



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

TO ACCOMPANY AN APPLICATION FOR:

**THE PROVISION OF 101 NEW HOMES,
ACCESS ROADS AND ASSOCIATED
DEVELOPMENT**

**ON LAND COMPRISING THE FORMER CAR
PARK TO IBM WARWICK (KNOWN AS
OPUS 40), BIRMINGHAM ROAD, WARWICK**

**ON BEHALF OF TAYLOR WIMPEY,
MIDLANDS AND**

JUNE 2014

REF: T081/PF/8977

1.0 INTRODUCTION

1.1 This Planning Statement is written to accompany an application that seeks full planning permission for:

‘the provision of 101 new homes, access roads and associated development’

on land that formerly comprised a large area of car parking that was used by staff at IBM Warwick. Following a rationalization by IBM of their accommodation requirements, the surplus building space and car parking area were sold. The redundant building has since been refurbished and is now occupied by Telent. The site comprises Previously Developed Land (Brownfield) land within the meaning of the Glossary (Framework).

1.2 In 2011, Warwick District Council granted outline planning permission (Ref: W10/0073) for:

‘Class B1 a/b business development, a single storey estate office and formation of new access onto Stanks Island’.

The application proposal envisaged that the development would comprise 4 detached and large scale buildings with parking within individual curtilages.

Vehicular access was envisaged to be formed from a new access served directly from Stanks Island on the A46. It was proposed that the existing access onto Birmingham Road would be closed.

1.3 Following the granting of planning permission the site has been marketed with the benefit of the outline planning permission. This application is accompanied by a Marketing Activities and Demand for Employment Development Report prepared by GVA dated April 2014. The conclusions from the Report are addressed later in this Statement.

1.4 This planning application is accompanied by substantial documentation comprising:

- Design and Access Statement
- Transport Assessment
- Ecological Report
- Flood Risk Assessment
- Air Quality Assessment
- Noise Assessment
- Marketing Activities and Demand for Employment Development Report
- Tree Survey
- Geo-Environmental Investigation March 2008
- Supplementary Geo-Environmental Investigation April 2013



- Energy Report

The conclusions from these reports are set out within this Statement.

2.0 PLANNING POLICY CONSIDERATIONS

The Development Plan

2.1 The relevant part of the development plan for the purposes of this planning application is the Warwick District Local Plan 1996 – 2011. The Local Plan was adopted in September 2007 within 4 years of the end of the plan period. The Proposals Map does not allocate the site for a particular form of development. The site comprises employment land and hence the dominant local plan policy is Policy SC2 Protecting Employment Land and Buildings.

2.2 The underlying purpose of Policy SC2 is to retain land in existing employment use unless certain circumstances are applicable, namely:

- a) the location and / or nature of the present employment activity has an unacceptable adverse impact upon residential uses.
- b) it can be demonstrated that the use of the site is not economically viable.
- c) the proposal is for affordable housing.
- d) the application is for a non-housing use which accords with all other relevant policies of the Plan.

2.3 The weight to be given to the provisions of this Local Plan is ‘according to their degree of consistency with [the] framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’ (Framework para 215).

Other material considerations

(i) National Planning Policy

2.4

- Ministerial Statement Planning for Growth March 2011
- The Plan for Growth March 2011
- Policy Paper: Laying the Foundations – A Housing Strategy for England November 2011
- National Planning Policy Framework (The Framework) March 2012

(ii) Emerging Warwick District Local Plan

2.5

- Warwick District Local Plan 2011 – 2029

The site is proposed to be allocated under Policy DS9 for B1 office use. The Plan states at paragraph 2.34 that the Employment Land Review identified this site as a high quality office park in a good, accessible and prominent location.

2.6 The 2013 Employment Land Review assessment is flawed in its analysis of the planning history of the site, and the infrastructure provision that is required to open up the site for commercial development. An objection to this allocation has been made on the basis there is no reasonable prospect the site would be developed for Class B1(a) or Class B1(b) purposes. Furthermore it has been demonstrated that such commercial development is not viable.

2.7 The Local Plan as prepared is considered not consistent with the Framework in failing to properly understand the provisions of paragraphs 22 and 173 of the Framework. As such, little weight in the decision-taking should be given to the provisions of Policy DS9.

