



APPENDIX 13

PLANNING REPORT (SHIRE CONSULTING)

INTRODUCTION

1. This section has been prepared by Shireconsulting as a ‘desk-top’ review of the planning policy background to the various swimming pool sites. The sites have not been visited and neither has planning history been researched in any detail, but we have discussed the various options with Dave Wallace in Shropshire Council’s Planning Policy Team. Following this analysis a series of tables have been produced summarising the main issues likely to be raised by each site and these can be found within an appendix to the ‘Technical Report’ prepared by MACE.

PLANNING BACKGROUND

2. The **National Planning Policy Framework**, or NPPF, and its accompanying ‘National Planning Practice Guidance’, or NPPG, (which sets out more detailed policy on matters such as flood control), set out the Government’s commitment to a plan-led system of development control. The NPPF notes that where the ‘Development Plan’ contains relevant policies, applications for planning permission should be determined in line with the ‘Development Plan’ unless material considerations indicate otherwise (NPPF, paragraphs 2 & 11). One such consideration will be whether the plan policies are relevant and up to date. Paragraph 13 of the NPPF reconfirms that Government statements of planning policy are also material considerations which (if relevant) must be taken into account in decisions on planning applications. On occasions Government Policy can be a material consideration that may overtake or supplement Development Plan policies.
3. At the time of writing, the current ‘**Development Plan**’ comprises the Shropshire Adopted Core Strategy of March 2011, and the few remaining ‘saved’ policies of the Shrewsbury & Atcham Borough Local Plan, adopted in June 2001. Also relevant will be the ‘Shrewsbury South Sustainable Urban Extension Masterplan’, which was adopted in November 2012, and that for ‘Shrewsbury West’ which was adopted in December 2013.
4. The draft ‘Site Allocations & Management of Development Plan’ (‘SAMDev’) was submitted to the Secretary of State in August 2014 for its Public Examination. When adopted the document may be different in form and content so we do not deal with the document in any detail, however, amongst other things the draft plan proposes two ‘Sustainable Urban Extensions’ (SUEs) to the West and South of Shrewsbury and consequent amendments to the scope of the town’s Development Boundary.

Development within the proposed SUEs should accord with the land use principles of the adopted masterplans, including the strategic employment allocation adjoining the Football Stadium (draft SAMDev Policy **S16** “*Shrewsbury Area*”). Proposals for development of “*alternative uses*” (i.e. non-Class B activities) can be acceptable on employment sites provided that it can be demonstrated that: there are “*no other suitable development sites*”; significant employment or other community benefits are provided as a consequence; and that the supply and choice of employment sites will not be adversely affected (SAMDev Policy **MD4** “*Managing Employment Development*”).

NATIONAL POLICY

- 5. Core Principles** - The NPPF exhorts local planning authorities (LPAs) to “*apply the presumption in favour of sustainable development*” and approach decision making in a positive way (NPPF, paragraphs 186, 187, 196 & 197). According to paragraph 17 of the NPPF, a number of core land-use planning principles are to underpin decision-taking, some of which are meeting the needs of business and commerce, supporting the “*reuse of existing resources, including conversion of existing buildings*”, making “*effective use*” of previously developed land and encouraging the use of more sustainable modes of transport (see also NPPF, Section 4). Councils should ensure that Local Plans are “*based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals*”. As a result the “*the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*” should be avoided and “*land allocations should be regularly reviewed*”. The NPPF 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*” (NPPF, paragraphs 158 & 22). Mineral deposits should be safeguarded and non-mineral related development should not normally be permitted in “*mineral safeguarding areas where they might constrain potential future use for these purposes*” (NPPF, paragraph 144).

