

WARWICK DISTRICT LOCAL PLAN 2014
REPRESENTATIONS ON BEHALF OF TAYLOR WIMPEY
POLICY DS9

Question 7.

1.1 Policy DS9 seeks to allocate ‘Opus 40, Birmingham Road, Warwick’ for Class B1 uses. The policy states:

‘This is a previous commitment for which planning permission has expired.’

At paragraph 2.34 the Plan states:

‘The Council will also take forward the previous employment land commitment at Opus 40, Birmingham Road, Warwick for which planning permission has expired. The 2013 Employment Land Review identified this site as a high quality office park, in a good, accessible and prominent location.’

The assumptions made in the Employment Land Review regarding this site are flawed, in its understanding of the use class for which planning permission was granted, and in its assumptions as to accessibility. The grant of planning permission was for:

‘Outline planning permission for class B1 (a/b) business development, a single storey estate office and formation of new access onto Stanks Island and the closure of the existing access onto Birmingham Road along with supporting infrastructure.’

WDC imposed a condition on the planning permission which states:

‘Referring to the use classes in the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to those classes in any

statutory instrument revoking and re-enacting that Order with or without modification) no more than 5000 sq metres floorspace of the proposed development shall be used for class B1(a) office use and the remaining area shall be used for class B1(b), use for research and development of products or processes.'

as the Authority sought to resist office development in this out of centre location. Furthermore, the development – while situated adjoining the strategic highway network (A46) - is not accessible to the strategic highway network without major investment in new highway infrastructure.

Para 22 of the Framework states:

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

Para 173 of the Framework states:

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a

willing land owner and willing developer to enable the development to be deliverable.’

Para 154 of the Framework states:

‘Local Plans should be aspirational but realistic.’

1.2 Evidence has been presented to WDC, accompanying the submission of a planning application for 101 new dwellings including affordable housing that:

1) There is no reasonable prospect of the site being used for Class B1 purposes, whether Class B1(b) in accordance with the provisions of the recently expired planning permission Ref: W/10/0073, or Class B1(a).

1.3 The site has been marketed over a lengthy period of time as is evident from the accompanying Marketing Activities and Demand Report prepared by GVA Grimley.

Evidence is presented in the above report to demonstrate that the site is not deliverable for employment development within Class B1. The allocation of this site within Policy DS9 is totally at odds with the provisions of paragraph 173 of the Framework. The allocation of Opus 40 for a town centre use in an out of centre location is unrealistic (para 154).

In properly applying the provisions of paragraph 22 of the framework, the District council should conclude that:

- 1) No useful planning purpose is served in maintaining the allocation of this site for Class B1 development as it is not deliverable.
- 2) This unrealistic allocation frustrates the recycling of brownfield land – contrary to the Core Planning Principle to:

‘encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high environmental value’.

The accompanying ecological report demonstrates that the site is not of high environmental value.

- 3) This unrealistic and non-deliverable allocation frustrates the early delivery of new homes that could contribute towards remedying the Council's failure to demonstrate a minimum of 5 years supply of land for housing.

1.4 It is submitted that on its merits having regard to market signals and the relative need for different land uses to support sustainable communities (para 22) that the pursuit of sustainable development is met by:

1. The removal of Opus 40 from Policy DS9.
2. The allocation of the site as an Urban Brownfield site within Policy DS11

1.5 The merits of the site for housing are demonstrated within the layout plan Ref: 20113/01K, DAS and Planning Statement that accompanies the planning application which has been submitted to WDC on 20th June 2014.

These representations are accompanied by:

- Marketing Activities and Demand Report
- DAS
- Planning Statement
- Layout plan
- Ecological Report

Question 8.

2.1 Delete Opus 40, Birmingham Road, Warwick from Policy DS9.

2.2 Allocate for housing as an Urban Brownfield site under Policy DS11.