

SHROPSHIRE COUNCIL
SITE ALLOCATIONS AND MANAGEMENT OF DEVELOPMENT
(SAMDEV) PLAN

PRE-SUBMISSION DRAFT (FINAL PLAN)

SUBMISSIONS ON BEHALF
OF
LANDS IMPROVEMENT HOLDINGS

APRIL 2014



INTRODUCTION

1. This submission is made in response to the Pre-submission Draft Shropshire Site Allocations and Development Management Plan ("SAMDev plan") and is made on behalf of Lands Improvement Holdings ("LIH"). LIH is in negotiations with landowners to purchase land which forms part of the Shrewsbury South Sustainable Urban Extension (SUE) and is currently preparing a planning application for development which is in accordance with the principles set out in the Council's Adopted Masterplan.
2. LIH supports the allocation of the Shrewsbury South SUE in the SAMDev plan and welcomes the support it has received from the Council regarding the bringing forward of proposals to fully deliver the development within the plan period. There are, however, a number of matters arising from the SAMDev plan as drafted on which LIH wish to comment. These are dealt with below.

PLAN SECTION: Policy S16 Shrewsbury Area

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not effective

3. LIH supports the allocation of the Shrewsbury South SUE as a key part of the development strategy in accordance with the Core Strategy. LIH considers, however, that the wording of Policy S16 should be more flexible to enable development proposals to be brought forward which reflect further detailed analysis of the site and its development potential.
4. Policy S16 paragraph 5. states that:

"The development of the Shrewsbury South and Shrewsbury West Sustainable Urban Extensions (SUE's) identified on the Policies Map will be supported, provided that:

i. The development delivers the scale and type of development set out in Policy CS2 and has regard to the broad arrangement of land uses indicated on the SUE Land Use Plans (Figures S16.1.1 and S16.1.2);

ii. The development accords with the principles of the SUE masterplans adopted by the Council and is linked to the provision of the identified infrastructure requirements, with initial planning applications accompanied by phasing and delivery strategies;"
5. LIH broadly supports this approach but seeks clarification from the Council that the development principles of the adopted SUE masterplan will be applied flexibly. This is to ensure that development can be delivered which reflects further detailed masterplanning and analysis of market demand.
6. In this regard, it is not considered effective that Policy S16 requires development to accord with the principles of the SUE masterplan adopted by the Council. As more detailed development proposals are progressed for the site, these may diverge from the previously adopted principles, where justified.

7. LIH considers that it is more effective for development proposals to have regard to the SUE masterplan principles. This can be accommodated through a minor wording change to Policy S16 as set out below. This proposed change is also consistent with the references in Schedules 16.1a and 16.1b whereby development is to have regard to the SUE land use plan (Figure 16.1.1) and the adopted masterplan.

Change sought to the plan

8. Replace paragraph 5. of Policy S16 with the following:

“The development of the Shrewsbury South and Shrewsbury West Sustainable Urban Extensions (SUE’s) identified on the Policies Map will be supported, provided that:

i. The development delivers the scale and type of development set out in Policy CS2 and has regard to the broad arrangement of land uses indicated on the SUE Land Use Plans (Figures S16.1.1 and S16.1.2);

*ii. The development ~~accords~~ **has regard** to the principles of the SUE masterplans adopted by the Council and is linked to the provision of the identified infrastructure requirements, with initial planning applications accompanied by phasing and delivery strategies;”*

PLAN SECTION: S16 Schedule 16.1b Allocated Employment Sites

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not effective, not justified and not consistent with national policy

9. Schedule 16.1b proposes to allocate the Shrewsbury South SUE for approximately 26ha of employment land with the development being required to meet the following development guidelines:

“Development to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE Land Use Plan (Figure S16.1.1) and adopted masterplan. Development to include provision of a new strategic employment site south and east of the Football Stadium (22 ha.) and Phase 3 of Shrewsbury Business Park off Thieves Lane (4 ha.). The strategic employment site has the potential to accommodate a range of types of business uses (B1, B2 and B8), including recycling and environmental industries.”

