



For Shropshire
Council use

Respondent
no:

Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

**Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014**

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:

www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name: Michael	Harris
Organisation (if applicable):	Stoneycroft Planning
Address:	11 Paulbrook Road, Bridgnorth WV16 5DN
Email: mike@stoneycroftplanning.co.uk	
Telephone: 07770447976	

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name: Darren	Riley
Organisation (if applicable):	
Address:	
Email: -	
Telephone: -	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

S3 Inset 1 Bridgnorth

Is your representation in support or objection? (please tick as appropriate)

Support	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	
Justified X	
Effective X	
Consistent with National Policy	X

In the box below please specify your reason for supporting or objecting.

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

BRID025 – Land at Fairview, Oldbury – SHLAA Appendix 6 identified the site as having long term potential.

The site should be included in the SAMDev at this stage for the following reasons:

The National Planning Policy Framework sets out Government planning policies for England and how these are expected to be applied. Subsequently, on 6th March 2014, the Planning Practice Guidance was published to expand up on the Framework's policy objectives. A passage of significance is contained in the section dealing with rural Housing Paragraph 001. The relevant sentence is underlined:-

Rural Housing

Paragraph: 001

- *It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.*
- *A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.*
- *Assessing housing need and all locating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.*

It is considered that the site is within reasonable walking distance of Bridgnorth and its associated facilities and services - the centre of Bridgnorth is located approximately 900 metres away and this is a relatively short distance for access to facilities such as shops, post office, health and community services, public houses and bus services. The bus stops are within 100m of the site. As such it is considered that the principle of residential development is acceptable and Oldbury in general and the site in particular is located appropriately in accordance with Core Strategy **Policy CS11**.

It is therefore not tenable under national guidance that there is to be no development envisaged for Oldbury for the short to medium term, if ever. Oldbury village is located within the *Bridgnorth Place Plan Area*. This document dealt with the strategies for growth in towns, hubs and clusters and Preferred Options for sites for new development following the extensive public consultations in 2012.

There is no development boundary for this settlement in the saved policies of the Bridgnorth District Local Plan and countryside policies therefore apply to this area. The area is not proposed to be included within the development boundary of Bridgnorth, or to be a community hub or part of a community cluster in the emerging SAMDev policies.

The erection of open market housing on this site would on the face of it be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework must be taken into account and is a material consideration of significant weight in determining planning applications. At **Paragraph 12** the NPPF states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at **Paragraph 14** the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless

- 1) any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the NPPF taken as a whole; or

2) specific policies in the NPPF indicate that development should be restricted.

It continues at **Paragraph 49** that:-

'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.'

These paragraphs are specifically relevant in the context of this planning application since Shropshire Council has published an updated *2013 Five Year Housing Land Supply Statement* for the County. The update is based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment shows that at 1st April 2013, there was a 4.95 year supply of housing land. The Council is now 12 months on from that calculation and the under-delivery of housing in recent years is still not being made up. The shortfall of housing delivery has continued to increase every month, meaning that the Core Strategy target for the provision of new homes (an annual target of 1,390 homes, equating to 116 homes built per month) is clearly not being met. Last year 2012/13 there were only 847 homes built in that year, while in 2011/12 there were only 724 homes built across Shropshire.

As a consequence, as every month increases the shortfall and reduces the number of years' supply of housing land, Shropshire's five years' supply is now well below the 4.95 years supply of housing land. This means that the existing Development Plan housing policies are not up-to-date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being outside of the development boundary for Bridgnorth would be most unlikely to be sustained at appeal.

The proposal therefore has to be considered on its own merits in relation to the issues discussed below, principally impact on the conservation area and nearby dwellings.

