

OPTIMISATION DEVELOPMENTS LIMITED
OSWESTRY SMITHFIELD LIVESTOCK MARKET

PLANNING STATEMENT

JANUARY 2014

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1. INTRODUCTION AND BACKGROUND TO THE PROPOSALS

Introduction

- 1.01 This Report comprises a statement prepared in support of a planning application submitted on behalf of our client, Optimisation Developments Ltd. The application seeks to vary Condition 40 (approved plans) associated with planning permission ref. 13/01189/VAR.
- 1.02 Outline planning permission for a replacement livestock market and mixed-use regeneration scheme on the site (ref. OS/08/15788/OUT) was granted on 27 July 2011. This scheme was subject to a Section 73 application (ref. 13/01189/VAR) which sought minor amendments to the approved scheme, in terms of some aspects of access to the site and the siting of some buildings. This application was approved on 7 August 2013.
- 1.03 The scheme, as currently consented, is not financially viable due to the costs associated with the provision of the primary sub-station, which is proposed to be located in the north east corner of the application site.
- 1.04 In assessing the viability of the scheme, the opportunity has been provided to revisit the proposal and in particular the layout and operation of the proposed park and ride facility. In this respect, the S106 agreement which accompanies the scheme will require amendment in discussion with both Oswestry Town Council and Shropshire Council and should be re-issued concurrent to this planning application.

Structure of the Report

- 1.05 The remainder of the Report is contained within the following Sections:
- **Section 2** provides a description of the site and surroundings;
 - **Section 3** reviews the planning history of the site and provides a description of the proposed development;
 - **Section 4** summarises the key elements of the planning policy context against which the proposals should be assessed;

- **Section 5** provides an analysis of the relevant issues; and
- **Section 6** sets out the overall conclusions and recommendations.

2. DESCRIPTION OF SITE AND SURROUNDINGS

2.01 The application site comprises the Oswestry Cattle Market, which has been in use since the 1960s, and is located on the B4579 Shrewsbury Road. The site consists of a number of livestock sheds and pens, along with several small business and retail units along the site frontage.

2.02 The site surroundings can be summarised as follows:

- To the north – the B4570 lies to the north of the site, beyond which there are residential properties and Wilford and North Shropshire College;
- To the east – lies open land, beyond which there are industrial buildings;
- To the south – lies an industrial estate; and
- To the west – lies further industrial buildings.

3. RELEVANT PLANNING HISTORY AND PROPOSED VARIATION TO CONDITIONS

Planning History

3.01 We outline the planning applications relevant to the proposal as follows:

- Planning application ref. OS/08/15788/OUT for the proposed replacement of the livestock market and a mixed use regeneration scheme was granted on 27 July 2011.
- Planning application ref. 13/01189/VAR for the variation of Conditions 39 (maximum floor area), 40 (approved plans) and 41 (approved details) attached to planning permission ref. 08/15788/OUT to allow for the alteration to the siting of buildings and highways alterations. Permission was granted on 7 August 2013.
- Planning application ref. 13/01600/REM for the approval of reserved matters, phasing (as required by Condition 4) and other details required by Condition 5 of planning permission ref. 05/08/15788/OUT including minor material amendments to siting and access via the variation of Conditions 39, 40 and 41 as detailed in planning permission ref. 13/01189/VAR. This application was granted consent on 20 August 2013.

Current conditions for amendment

3.02 The current restriction on planning application ref. 13/01189/VAR which the planning application by our client seeks to amend is as follows:

3.03 Condition 40 is worded as follows:

“The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan numbers 12/222/TR/002 Rev B received on 18th July 2013”

3.04 The reason given for Condition 40 is:

"For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details"

Proposed variation to the condition and key changes

3.05 It is proposed that Condition 40 is amended as follows:

"The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan numbers PL04"

3.06 The proposed variation of the condition will result in amendments to the approved layout, car parking arrangements and pedestrian access and have come about due to issues relating to the financial viability of the current scheme, particularly in relation to the costs associated with the provision of the primary sub-station. In assessing the viability of the scheme, the opportunity has been provided to revisit the proposal and in particular the layout and operation of the proposed park and ride facility.

3.10 This application seeks to amend references to the permitted site layout plan (ref. 12/222/TR/002 Rev B) so that a new site layout plan including material amendments to access and siting of the permitted scheme can be considered.

3.11 This application results in no change to the amount of floorspace or the range of uses provided in the mixed use regeneration scheme in the new site layout plan when compared to the site layout already approved under planning permission ref. 13/01189/VAR.