10. LIH supports the proposed allocation of the site in accordance with the Core Strategy and is bringing forward a planning application for the site to ensure timely delivery within the plan period.

11. The site is suitable for a range of employment generating uses and the development guidelines of Schedule 16.1b. should enable a range of uses to be delivered on the employment land allocation which reflects market demand.
12. The range of employment uses on the site should not be constrained to B class uses and recycling and environmental industries. This is not in accordance with Core Strategy Policies CS13 and CS14, which promote a range of business types through planning and managing a responsive and flexible supply of employment land in accordance with national policy.
13. Core Strategy Policy CS14, in particular, does not restrict the use of employment land to B class uses and recycling and environmental industries. This is made clear in the supporting text to Core Strategy Policy CS14 at paragraph 6.16, which states that:

“6.16 The distribution of the strategic employment land supply is described in Policy CS1 to support the strategic approach. The portfolio will support the provision of important town centre uses in edge of centre and out of centre locations especially in Shrewsbury with its recognised physical constraints where the requirements of Policy CS15 are fully satisfied. Other important land uses including waste infrastructure, important community services and facilities and ancillary uses within employment developments will also be accommodated.”
14. National planning policy as set out in the National Planning Policy Framework (NPPF, paragraph 22) does not afford long term protection to sites allocated for employment use and states that alternative uses should be treated on their merits having regard to market signals and the need for different uses to support sustainable communities.
15. It is further noted that the SAMDev plan proposes a more than adequate supply of employment land to meet the Core Strategy requirement for Shrewsbury. This is confirmed by Table 4.4 of the SAMDev Technical Background Paper (March 2014) which identifies an over allocation of employment land provision against the Core Strategy targets of 8.6ha. There is, therefore, more than adequate provision of land for B class uses in the town.
16. The proposed SAMDev plan at paragraph 4.34 also states that portfolio sites (which includes Shrewsbury South SUE) may be treated flexibly, especially where sites are undeveloped; it states also that the strategic land supply will continue to be regarded as a repository of affordable development land.
17. In accordance with the Core Strategy, NPPF and SAMDev plan paragraph 4.34, the strategic employment allocation identified at Shrewsbury South SUE is required to meet a range of employment generating uses, which reflect market demand. LIH consider that, for clarification, the wording of Schedule 16.1b should be amended to reflect the potential for a range of employment generating uses at Shrewsbury South SUE.

Change sought to the plan

18. The development guidelines for the Shrewsbury South Sustainable Urban Extension in Schedule 16.1b should be amended to read as follows:

*“Development to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE Land Use Plan (Figure S16.1.1) and adopted masterplan. Development to include provision of a new strategic employment site south and east of the Football Stadium (22 ha.) and Phase 3 of Shrewsbury Business Park off Thieves Lane (4 ha.). The strategic employment site has the potential to accommodate a range of **employment generating uses including, types of business uses (B1, B2 and B8), including recycling and environmental industries, community services and facilities and tourism, retail and leisure uses (subject to town centre sequential and impact assessments where necessary).**”*

PLAN SECTION: Figure 16.1.1 Shrewsbury South SUE Land Use Plan

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not justified, not effective

19. LIH is bringing forward a planning application for development on Land to the South of Oteley Road, which forms part of the Shrewsbury South SUE.
20. Paragraph 5.158 of the SAMDev plan identifies that a masterplan for the Shrewsbury South SUE was prepared and adopted by the Council in November 2012 following public consultation.
21. LIH object to the proposed Land Use Plan Figure 16.1.1 to the extent that the identification of the area of mixed use is inconsistent with the adopted masterplan for the site. The adopted masterplan identifies this area for “Residential or mixed use”.
22. Land Use Plan Figure 16.1.1 should be amended to be consistent with the adopted masterplan.

