

## Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	
------------------------	--

#### Q1. To which document does this representation relate?

Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
------------	----------------------	---------	----------------------	-------	----------------------	---------------	----------------------

#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

A. Legally compliant                      Yes:                      No:

B. Sound                                      Yes:                      No:

C. Compliant with the Duty to Co-operate                      Yes:                      No:

(Please tick as appropriate).

#### Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Please continue on a separate sheet if necessary)

**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

*Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

*(Please continue on a separate sheet if necessary)*

**Please note:** *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

*Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

*(Please tick one box)*

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

*(Please continue on a separate sheet if necessary)*

**Please note:** *The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature:

Date:

Office Use Only

Part A Reference:

Part B Reference:

Shropshire Council,  
Planning Policy & Strategy Team,  
Shirehall,  
Abbey Foregate,  
Shrewsbury,  
Shropshire, SY2

24<sup>th</sup> February 2021

Dear Sir/Madam,

**Draft Shropshire Local Plan - Regulation 19 Pre-submission Consultation Representation for Barratt David Wilson Homes**

Urbanissta specialises in a number of town planning and development management services. This representation has been prepared on behalf of Barratt Homes and David Wilson Homes (Mercia) (BDW hereafter).

Our representation explores and discusses the relationship between Shropshire's draft Local Plan 2016 to 2038 (DLP), and existing local policy set out in the Shropshire Local Plan (LP), the National Planning Policy Framework (NPPF) 2019 and the Shrewsbury West Urban Extension.

Shrewsbury West Sustainable Urban Extension (SUE) incorporates Land at Churncote Off Welshpool Road, Bicton Heath, Shrewsbury Shropshire ("the site"). The site had an hybrid outline permission granted for the development of 296 residential units and other uses in September 2019 (ref: 14/00246/OUT). There is currently a pending full application for 340 residential units and associated on the site, which was submitted in December 2020 (20/01957/FUL).

This representation will comment and make recommendations on the DLP, on the basis that BDW have an interest in delivering quality homes in Shropshire, contributing to the county's housing need and follows from representations made in September 2020 regarding the Regulation 18 Plan.

**Background**

The NPPF (2019) paragraph 15 sets out that "*Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities*". Supporting Planning Practice Guidance (September 2018) on plan making states that "policies need to be justified" and must be supported by sufficient evidence. The Guidance goes on to state that "Authorities will also need to ensure that policies setting out contributions expected from development do not undermine delivery of the plan", and that "plan viability assessment should be carried out in accordance with guidance".

**Shrewsbury West Urban Extension**

As mentioned above our client has submitted an application to develop 340 homes on part of the Shrewsbury West Sustainable Urban Extension. An application for 296 homes was previously approved on the site. Within the officer's report to planning committee the officer (Tim Rogers) emphasised that that the proposed development is clearly one of major significance for the town as a whole and the local area in particular. The officer went on to state that he considered that the benefits of the development significantly outweighed any negative impacts and made a strong recommendation that the application should be approved. The application was approved following a Section 106 agreement which ensured financial contributions towards local infrastructure and affordable housing. In summary the S.106 agreement aspired to secure the following contributions following development of the site:

- A commitment to 15% affordable housing
- Contribution to the Link Road (North West Relief Road)
- Contribution to Acoustic Fencing for the Link Road
- Newt Mitigation Works
- Provision of Public Open Space on site
- Provision of the sum of £45k for the laying out and landscaping of the open space land
- The sum £294k for the maintenance of open space within OS1 and R1 land

The new application is being made in order to make the best possible use of the land. The application is described in the following way on Shropshire's planning website:

*"Mixed residential development of 340 mixed (including 52 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and play areas (20/01957/FUL)".*

The new full application looks to increase the number of houses on site, helping contribute to tackling housing need in Shropshire. The delivery of the site will contribute 340 of the 750 homes expected to be delivered as part of the Shrewsbury West Urban Extension (around 46%), including providing 51 affordable units, and setting a high standard for the development of future parcels of land within the SUE allocation. As well as the material benefits of new homes and a new community, the new permission will be supported by numerous contributions made through a S.106 agreement, which will be based upon the Heads of Terms of the extant permission (14/00246/OUT). The DLP recognises Shrewsbury as the Strategic Centre of Shropshire and the primary focus for new development in the County. We support this approach and the aspiration for 8,625 dwellings to be delivered in and around the town across the plan period.

Shrewsbury West Urban Extension (SUE), which contains our client's site, which is included as a saved policy in the local plan. However, it has not been designated its own policy within the plan. We advise that as part of policy S16 for the Shrewsbury Place Plan Area the SUE is discussed and its benefits (namely a minimum of 750 homes which will be delivered over the coming decades) are highlighted. This will ensure that there is a coordinated approach for the Shrewsbury area as suggested in paragraph 5.222. The potential increased capacity of the site should also be examined. This site has been allocated and it is BDW's intention to deliver homes in a timely manner, in line with Shropshire's housing trajectory, once this is decided upon. The full application also demonstrates that it may be possible for the SUE to accommodate more houses than previously allocated, and we believe this should be explored by Shropshire Council.