The site cannot be rejected merely because it is not considered to *'relate well to the settlement'* – in this case the Council must mean Bridgnorth rather than Oldbury. However, it is clear that the Preferred Sites for development to the north west of Bridgnorth – BRID020a, 20b amongst others – are actually further from the town centre of Bridgnorth than the Oldbury sites. Given the Planners' adherence to the raw facts of distance to facilities and services, by this rule of thumb the Oldbury sites must be considered to be more 'sustainable'.

The NPPF has the presumption in favour of sustainable development at its heart and this has three dimensions: economic, social and environmental. It is confirmed that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration. **Paragraph 215** makes it quite clear that the NPPF can override development plan policy that is not consistent with its provisions. **Paragraph 49** of the NPPF indicates that relevant policies for the supply of housing will not be considered up-to-date if the Council is unable to demonstrate a five-year supply of deliverable housing sites. **Paragraph 14** of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or unless specific NPPF policies indicate development should be restricted.

In this specific context then, the Council's list of preferred sites must be flawed and the Oldbury site would therefore be sufficiently sensitive to the built and natural environment, accessible to the nearby shops and services of Bridgnorth town centre and facilities and have no major implications in terms of amenity, highways or protected species. The proposed site is therefore deemed to accord with the relevant policies of the adopted Core Strategy (**CS5; CS6; CS17 & CS18**) and the NPPF. Furthermore, the monies generated by the Affordable Housing and CIL levies could be of direct benefit to the village of Oldbury and thereby enhance the three dimensions of sustainable development. **END OF STATEMENT**

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

On the basis of the above discussion, the site **BRID025** in Oldbury is demonstrably acceptable in principle and should be included within the list of developable sites for Bridgnorth in the latest version of the SAMDev.

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.

No, I wish to pursue my representations through this written representation.

X

If you wish to attend the examination, please explain why you think this is necessary in the box below:

n/a

--

Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

When the SAMDev Plan has been submitted for examination	X
When the Inspector's Report is published	X
When the SAMDev Plan is adopted	X

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:

Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Please note, we will acknowledge receipt of representations made by e-mail.

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.



For Shropshire
Council use

Respondent
no:

Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

**Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014**

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:

www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name: Michael	Harris
Organisation (if applicable):	Stoneycroft Planning
Address:	11 Paulbrook Road, Bridgnorth WV16 5DN
Email: mike@stoneycroftplanning.co.uk	
Telephone: 07770447976	

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name: Darren	Riley
Organisation (if applicable):	
Address:	
Email: -	
Telephone: -	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

S3 Inset 1 Bridgnorth

Is your representation in support or objection? (please tick as appropriate)

Support

Yes

☐

No

☒

Object

Yes

☒

No

☐

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant

Yes

☐

No

☒

Sound

Yes

☐

No

☒

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	
Justified X	
Effective X	
Consistent with National Policy	X

In the box below please specify your reason for supporting or objecting.

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

BRID026 – Land adj Institute, Oldbury – SHLAA Appendix identified the site as Rejected.

The site should be included in the SAMDev at this stage for the following reasons:

The National Planning Policy Framework sets out Government planning policies for England and how these are expected to be applied. Subsequently, on 6th March 2014, the Planning Practice Guidance was published to expand up on the Framework's policy objectives. A passage of significance is contained in the section dealing with rural Housing Paragraph 001. The relevant sentence is underlined:-

Rural Housing

Paragraph: 001

- *It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.*
- *A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.*
- *Assessing housing need and all locating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.*

It is considered that the site is within reasonable walking distance of Bridgnorth and its associated facilities and services - the centre of Bridgnorth is located approximately 900 metres away and this is a relatively short distance for access to facilities such as shops, post office, health and community services, public houses and bus services. The bus stops are within 100m of the site. As such it is considered that the principle of residential development is acceptable and Oldbury in general and the site in particular is located appropriately in accordance with Core Strategy **Policy CS11**.

It is therefore not tenable under national guidance that there is to be no development envisaged for Oldbury for the short to medium term, if ever. Oldbury village is located within the *Bridgnorth Place Plan Area*. This document dealt with the strategies for growth in towns, hubs and clusters and Preferred Options for sites for new development following the extensive public consultations in 2012.