Change sought to the plan

23. Amend the key to Figure 16.1.1 to replace “Mixed use” with “Housing / mixed use”

PLAN SECTION: Policy MD4 Managing Employment Development

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not justified, not effective and not consistent with national policy

24. LIH is bringing forward a planning application for development on Land to the South of Oteley Road which forms part of the Shrewsbury South SUE. As identified by Policy S16, the site includes a strategic employment land allocation of approximately 22ha which is referred to as a ‘portfolio site’. LIH considers that the site is suitable for a range of employment generating uses.

25. Core Strategy Policies CS13 and CS14 promote a range of business types through planning and managing a responsive and flexible supply of employment land. The supporting text to Core Strategy Policy CS14 (paragraph 6.16) states that:

“6.16 The distribution of the strategic employment land supply is described in Policy CS1 to support the strategic approach. The portfolio will support the provision of important town centre uses in edge of centre and out of centre locations especially in Shrewsbury with its recognised physical constraints where the requirements of Policy CS15 are fully satisfied. Other important land uses including waste infrastructure, important community services and facilities and ancillary uses within employment developments will also be accommodated.”

26. LIH supports the permissive approach of Policy MD4 towards alternative non-B class uses on portfolio sites. LIH considers, however, that the wording of Policy MD4 should be adjusted to ensure that it is effective and provides clear guidance as to the circumstances whereby alternative uses will be considered.
27. First, LIH considers that the application of paragraph 1 of Policy MD4 requires clarification with regard to whether criteria iii – v are all required to be met: in LIH’s view these criteria do not all need to be met. Proposals which meet criterion v and satisfy the relevant settlement policy and accompanying development guidelines should not be required to meet criteria iii and iv as the settlement policy and development guidelines allocate sites for particular uses.
28. Second, LIH objects to criterion 2.i of Policy MD4, which states that applicants are required to demonstrate that there are no other suitable development sites for the proposal. This criterion is not effective in that it is not sufficiently specific as to the location of other suitable sites and whether such sites are more or less sustainable. Criterion 2.1 is not, therefore, consistent with the NPPF paragraph 154.
29. Criterion 2.i is also inconsistent with NPPF paragraph 19 whereby *“planning should not act as an impediment to sustainable growth”* and NPPF paragraph 21 whereby *“investment in business should not be over-burdened by the combined requirements of planning policy expectations.”*
30. LIH, therefore, considers that criterion 2.i is ineffective and unnecessary and should be deleted.
31. Third, LIH considers that criterion 2.iii should also be adjusted to ensure that market signals are considered when assessing the impact of alternative uses on the range and choice of employment sites. Core Strategy Policy CS14 states that *“the portfolio of employment land and premises will be identified and managed in accordance with national guidance.”* NPPF paragraph 22 states that:

“Planning policies should avoid the long term protection of 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”.

32. Criterion 2.iii of draft Policy MD4 should be amended to make explicit reference to the need to have regard to market signals.
33. Finally, having regard to the above, it is considered that paragraph 4.33 of the SAMDev plan is also inconsistent with national policy in so far as it restricts retail development and uses which attract visiting members of the public. Such uses should be considered on their merits having regard to market signals and the relevant sequential and impact tests of town centre development policy.

Change sought to the plan

34. Policy MD4 should be amended as follows:

Policy MD4 – Managing Employment Development

Further to Policies CS14 and CS19, as part of the management of a portfolio of employment land and premises and to maintain a reservoir of available sites:

1. Employment land and development will be delivered by permitting proposals that are sustainable development and:
 - i. are on committed or allocated sites (portfolio sites) identified in Policies S1 – S18 and on the Proposals Map; or
 - ii. are other suitable, small scale development sites; and
 - iii. comprise Class B or sui generis uses which include industrial or commercial employment opportunities; **and**
 - iv. are operations which are compatible with adjoining uses; **or**
 - v. satisfy the relevant settlement policy and accompanying development guidelines;
2. Proposals for alternative uses on portfolio sites which do not satisfy iii. above will only be acceptable where the applicant can also demonstrate that :
 - ~~i. there are no other suitable development sites for the proposal;~~
 - ii. i. the development will provide significant employment opportunities or other significant benefits for the sustainability of the community;
 - iii. the development will not adversely affect the range and choice of employment sites in terms of location, quality, type and size **having regard to market signals**