6. In relation to the provision of **Social and Community Facilities** paragraph 69 of the NPPF states that *“the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”* and, according to paragraph 70, in order *“to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities [including meeting places, sports venues and local services]to enhance the sustainability of communities and residential environments”*; and ensure that *“established facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community”*. Sport and recreation are also specifically identified, at paragraph 73 of the NPPF, as making an important contribution to the *“health and well-being of communities”*. That same paragraph continues to say that specific needs and quantitative or qualitative deficits in the provision of recreational facilities should be identified through robust assessment and the *“information gained from the assessments should be used to determine what open space, sports and recreational provision is required”*.
7. Section 2 of the NPPF seeks to promote **Town Centre Vitality and Viability**. It is stated that the needs of *“main town centre uses”* (which includes retail, leisure and offices) should be *“met in full”*, but the first preference for locating such uses is the central area. Only where no suitable central area, or edge of centre (the next choice), site is available should out of centre proposals be considered and in such cases *“preference should be given to accessible sites that are well connected to the town centre”*. This is known as the *“sequential test”* and this should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In carrying out the ‘sequential test’, *“flexibility”* needs to be demonstrated *“on issues such as format and scale”* by both applicants and LPAs (NPPF, paragraphs 24 - 27).
8. **Design, Amenity & Heritage** - At paragraph 56 of the NPPF the Government says that it *“attaches great importance to the design of the built environment”*. Nevertheless, LPAs should not be overly prescriptive regarding design and *“should not attempt to impose architectural styles or particular tastes”*. ‘Heritage assets’ (such as listed buildings, Registered Parks & Gardens and conservation areas) and their settings should be protected from harm. Where a proposed development could affect a site *“with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment*

9. **Flood Control & Climate Change** – full account should be taken of flood risk in determining planning applications (various paragraphs of the NPPF such as 94 & the NPPG). *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*. The opportunity *“offered by new development to reduce the causes and impacts of flooding”* should be taken (NPPF, paragraph 100). In order to minimise the threat from flooding, the ‘Sequential Test’ (which aims to steer new development primarily to those areas with the lowest probability of flooding) and ‘Exception Test’ (which, when development is proposed to be allowed on a site that is at high risk, requires demonstration that the community benefits of the development outweigh any increased flood risk before permission can be granted) should be applied (paragraphs 101-102). Certain activities are considered to be more vulnerable (such as residential uses) and therefore less suited to being located within flood prone areas. Uses such as leisure and recreation and shopping are categorised as *“less vulnerable”* by the NPPG (see Table 2 of the NPPG on *“Flood Risk & Coastal Change”*).
10. **Countryside & Natural Environment** – biodiversity should be enhanced and *“planning permission should be refused for development resulting....in the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”* (NPPF, paragraph 118). The *“intrinsic character and beauty of the countryside”* should be recognised and *“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”* NPPF, paragraphs 17 & 112). According to paragraph 74 of the NPPF, existing open space *“should not be built on unless”* assessment has shown the land to be surplus to requirements; or the loss would be replaced by *“equivalent or better provision”* elsewhere, or *“the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”*.

SHREWSBURY AND ATCHAM BOROUGH LOCAL PLAN

11. Policy **EM1** schedules a number of “*Allocated Employment Sites*” (the list pre-dates the SUE masterplans including the strategic allocation to the South of Shrewsbury adjoining the Football Stadium), where uses within ‘Class B’ will be acceptable. Also permissible might be car showrooms and certain other ‘sui generis’ uses that “*generate a significant amount of employment*” (retail use is specifically excluded). Policy **EM3** “*Employment Development in the Rural Area*” would still relate to the land outside the Development Boundary until the ‘SAMDev’ is adopted. This latter policy allows for “*small scale Class B*” development in the rural areas subject to a number of criteria being met.

THE ADOPTED CORE STRATEGY

12. **Core Principles** – Policy **CS1** headed the “*Strategic Approach*”, explains that Shrewsbury, is to be “*Shropshire’s growth point*” and “*the focus for significant retail, office and employment development*”. This is further developed under Policy **CS2** (“*Shrewsbury – Development Strategy*”) which aims to achieve growth, whilst improving infrastructure and protecting the town’s role and character. Under this latter policy, 25% of Shrewsbury’s housing growth and 50% of its employment growth is to be contained in two sustainable urban extensions “*Shrewsbury South – land off Thieves Lane/Oteley Road/Hereford Road*” and “*Shrewsbury West – land at Bicton Heath and off Welshpool Road*” (‘Shrewsbury South’ involves the development of a “*strategic employment site*” of 22 hectares adjoining the Football Club and ‘Shrewsbury West’ will also make provision for “*new community facilities*”. Both allocations also promote new local centres). A “*responsive and flexible supply of employment land*” is to be maintained to meet the needs of business under Policy **CS13** which is concerned with “*Economic Development, Enterprise and Employment*” and Policy **CS14** (“*Managed Release of Employment Land*”) will deliver “*a rolling 5 year strategic land supply*”. Policy **CS6** “*Sustainable Design and Development Principles*” requires proposals likely “*to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced*”. Managing travel demand is also a concern for Policy **CS7** “*Communications and Transport*”. Policy **CS20** “*Strategic Planning for Minerals*” looks to safeguard potential mineral sites from “*unnecessary sterilisation*”.