3.12 Drawing ref. PL04 is submitted with this application to illustrate and assist in explaining the proposed changes to the site layout. In summary, the proposed changes are as follows:

- The relocation of car parking spaces relating to the park and ride from the north east of the site to the retail/leisure park site, to the immediate east of the petrol filling station. 48 spaces will be provided as part of this facility.
- The provision of bus stops on Shrewsbury Road to the direct north of the petrol filling station and park and ride facility.

- A new pedestrian walkway into the site, linking the bus stops on Shrewsbury Road with the park and ride facility.
- The reduction in car parking spaces to serve the supermarket and retail/leisure park, from 870 spaces to 822 spaces to allow for the re-siting of the park and ride facility.
- The adjustment of the location of the supermarket unit and the removal of the proposed retaining wall. There is no change to the amount of gross or net sales area floorspace proposed at this unit.
- A reduction in the amount of comparison floorspace proposed, from 35% (976 sq m) to 20% (557 sq m) of the total net sales area. This is to suit the Wm Morrison Supermarkets plc format.
- Amended service arrangements for the multiplex cinema, so that service vehicles access the unit from the north of the proposed non-food retail units.

4. PLANNING POLICY CONTEXT

- 4.01 The purpose of this section is to establish the planning policy framework against which the planning application should be assessed.
- 4.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise. Conversely, applications that are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify a grant of planning permission.
- 4.03 In this case, the statutory development plan comprises the Adopted Core Strategy for Shropshire (March 2011).
- 4.04 Material policy considerations comprise the National Planning Policy Framework (NPPF).
- 4.05 We review each of these documents below.

Statutory Development Plan

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

- 4.06 The Council adopted its Core Strategy in March 2011. The document sets out the long term strategic development framework for Shropshire. The policies that are relevant to this application are outlined below.
- 4.07 Oswestry is identified as Shropshire's second largest centre, after Shrewsbury, and the largest market town in the authority area. **Policy CS1** provides the strategic approach to development and states that the market towns and other key service centres will maintain and enhance their traditional roles in providing services and employment.
- 4.08 **Policy CS3** provides guidance with regards to the market towns and other key centres and states that (inter alia):

"The Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterlands, and providing foci for economic development and regeneration...Oswestry will provide a focus for major development".

4.09 **Policy CS6** provides sustainable design and development principles. This policy states that (inter alia) proposals likely to generate significant levels of traffic are required 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 can be reduced.

4.10 **Policy CS7** details policy guidance with regards to communications and transport and states that a sustainable pattern of development will be achieved by (inter alia):

"Enabling the provision of accessible, affordable and demand responsive passenger transport services including bus, park and ride, rail, coach, taxi, community transport services and car sharing initiatives"

4.11 **Policy CS13** provides guidance relating to economic development, enterprise and employment and states that:

"Shropshire Council, working with its partners, will plan positively to develop and diversify the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on (inter alia):

- *Promoting Shropshire as a business investment location.*
- *Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands"*

4.12 **Policy CS15** sets out guidance in regards to town and rural centres. It states that the market towns, including Oswestry, will act as principal centres to serve local needs and the wider service and employment needs of communities within their respective spatial zones. Appropriate convenience and comparison retail, office and other town centre uses will be permitted to support these roles.

Other Material Considerations

National Planning Policy Framework (March 2012)

- 4.13 The National Planning Policy Framework (NPPF) was adopted by the Government in March 2012. The document confirms that planning applications should continue to be determined in accordance with the development plan.
- 4.14 Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development. This means that, for decision making, development proposals that accord with the development should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the impact of doing so would significantly and demonstrably outweigh the benefits.
- 4.15 Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental, and confirms that the planning system should (inter alia) contribute to building a strong, responsive and competitive economy.
- 4.16 Paragraph 17 sets out core planning principles which should underpin both plan-making and decision-taking. These core principles state that planning should (inter alia):
- Proactively drive and support sustainable economic development to deliver thriving local places that the country needs.
 - Encourage the effective use of land by reusing land that has been previously developed (brownfield land).
 - Promote mixed use developments.
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

- 4.17 Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 4.18 Regarding retail policy, paragraph 23 of the NPPF indicates that the Government wishes to promote and maintain the vitality and viability of town centres. Paragraph 24 states that LPAs should apply a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. This requires main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.
- 4.19 Annex 2 of the NPPF defines an edge of centre location for retail purposes as one that is well connected and up to 300m of the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
- 4.20 Paragraph 26 indicates that applications for retail, leisure and office development outside town centres which are not in accordance with an up-to-date Local Plan, should be supported by a retail impact assessment if the development is over a proportionate, locally set floorspace threshold (the default threshold is 2,500 sq m). This should include an assessment of:
- The impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - The impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