35. Paragraph 4.33 should be amended as follows:

4.33 Other forms of development also include 'employment generating' uses. ~~To be acceptable for development on portfolio sites, these other uses should only provide products or services to other businesses or services to domestic properties (but not the sale of products) and should not require access for visiting members of the public.~~ These alternative uses may include Use Classes A, D, C1, C2 or C2A which must satisfy the tests in this policy for alternative uses. The presumption in favour of protecting portfolio sites from alternative uses requires evidence presented in relation to these policy tests to be clear and compelling before alternative uses will be permitted;

PLAN SECTION: Paragraph 4.13

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not justified

36. Policy MD2 states that for a development proposal to be acceptable landscaping and open space provision should be considered holistically and should be provided at a ratio of at least 30sqm per person. Paragraph 4.13 states that for residential development the number of future occupiers will be based on a standard of one person per bedroom. Paragraph 4.13 states also that for non-residential developments the number of future occupiers is based on estimated number of employees. Paragraph 4.13 states also that the types of open space need to be relevant to the development and its locality.
37. LIH supports the references in Policy MD2 to a holistic approach to open space provision in that this supports a masterplan led approach to such provision. However, LIH objects to paragraph 4.13 to the extent that it proposes that the 30sqm per person standard should apply to non-residential development and that it would be applied to the number of employees. LIH does not dispute that the provision of open space on non-residential development is appropriate as part of achieving high quality and sustainable development. The application of the 30sqm standard to non-residential developments is, however, unjustified. LIH considers that applying the standard to non-residential developments would result in excessive provision of open space on higher density employment developments and as such would not enable the effective use of land to be made.
38. The 30 sqm per person standard is drawn from the Shropshire Open Space, Sport and Recreation Study 2010 (Evidence Base Ref EV30). This study identifies quantity standards for a range of different types of open space (including children's play space) on the basis provision of 'x' hectares per 1000 population. These are aggregated to form the 3 hectares per 1000 population standard which is equivalent to 30sqm per person. As such, the 30sqm standard is based on the needs of the resident population. Its applicability to non-residential development is, therefore, not justified.

Change sought to the plan

39. Amend paragraph 4.13 as follows:

4.13 Adequate open space is set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. ~~For non-residential developments, the number of future occupiers is based on estimated number of employees.~~ For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision. On very large sites, it may be appropriate to divide the recreational open space into more than one area in order to provide accessible provision across the development. In such instances it is important that each recreational area is of a sufficient size to be functional. **For the avoidance of doubt, the 30sqm per person standard does not apply to non-residential development. In such developments open space provision should be masterplan led and reinforce the character and context of the development site.** The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council;

PLAN SECTION: Policy MD2

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not justified, not consistent with national policy

40. Policy MD2 states that for a development proposal to be acceptable it should “*achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.*”
41. LIH considers that this design requirement is too prescriptive and inconsistent with NPPF paragraphs 59 and 60, which state that design policies should avoid unnecessary prescription and should not attempt to impose architectural styles or particular tastes or stifle innovation. It is further noted that Core Strategy Policy CS6 (bullet 4) only requires development to have regard to local design guidance.
42. With the exception of those in Neighbourhood Plans, the local aspirations for design would not be required to be independently tested and examined. Outside of a development plan document, local aspirations for design would also not be subject to assessment with regard their impact on development viability as required by NPPF paragraph 173. It is not, therefore, appropriate for Policy MD2 to require developments to achieve untested design aspirations as to do so would be unjustified and inconsistent with national policy.

43. LIH, therefore, considers that a more flexible wording of Policy MD2 is required in accordance with national policy, in that development may have regard to local aspirations for design but should not be under an obligation to achieve them.

Change sought to the plan

44. Amend paragraph 1. of Policy MD2 as follows:

Policy MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Have regard to ~~Achieve~~ local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans....

