	Plan of land abutting on Banbury and Whitnash Roads	n.d.		
CR 1886/M199	Plan of castle, estate, etc in Warwick	n.d.		
CR 559/858	Documents on Birmingham, Warwick, Warmington and Edge Hill Turnpike Trust	1728-1855		

## **Secondary Sources**

- Books

Rosevear, *Turnpike Roads to Banbury* (Banbury, 2010)

Stephens (ed.) *A History of the County of Warwick Volume VIII. The City of Coventry and Warwick* (London, 1969)

## **Repositories Consulted**

British Library

Warwickshire Record Office



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## Appendix 1

### Note by Luke Denison, Researcher, Heritage Collective

The history of Castle Park has been comprehensively covered in both the Registered Parks and Gardens description and the Victoria County History Volume on Warwick.

The park was originally known as Temple Park, and was first enclosed in 1743 from agricultural land to the south of the Castle. The park was extended on a number of occasions in the next 50 years till 1787 when it was extended east to its present boundary.

The road from Birmingham to Warwick and then Warmington was turnpiked in 1726. Rosevear in his book *Turnpike Roads to Banbury*, has a map which shows the route of the road, which can also be seen in Beighton's map of Warwickshire of 1728.

In 1787 Castle Park was extended to the east over the turnpike road. Work had begun on a new road in 1782 and the road was accepted in 1787 by the trustees of the Birmingham, Warwick, Warmington, and Edgehill Turnpike. The location of the old road is shown on a map of Castle Park dated 1954 in the Victoria County History. This new road had a private coach road running inside it. This can be seen on the 1791 map of Castle Park (Plate 3). This map does not show any access to the park from the east side, so it is presumed that no gates were built to provide access to the park from this side. The closest access into the park is to the north, by the castle. This map also shows the location of the toll gates. There was a gate across both the Banbury Road, and the road to Whitnash (Gallows Hill), with a toll house between. It is presumed that both of these roads were therefore toll roads (turnpike roads).

A map dated 1788 of the Earl of Warwick's estate shows the new road, and the new part of the park before it was developed. The land was split into fields, and used for farming/agriculture production. This map also shows the extent of the Earl of Warwick's land to the east, which can be seen clearer on a map produced in the Victoria County History of land ownership in Warwick in 1788.

In 1825 there was a proposal to deviate the branch lines on the Birmingham, Warwick, Warmington Road. This map shows that the proposed deviation would run along Gallows Hill to Tachbrook, and then back onto the Banbury Road. It is not known whether this deviation was approved.

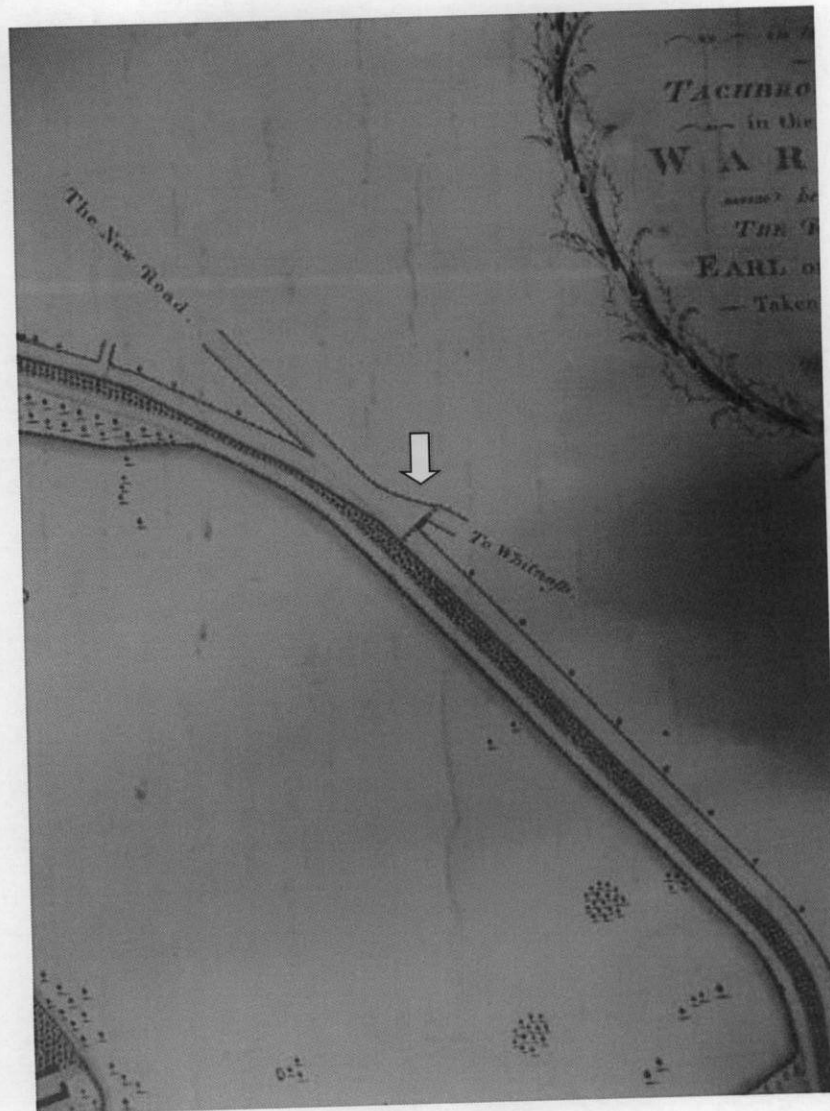


Plate 3: Extract from a plan of Castle Park, 1791, Warwickshire Record Office CR 1886/M22. The location of the Toll House, marked red on the map, is arrowed (note that the footprint of Toll House differs from that of the present structure, suggesting it has been extended or rebuilt). The map is not aligned due north.



Plate 4: Extract from General Plan of the Borough of Warwick, 1806, Warwickshire Record Office CR 1886/M34. The location of the Toll House is arrowed for ease of reference. The map is not aligned due north.