- 4.21 Paragraph 27 confirms that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts on one or more of the factors above, it should be refused.
- 4.22 In respect of transport, paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether:
- Opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 4.23 Paragraphs 35 to 36 indicate that development should be located and designed to exploit opportunities for the use of sustainable transport modes, and all developments which generate significant amounts of movement should be required to provide a travel plan.
- 4.24 Regarding decision making, paragraph 187 of the NPPF indicates that LPAs should look for solutions rather than problems, and decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.25 Paragraph 197 states that in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development.

5. ANALYSIS OF THE RELEVANT ISSUES

5.01 The scheme, as currently consented, is not financially viable due to the costs associated with the provision of the primary sub-station, which is proposed to be located in the north east corner of the application site.

5.02 In assessing the viability of the scheme, the opportunity has been provided to re-visit the proposal and in particular the layout and operation of the proposed park and ride facility. In this respect, the S106 agreement which accompanies this scheme will require amendment in discussion with both Oswestry Town Council and Shropshire Council and should be re-issued concurrent to this planning application.

Proposed amendments to the park and ride facility

5.03 As shown on drawing ref. PL04 this application proposes the relocation of the park and ride from the north east of the site to the retail park site, located to the immediate east of the petrol filling station. 48 spaces will be provided as part of this facility. New bus stops are proposed on Shrewsbury Road to the direct north of the park and ride facility and a new pedestrian walkway is proposed into the site from these stops.

5.04 The relocation of the park and ride will provide better connectivity with the retail/commercial part of the site, which should ensure its success as a facility. The siting of bus stops on Shrewsbury Road, will not only serve the park and ride facility, but in the future will benefit residents of future housing allocations which are planned for the area to the immediate north of Shrewsbury Road.

5.05 The proposed new pedestrian walkway, linking the bus stops on Shrewsbury Road with the park and ride site, will provide safe easy passage between the two areas, thus helping to create a sustainable retail and leisure location.

5.06 The re-siting of the park and ride facility to the main retail/commercial part of the site will result in the loss of overall car parking spaces designed to serve the supermarket and retail/leisure park, from 870 spaces to 822 spaces. Further detail is set out in the supporting information submitted by Bryan G Hall and confirms that the revised parking numbers accord with local maximum standards and minimum car parking numbers as set out in Condition 13 of the existing planning permission.

Proposed amendments to the foodstore

- 5.07 The minor change to the siting of the proposed foodstore has arisen as a result of a detailed consideration of the scheme and will allow for the removal of the previously proposed retaining wall. This change is minor and will not result in any significant changes in impact over and above the permitted scheme.
- 5.08 The net sales area and footprint of the store will remain as previously consented. However, it is proposed that a smaller amount of the net sales area will be used for the sale of non-food (comparison) goods. In line with other Morrisons stores, 20% of the net sales area (rather than 35%) will be used for the sale of comparison goods (557 sq m). This change arises from Morrisons' specific trading format, but does not require any amendment to the planning permission.
- 5.09 The reduction in comparison floorspace, coupled with the fact that Morrisons intend to keep their existing town centre store open and trading, will mean that the likely impact on the vitality and viability of Oswestry Town Centre will be significantly less than that estimated by the original planning application, when the supermarket operator was unknown.

Other minor material amendments

- 5.10 Amended servicing arrangements are proposed for the multiplex cinema, so that service vehicles access the unit from the north of the non-food retail units. It is considered that this change is not significant to the overall design of the scheme or the impact of the proposal.

6. SUMMARY AND CONCLUSIONS

- 6.01 The amendments to the permitted scheme provided in this application result in overall improvements to the proposed redevelopment of the replacement Livestock Market and mixed use development at the Oswestry Smithfield Livestock Market site in Oswestry and will ensure the financial viability of the development.
- 6.02 The benefits of the proposed amendments are that the park and ride facility will be better integrated in the development and the relocated bus stops will be located close not only to the development scheme, but to proposed residential development to the north of the site. This should help to create a well-used successful park and ride facility and assist in creating a sustainable retail and leisure destination.
- 6.03 All other proposed amendments to the site layout are considered to be insignificant to the overall design of the scheme or the impact of the proposal.
- 6.04 Accordingly, it is recommended that permission be granted for the variation of Condition 40 in the manner identified above.