45. In accordance with the above, the supporting text to Policy MD2 also requires amendment by deleting the last part of the last sentence of paragraph 4.7 as follows:

4.7 Delivering well designed places appropriate to the local context is a key part of creating sustainable communities. Shropshire's localised planning approach recognises that each place has its own characteristics not only visually in the built and natural environment but also in terms of how each place functions, which provides a local sense of identity. Understanding this local context and evaluating the constraints and opportunities that are present is an important part of the design process for any new development. Community led guidance needs to inform the design of development, ensuring that it appropriately maintains and enhances the location's sense of place ~~and delivers local aspirations through design, wherever possible;~~

PLAN SECTION: Policy MD16 Mineral Safeguarding

SUPPORT OR OBJECT: OBJECT

SOUNDNESS TESTS FAILED: Not justified, not effective

46. LIH support the allocation of the Shrewsbury South SUE as a key part of the development strategy in accordance with the Core Strategy and Shrewsbury Development Strategy (Policy S16).
47. As currently drafted, Policy MD16 could require the extraction of minerals from the Shrewsbury South SUE site which would threaten the viability and deliverability of the development and the overall development strategy. LIH, therefore, objects to Policy

MD16 as by threatening the delivery of the Shrewsbury South SUE the policy is unjustified and ineffective.

48. Core Strategy Figure 10 identifies mineral safeguarding areas in Shropshire. This plan would indicate safeguarded mineral resources within the Shrewsbury South SUE area including Sand and Gravel and Crushed Rock. Minerals safeguarding areas are also shown on the proposed SAMDev policies map and include parts of the Shrewsbury South SUE.
49. In accordance with the proposed Policy MD16, non-mineral development at Shrewsbury South may not be permitted. This is contrary to the adopted Core Strategy (Policy CS2) which identifies the Shrewsbury South SUE as priority of the development strategy.
50. Proposed Policy MD16 also identifies the circumstances whereby non-mineral development within minerals safeguarding areas can proceed. These include where the mineral is not of economic value, the mineral can be extracted prior to the non-mineral development or where the non-mineral development is exempted by the other criteria as set out in the supporting text.
51. LIH consider that the prior extraction of minerals from Shrewsbury South is unlikely to be practical or environmentally acceptable given the presence of dwellings within and adjoining the site. Furthermore, the prior extraction of minerals could significantly affect the delivery of a high quality development through resultant level changes. Any required backfilling will be costly and threaten the viability of the development.
52. LIH, therefore, consider that it should be made clear that development at the Shrewsbury South SUE falls within the exemption criteria of Policy MD16 to ensure that the overall development strategy can be delivered.
53. The exemption criteria include where development is proposed in accordance with the development plan (criterion iii) and where there are overriding factors which in the national, regional or local interest must be satisfied (criterion xi).
54. Development at Shrewsbury South SUE was considered through the Core Strategy process and found sound. As a sustainable urban extension, the site is identified to deliver a significant proportion of Shrewsbury's housing and employment growth. Non-mineral development at the site is clearly of overriding local and regional interest to secure the delivery of the development strategy.
55. On the contrary, there is no overriding need to extract minerals from the site. SAMDev Policy MD5 make provision for sufficient sites to meet the required supply of sand and gravel. The Core Strategy identifies that sufficient crushed rock aggregate resources are available and no further allocations are proposed in the SAMDev plan. Any requirement for mineral extraction at the Shrewsbury South SUE is not justified.
56. To ensure that the overall development strategy is effective and deliverable, LIH consider that the SAMDev plan requires amendment and clarification to ensure that the Shrewsbury South SUE falls within the exemption criteria of Policy MD16.

Change sought to the plan

57. Amend criterion iii. of paragraph 4.151 as follows:

iii. applications that are in accordance with the development plan, **including the development of the Shrewsbury South SUE**, or where the assessment of site options took account of potential mineral sterilisation and determined that prior extraction was not required;