2.8 The planning merits of the proposal are considered in the context of this planning policy context.

3.0 PLANNING CONSIDERATIONS

(i) Introduction

3.1 The land use planning system operates on a plan led system, not a plan determined system. Planning policies in development plans are not to be applied slavishly with an unswerving intent. When conflict with a planning policy is identified it is always important to consider the underlying purpose of the planning policy, and the extent to which the provisions of the development plan are up to date with national planning policy. A key policy consideration for this proposal is the provision of Policy SC2 from within the Local Plan.

(ii) The provisions of Policy SC2

3.2 It is accepted that this proposal does not accord with Policy SC2 criteria a), c) or d). Criterion b) addresses circumstances where securing the site for the existing or another employment use is not economically viable. As stated the application site comprises redundant car parking facilities to the former occupation of the entire site by IBM. The granting of planning permission W10/0073 allowed for the re-use of this redundant area of car parking principally for uses within Class B1(b) of the Town and Country Planning (Use Classes) Order 1987, namely for research and development.

3.3 Since the granting of consent the site has been marketed with the benefit of planning permission. No interest has been identified in the site that would make the development for Class B1(b) a viable proposition. Viability is defined in the Framework (para 173) as the situation where taking into account the normal cost of development and mitigation, the development would provide competitive returns to a willing land owner and a willing developer to enable the development to be deliverable.

3.4 The GVA report on marketing states:

‘Opus acquired the subject site in 2006. It was launched as a leasehold and freehold opportunity in the summer 2007 with marketing having therefore continued for circa 6 ½ years. The site remains undeveloped with there being no real prospect of it coming forward for the approved majority B1(b) Research and Development use.’

It is submitted that this evidence demonstrates that the site has no reasonable prospect of being delivered for the purposes of the planning permission.

3.5 From March 2013, the weight to be given to Policy SC2 now has to be considered against the provisions of para 22 of the Framework which states (in part):

‘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...’

3.6 In this context it is concluded:

- 1) The evidence base of GVA establishes that there is ‘no reasonable prospect of the site’ (Framework para 22) being used for the purposes of the employment development for which planning permission has been granted.

- 2) The Warwick District Employment Land (Update) May 2013 identified Opus 40 as ‘identified land supply for general employment development’. The Report concluded at para 7.11 that ‘there are a number of sites which could support B1a and B1b development including Tachbrook Park, Opus 40 and Tournament Fields’. The Report does not undertake any review as to whether there is a ‘reasonable prospect’ of this site being developed for Class B1(b) purposes (Class B1(a) development was resisted by the LPA on the basis that office development should be located in the town centres, and the edge of town centre locations). Opus 40 is an ‘out of centre’ location.

- 3) The G L Hearn report has not examined viability of the proposed allocation. Para 173 of the Framework requires allocations to be deliverable. The GVA Report demonstrates that the allocation is not deliverable.

(iii) Housing Land Supply

3.7 Paragraph 22 of the Framework continues:

‘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.’

3.8 It is evident that a concern of the LPA at the time of the preparation of the 1996 – 2011 Local Plan related to a potential oversupply of housing. Para 5.7 states:

‘With high land values and property prices across the District, and the advent of PPG3 encouraging local authorities to re-use previously developed land for housing and to convert buildings formerly in other uses to housing, there has been pressure to redevelop some existing employment land for housing. This may both undermine the District’s

stock of employment land and cause too much land to be released for housing.'

3.9 At the time the Local Plan was being prepared this site was in active use for car parking to serve IBM Warwick. As such the site, in itself, was not identified as source of new employment development. It is evident that the conclusion reached at the time of Plan preparation as to the potential oversupply of land for housing is not applicable to present day circumstances. The LPA acknowledges that there is not a 5 year supply of deliverable housing land within the District. In so far as Policy SC2 is in part seeking to preclude the redevelopment of employment land for housing, the local plan is not up to date with current national planning policy.

3.10 Para 49 of the Framework states:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

3.11 If Policy SC2 b) is now read in the context of the provisions of the Framework para 22, it is submitted that the proposals accord with the provision of the development plan.