The SUE can be seen in the Local Plan map Plan 16 b). However, we believe that the map's graphics and its specifications could be improved. We suggest that further detail be provided on this map and that the drawn lines used to represent certain areas (relief road, allocation, development boundary etc) are made clearer and more precise. This plan should also make reference to the SUE Masterplan which Shrewsbury was adopted in 2013 (<https://www.shropshire.gov.uk/media/7262/shrewsbury-west-sue-masterplan-february-2014-appendix-a.pdf>) Rather than multiple sub-divided maps the DLP could provide a single map showing the whole of the Shrewsbury area and the spatial strategy for future development. This would be helpful for the purposes of understanding and coordination. This would also be reflective of the extant permission on the land.

Paragraph 4.261. of the plan states that *"the subregional role of Shrewsbury is to be enhanced by the delivery of the North West Relief Road to extend the A53 around the north and west of Shrewsbury."* Paragraph 5.224 also discusses the relief road and the implications of its development. Although it is not mentioned, the delivery of the relief road is integral to the SUE. We support this approach, but recommend it makes a detailed reference to the Shrewsbury West Urban Extension as they are directly linked. We also request the relief road is framed as part of a wider spatial approach for the Shrewsbury area, highlighting its importance.

#### **Nationally Described Space Standards (NDSS)**

Policy DP1. Residential Mix part 3 states that *"all affordable dwellings will achieve the nationally described space standard. All open market dwellings are strongly encouraged to comply with the nationally described space standard"*. We object to this as a requirement for open market residential units.

Ultimately the imposition of prescriptive NDSS should be justified, as made clear in footnote 46 of the NPPF. In DLP para 4.11 it is stated that the around *"11% of households in social rented accommodation were overcrowded as opposed to around 6% of households in private rented and 2% of households in owner-occupied accommodation"*. In other words, 89% of households in social rented accommodation are not overcrowded. It seems unclear why Shropshire should use this as a justification for the imposition of the NDSS on any new affordable housing. Other Local Authorities have a much higher proportion of overcrowded households. For example, the London Borough of Brent's 2018 SHMA calculated that 29.6% households were overcrowded ([https://www.brent.gov.uk/media/16415908/eb\\_h\\_01-brent-strategic-housing-market-assessment.pdf](https://www.brent.gov.uk/media/16415908/eb_h_01-brent-strategic-housing-market-assessment.pdf)). Brent's Design Guide (2018) states "new development should provide adequate space, access and orientation and adhere to the relevant space standards".

Parts of the policy could potentially, inadvertently, cause developers and housing associations to be unable to deliver the much-needed affordable housing. For example, within the policies supporting text it is stated that the *"minimum floor to ceiling height is set at 2.3m for at least 75% of the Gross Internal Area"*. This requirement will lead to potentially significant cost increases and is unjustified. No reason is provided for the specific 2.3-meter floor to ceiling height, nor is there justification for this to cover 75% of the internal area. Floor to ceiling heights can be discussed with Shropshire's planners and urban design officers on a case by case basis. Design policy should be flexible enough to provide a wide range of dwelling types, in order to ensure residents are able to have a choice and can express their own individual tastes. The provision of extra ceiling height could add significant cost on to the construction of dwellings. In simple terms, this and other NDSS requirements do not actively promote an increase in floorspace and the benefits to future residents are negligible.

The NDSS are not justified and given that the NDSS have the potential to lead to viability issues, which consequentially may lead to affordable housing not being provided, these elements should be removed or re-worded to advise the use of the NDSS rather than demand it. Without further evidence the policy should be removed.

#### **Open Space and Recreation**

Policy DP15. Sets out the council's draft approach towards open space. We support that the council will apply the notion of 'quality over quantity', when it comes to open space. However, we are concerned by the specific 30sqm per person figure which is set out in part 2 of the policy. The draft DLP states:

*"2. There is an expectation that new housing developments provides on-site open space provision equivalent to 30sqm per person, assuming one person per bedroom. However, consideration will be given to reducing this level of provision in instances where the development is able to provide a particularly high quality of open space on site which meets the needs of all residents".*

It is our view that this approach is unjustified. The 30sqm per person figure seems to be chosen at random with no evidence provided as to how it has been calculated or come to. There is no evidence the provision of open space is an issue in Shropshire. The 'Shropshire Great Outdoors' website states:

*"Shropshire has many special landscapes including the Shropshire Hills Area of Outstanding Natural Beauty, the Stiperstones and Corndon Hill Country crossing the border in the south west of the county and the internationally important Meres and Mosses in the north. The Pontcysyllte Aqueduct and Canal World Heritage Site also includes part of Shropshire around Chirk in the north. (<http://www.shropshiresgreatoutdoors.co.uk/>)"*

Shropshire has a range of parks and open countryside that residents will be able to take advantage of. Unlike say Birmingham City Council or a London Borough, Shropshire is not a local authority with a significant problem when it comes to open space provision.