13. **Social and Community Facilities** - Policies **CS6** & **CS8** (*“Facilities, Services and Infrastructure Provision”*) both seek to improve the provision of community services such as sport and recreation and resist the loss of any existing facilities *“unless provision is made for equivalent or improved provision...”*
14. **Town Centre Vitality and Viability** – Policy **CS15** (*“Town and Rural Centres”*) states that *“Shrewsbury, the strategic centre, will be the preferred location for major comparison retail, large scale office and other uses attracting large numbers of people”*. Development must take into account sequential and impact assessments where relevant and *“priority will be given to identifying and delivering town centre and edge of centre redevelopment opportunities before less central locations are considered”*. The ‘regeneration areas’ of Riverside and West End *“are considered to be the main opportunities for improving the offer for retail and office uses within the town centre”* (see also Policy CS2, which also considers these areas as *“redevelopment priorities”*). There is also support for new *“Tourism, Culture and Leisure”* facilities within Policy **CS16**.
15. **Design, Amenity & Heritage** – Policy **CS17** (*“Environmental Networks”*) states that all development will protect and enhance the *“high quality and local character of Shropshire’s natural, built and historic environment”* and not adversely affect the *“values and functions of these assets, their immediate surroundings or their connecting corridors”*. Likewise, Policy CS2 also contains a provision that development must have regard to promoting enhancing the town’s heritage assets including its green spaces, and the registered battlefield.
16. **Flood Control & Climate Change** – Policy **CS18** (*“Sustainable Water Management”*) requires measures to be integrated into new developments so as to reduce flood risk in accordance with National Policy and adapt to climate change. Sustainable drainage systems (SUDS) to manage surface water should be introduced into new schemes.
17. **Countryside & Natural Environment** - For the purposes of the Core Strategy *“Countryside”* is defined as being any land outside *“outside settlement development boundaries”*. *“Countryside and Green Belt”* is dealt with under Policy **CS5** which seeks to protect the ‘countryside’ from large scale urban development.

However, some leisure and recreation proposals will be permissible if they require a countryside location, or cannot be accommodated within settlements. Similarly, Policy CS17 (see above) seeks to protect Shropshire's natural environment from the adverse effects of development.

SHREWSBURY SOUTH SUSTAINABLE URBAN EXTENSION MASTERPLAN

18. The eastern element of the 'Shrewsbury South' SUE (known as 'SUESS') is allocated for "a range of business industrial and distribution uses" – the land adjoining the Football Stadium being planned as part of the first phase, known as Plot E1, of the overall employment allocation.

19. An outline planning application (Ref: 14/04428/OUT) is currently before the Council for development of the SUESS and comprises residential and employment uses, a care home, shopping, and hotel, together with Class D1 and D2 uses (which could therefore include swimming and other sports activities). The proposed community and shopping uses are grouped together as a 'buffer' between the employment zone to the west of the overall SUESS development site and the residential elements to the east. The land under consideration for the purposes of this report, opposite the Stadium, is shown on the indicative Site Plan which accompanies the outline planning application as being developed for "commercial uses" and there are also extensive "Attenuation Basins - SuDs" proposed fronting the main access road.

SHREWSBURY WEST SUSTAINABLE URBAN EXTENSION MASTERPLAN

20. Overall, this masterplan document allocates a new local centre, health campus, residential development, as well as employment uses. The land subject of this assessment is allocated in the Masterplan for Class B1 purposes and is outside the local centre.

INITIAL ANALYSIS OF THE POSSIBLE SITES

21. General Comment – The existing swimming pool facility is in need of complete redevelopment, as it can no longer meet modern requirements for recreational provision, neither is it compliant with disability access requirements. 'The Quarry Pool' site is also very physically constrained and it provides no coach parking and little on-site car parking.

It is not possible to expand the site without encroaching on to the adjoining Registered Park & Garden and this land is not in the Council's ownership.