3.12 If this submission is not accepted, then arising from the demonstrable shortfall in the supply of deliverable housing land, the application falls to be considered against the second bullet point of the Framework para 14, namely:

'Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.'*

(iv) Analysis of the main technical and environmental considerations

3.13 The impacts of the development are summarized in the accompanying reports.

Transportation

The conclusions reached in the Transport Assessment are:

'The development is forecast to generate a total of 57 and 62 two-way trips for the AM and PM peak periods respectively. In comparison with the consented office scheme for the site, the traffic generation is significantly reduced.'

'The Paramics model has been tested with the additional development traffic by Arup and indicates no material impact with development on the local network in 2018 and 2028.'

Noise

The conclusions from the report are as follows:

'Assessment carried out for this report indicates that the noise climate at site, primarily, is determined by road traffic on the A46 Warwick Bypass and the A425 Birmingham Road. Vehicle activity on the existing business park access road provides only a minor local contribution on the eastern boundary.'

'There was no noticeable noise impact from nearby commercial premises at any time during the site visits.'

'Measurements made for this report indicate that BS8233 recommendations for internal noise levels can be achieved with appropriate acoustic rated windows'

and vents. These requirements vary across the site relative to the adjacent roads.

BS 8233 criteria for gardens can be achieved with the proposed screening of gardens from adjacent roads by solid barrier fencing.'

Air Quality

The Air Quality assessment has established that the significance of impact of the proposed development is negligible and that air quality is a low priority concern for the proposed development scheme.

Ecological assessment

The accompanying ecological assessment has established that the development may be undertaken without harm to any protected biodiversity interests.

Flood Risk Assessment

The conclusions reached from the analysis in the FRA in response to the objectives within the Framework are set out below:

- *The proposed development will not be affected by current or future flooding from any source during the 1 in 100 year plus climate change event.*
- *The development will not increase flood risk elsewhere.*

- *The measures proposed to deal with the effects and risks are appropriate.*
- *The exception test is not required for this assessment as the development site is located within Flood Zone 1 and has a vulnerability classification of “more vulnerable”.*
- *Other origins of flooding have also been assessed and it has been found that there will be no increase in risk of flooding from land, groundwater or sewers as a result of this development.*
- *There are no anticipated negative impacts associated with the proposed development. Positive social, economic and environmental impacts will result from the proposed development provided mitigation measures outlined in Section 5 are adhered to.*

3.14 It is concluded that there are no adverse environmental or technical impacts that arise from this development. Indeed in the context of the transportation impacts this proposal would result in reduced volumes of traffic on the highway network. The site comprises previously developed land that is well related to the existing pattern of development. The proposal is considered to comprise a sustainable pattern of development – which is the ‘golden thread’ running through both plan-making and decision-taking.

3.15 An issue raised by some members of the public at the local exhibition was the potential disruption caused by motorists exiting the site onto Birmingham Road, turning left and then using the ‘bellmouth’ of Eastley Crescent as a ‘turning’

facility in order to travel in a westerly direction. This issue is particularly addressed in the accompanying Transport Assessment.

(v) Planning Obligations

3.16 It is clearly recognised that the development will give rise to impacts on community infrastructure, and a requirement for public open space that cannot be fully met on site. These impacts may be mitigated through the provisions of a planning obligation under Section 106 of the Act. Subject to the provisions of Regulation 122 of the CIL Regulations it is envisaged the scope of obligations may include provision for:

- Affordable housing
- Off-site public open space for formal sports provision
- Enhancement of education facilities

The Applicant will consider the justification that may be made for other contributions under the provisions of Regulation 122.

(vi) The Planning Balance

3.17 The benefits to be gained from allowing planning permission include:

- The provision of much needed housing to increase the delivery of new homes
- The provision of much needed affordable housing
- The provision of jobs during the construction period. Every £1m of new house building output supports 12 net jobs for a year (Laying the Foundations)
- The development will provide substantial financial resources to the District Council through the New Homes Bonus.
- The development will provide an efficient use of previously developed land within the urban area of Warwick in a highly sustainable location

3.18 In undertaking the planning balance, it is submitted that there are no ‘adverse impacts’ that would arise from granting planning permission that would significantly and demonstrably outweigh the benefits (Framework para 14 second bullet point). As such planning permission should be granted. If the LPA concur with the proposition that the development has been demonstrated to comply with Policy SC2 criterion b) then planning permission should be granted promptly with the proposal being in accordance with the development plan (para 14 first bullet point).