There is no development boundary for this settlement in the saved policies of the Bridgnorth District Local Plan and countryside policies therefore apply to this area. The area is not proposed to be included within the development boundary of Bridgnorth, or to be a community hub or part of a community cluster in the emerging SAMDev policies.

The erection of open market housing on this site would on the face of it be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework must be taken into account and is a material consideration of significant weight in determining planning applications. At **Paragraph 12** the NPPF states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at **Paragraph 14** the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless

- 1) any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the NPPF taken as a whole; or

2) specific policies in the NPPF indicate that development should be restricted.

It continues at **Paragraph 49** that:-

'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.'

These paragraphs are specifically relevant in the context of this planning application since Shropshire Council has published an updated *2013 Five Year Housing Land Supply Statement* for the County. The update is based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment shows that at 1st April 2013, there was a 4.95 year supply of housing land. The Council is now 12 months on from that calculation and the under-delivery of housing in recent years is still not being made up. The shortfall of housing delivery has continued to increase every month, meaning that the Core Strategy target for the provision of new homes (an annual target of 1,390 homes, equating to 116 homes built per month) is clearly not being met. Last year 2012/13 there were only 847 homes built in that year, while in 2011/12 there were only 724 homes built across Shropshire.

As a consequence, as every month increases the shortfall and reduces the number of years' supply of housing land, Shropshire's five years' supply is now well below the 4.95 years supply of housing land. This means that the existing Development Plan housing policies are not up-to-date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being outside of the development boundary for Bridgnorth would be most unlikely to be sustained at appeal.

The proposal therefore has to be considered on its own merits in relation to the issues discussed below, principally impact on the conservation area and nearby dwellings.

The site cannot be rejected merely because it is not considered to *'relate well to the settlement'* – in this case the Council must mean Bridgnorth rather than Oldbury. However, it is clear that the Preferred Sites for development to the north west of Bridgnorth – BRID020a, 20b amongst others – are actually further from the town centre of Bridgnorth than the Oldbury sites. Given the Planners' adherence to the raw facts of distance to facilities and services, by this rule of thumb the Oldbury sites must be considered to be more 'sustainable'.

The NPPF has the presumption in favour of sustainable development at its heart and this has three dimensions: economic, social and environmental. It is confirmed that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration. **Paragraph 215** makes it quite clear that the NPPF can override development plan policy that is not consistent with its provisions. **Paragraph 49** of the NPPF indicates that relevant policies for the supply of housing will not be considered up-to-date if the Council is unable to demonstrate a five-year supply of deliverable housing sites. **Paragraph 14** of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or unless specific NPPF policies indicate development should be restricted.

In this specific context then, the Council's list of preferred sites must be flawed and the Oldbury site would therefore be sufficiently sensitive to the built and natural environment, accessible to the nearby shops and services of Bridgnorth town centre and facilities and have no major implications in terms of amenity, highways or protected species. The proposed site is therefore deemed to accord with the relevant policies of the adopted Core Strategy (**CS5; CS6; CS17 & CS18**) and the NPPF. Furthermore, the monies generated by the Affordable Housing and CIL levies could be of direct benefit to the village of Oldbury and thereby enhance the three dimensions of sustainable development. END OF STATEMENT

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

On the basis of the above discussion, the site **BRID026** in Oldbury is demonstrably acceptable in principle and should be included within the list of available and developable sites for the Bridgnorth area in the latest version of the SAMDev.

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.

No, I wish to pursue my representations through this written representation.

X

If you wish to attend the examination, please explain why you think this is necessary in the box below:

n/a

--

Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

When the SAMDev Plan has been submitted for examination	X
When the Inspector's Report is published	X
When the SAMDev Plan is adopted	X

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:

Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Please note, we will acknowledge receipt of representations made by e-mail.

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.