22. **Planning Policy** - Whilst there is broad support for improved community infrastructure at both national and local levels, this support does not necessarily surmount other planning policy constraints relating to restricting new development in the open countryside, or in areas of high flood risk. Most forms of new indoor recreation (say a gym) would be considered to be 'town centre activity', the first preference for which would normally be a central area, or edge of centre, location. Only if no such sites are available, or viable, can out-of-centre sites be considered, provided that they are accessible by a variety of transport mode other than just the private car. In the particular case of the subject type of development, the normal 'flexibility' in relation to scheme design cannot be expected, as the building footprint is dictated by factors such as the size requirements of the pool. This means that central area/edge of centre sites that might otherwise be considered suitable for most leisure uses can probably be discounted. It is also helpful that were the 'Sports Village' option to be adopted, no additional leisure facilities are needed and so these do not need to be justified in relation to the 'sequential test'. This is not the case with the other out-of-centre options, all of which propose a 100 station gym in addition to the pool in order to assist with viability.

23. **Site assessment in the light of planning policy & the informal discussions with the planning officer** – It must be remembered that officer opinions are not binding on the Council and the elected members can determine to override an officer recommendation when an application comes before them, however, in land use terms SC planning officer advice is that the swimming pool would be acceptable upon any of the short-listed sites. This is notwithstanding some of the sites being outside the Core Strategy's defined 'Development Boundary' which would normally preclude urban development, or designated for other activities, such as 'employment' within Class B. For instance, the entire 'Sports Village' is outside the designated 'Development Boundary', but SC planning officer advice is that as the location is now considered to be an established area of recreational use, siting the swimming pool here would be consistent with these existing activities.

24. Whilst the existing pedestrian and transport linkages might make either 'The Quarry Swimming & Fitness Centre', or 'Riverside', the favoured locations in terms of locational policy, both sites are highly constrained in many other respects (limited site area, changes in level, flooding, prominence in the conservation area etc). Accordingly, the cost of the development will be increased and the timescale necessary to deliver a new pool considerably extended as a result. This is particularly the case with 'Riverside', which is a comprehensive mixed use scheme (featuring replacement retail space as well as new residential uses), where plans are well advanced and the introduction of a swimming pool would mean considerable redesign of the overall proposal. There would be some concern in relation to the possible impact upon central area vitality and viability were retail floorspace to be lost. Furthermore, construction work is not envisaged to start for some years yet (new 3 year leases have been granted to some of the tenants) and the overall replacement scheme will be a major project with a long build period.
25. Neither of the SUEs (SUESS is not in the Council's control anyway) envisages a swimming pool as part of its masterplan. In both cases the site option under consideration is allocated in the adopted masterplan for employment uses (in the case of the subject land in the SUESS, the allocation is considered to be of 'strategic' importance). Acceptable land uses for such allocations are those falling within 'Class B' or certain other 'sui generis' uses that generate considerable levels of employment. Whilst draft SAMDev Policy **MD4** does allow for "*alternative*" land uses on employment sites where it can be demonstrated that there will be considerable employment generation, as well as significant community benefit, it might be difficult to argue the loss of either site from the stock of employment land bearing in mind their recent designation within a plan submitted to the Secretary of State for Public Examination. The outcome of that examination may compound this problem.
26. Notwithstanding the potential land use policy objection, SC planning officer advice is that the relocation of the pool to Oteley Road, within Plot E1, might be argued as acting as an early catalyst for bringing the rest of the development project forward. A relocation to the land adjoining the main access road might be acceptable given its proximity to the Stadium and could be a 'transitional' activity between the existing residential uses on the Oteley Road frontage and the new employment activities envisaged in the Masterplan (however, locating the pool further into the E1 site would not be acceptable in land use policy terms).

27. Otherwise SC planning officer advice is that siting the pool within one of the proposed SUE's 'Local Centres' with other proposed community facilities might be a preferable location in planning policy terms. However, this would necessitate considerable redesign of the overall layout in order to integrate the facility and this would not probably not be possible in the context of the current outline planning application for the SUESS.
28. Finally, the role of the **Secretary of State** (SoS) also needs to be considered. Certain out-of-centre developments for 'town centre uses', not specifically allocated in a recently adopted development plan, which the Local Planning Authority intends to grant must be referred to the Secretary of State before a decision can be made. The SoS then has the option of calling the application in for his own decision and an inquiry is convened.
29. The project is probably below the size threshold for mandatory referral (particularly if the much smaller 'Sundorne Road' scheme is progressed), but there is still a possibility of SoS's call-in, if there is significant local opposition, or the application proves to be contentious. With hindsight it would have been prudent to have included the proposed relocation of 'The Quarry Swimming & Fitness Centre' as a commitment within the emerging draft of the 'SAMDev' before it was submitted for its public examination.