Open space which is shared should not be calculated on the same basis as an individual garden. The shared open space, of say a block of flats, would be used by multiple residents of different flats, where as a garden would be private to only that house. If the council can evidence that there is a need for a specific figure of open space per person then we request that a lower figure is designated per person when it comes to shared open space. Furthermore, we request that the policy takes a view that all open space should first and foremost be should be design-led, informed by the character and context of the development proposed. Shropshire should use flexibility in its approach towards open space, and judge each site's provision on a case-by-case basis.

### **Self-Build & Custom-Build Housing**

Policy DP2. sets out Shropshire's approach towards Self-Build and Custom-Build Housing. Part 2 of the policy states

*"2. All sites of 5 or more dwellings in designated rural areas and 10 or more dwellings or sites of 0.5 ha or more elsewhere, are encouraged to make 10% of the dwellings available as serviced plots for Self-Build and Custom-Build developers, where there is an identified need on the Self-Build Register".*

Although we support the policy as only an encouragement rather than a requirement, we disagree with the sentiment that a policy for self-build and custom-build housing is justified. There is no evidence that Self-Build homes are desired by residents who live within development sites. Self-Build homes are more commonly found on individual plots and not within development sites.

This policy's encouragement for the development of self-build houses on sites larger than 0.5 ha could be problematic for several reasons. If the self-build house is designed in such a way that it is not in keeping with the general vernacular of the rest of the site then it will be noticeably out of character; unsuitable and jarring for residents. If the design of the self-build is similar to the other homes on the site, then the development of the self-build home is aesthetically open to debate, as it is for all intents and purposes the same as the houses, with the only difference being it was erected by an independent construction team. The construction of a self-build house is likely to be slower than the construction of houses which are being developed by a housebuilder who is carrying out works with a consortium of specialised workmen who have a wealth of experience erecting similar homes.

This approach is neither justified nor sensible. It will be impractical, and we recommend the removal of section 2 of the policy.

### **Energy Performance Requirement**

Policy DP11. 'Minimising Carbon Emissions' states that it is expected *"all proposals for 10 or more dwellings achieve a minimum of 19% improvement in the energy performance requirement in Part L of the 2013 Building Regulations."*

Although we support that this policy doesn't exceed the 2013 regulations, it should be noted that those regulations are not permanent. The 'Future Homes Standard' consultation on Part L of the Building Regulations ended in February 2020. The Future Homes Standard is targeted for publication by 2025 and therefore it will be unlikely to have any bearing on this local plan's policies. However, it does, demonstrate that the regulations are subject to change. It is important that Shropshire ensure that local policy aligns with national guidance.

The 'Future Homes Standard' consultation noted that the energy performance requirements increase the costs for home builders and goes on to propose removing the ability of local planning authorities to set higher energy efficiency standards than those in the Building Regulations.

DP11. also states that it will be expected that *"all proposals for the formation of one or more dwellings provide a minimum of 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources"*. Although the aspiration of the council to promote more sustainable methods of extracting and creating energy, the cost to install the required technologies is

often financially costly, this cost can significantly impact on viability making this policy unworkable for some developments. The DLP does state that these measures can be avoided by demonstrating via “open book accounting” that they would make the development unviable. We support this clause but submit that it would be helpful if further guidance was given with regard to the relationship between affordable housing, climate change measures and viability; namely which matter should be prioritised within viability assessments.

#### **Affordability & Viability**

We support Shropshire's approach towards affordable housing in general. We urge the Council to take notice of the potential for open-book viability assessments to be used for determining the provision of affordable housing expected within developments. The approved application for 296 residential units (ref: 14/00246/OUT) underwent detailed assessment with regard to its provision of affordable housing. Although it is within an area which targets for 20% of dwellings to be affordable, it was subsequently found the site would only be able to provide 15% of its units as affordable housing. This approach was effective in ensuring that the scheme provided affordable housing whilst also being viable. It would be proactive of the Council to include reference to Viability Assessments.

#### **Other Matters**

DLP SP3. ‘Climate Change’ states that the council will seek to support the “*development or extension of district heating and cooling networks*” and support “*the development of community energy generation and distribution schemes*”. We see both these and other expectations in this policy as rather vague and perhaps leading to issues with what sites are expected to provide. Further justification for this policy is necessary to make the approach sound. We recommend further clarity on what these schemes would entail. It may be necessary for the Council to produce separate guidelines specifically on this matter.

The local plan omits a detailed housing trajectory and is therefore inconsistent with the 2019 NPPF.

There is no exact policy relating to the number of electric vehicle charging points expected within developments. It would be helpful if the expectations for charging points was more clearly set out, with reference to the impacts of viability being taken into consideration.

As is evidenced by our assessment of this draft Local Plan, we have highlighted many instances where we believe the plan is flawed and should be revised. We hope that our representations on matters, as discussed, above will be given the utmost consideration and that the comments made are helpful and will assist the Council formulating a Local Plan which will be for the benefit of all current and future Shropshire residents and all stakeholders. BDW are committed to delivering market and affordable homes in Shropshire, and we look forward to continuing to work with the Local Planning Authority.

We look forward from hearing about the progress of the Local Plan and are happy to continue to assist. If you should have any questions, please do not hesitate to contact me.

Your faithfully

Akeem

**Akeem Iginla**  
**Operatios Director**  
**Urbanissta Ltd**