

Briefing Note



Examination of Telford and Wrekin Local Plan 2011 – 2031: Hearing Statements

Audley Avenue Business Park (AABP)

Matter 5: General Development Requirements & Specialist Housing

Question 1: Are the Local Plan's detailed requirements for new development clearly expressed and adequately justified, with particular reference to viability? Specific comments are requested in respect of the following matters:

- Housing mix and housing standards (policy HO4)
- Affordable housing (policies HO5 and HO6)
- Biodiversity and woodland enhancement (policies NE1, NE2 and ER12)
- Open space provision (policy NE4)
- Promoting alternatives to the private car (policy C1)
- Water conservation and efficiency (policy ER10)
- Parking standards (Appendix F).

1. The Local Plan's detailed requirements for new development is not adequately justified and potentially places undue burden on developers, which in many cases will make schemes unviable.
2. Policy HO 4 defines major residential development as 10 units or more. This threshold is too low. Paragraph 154 of the Framework states that Local Plans should be aspirational but realistic. It is unrealistic and unreasonable to expect a development of 10 units to provide a mix of housing types, styles and tenure that will meet the changing needs of households over time. This is not in accordance with paragraph 49 of the

Framework which states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”*.

3. Furthermore, such prescriptive obligations demonstrate that the Local Planning Authority has not paid careful attention to viability whilst pursuing sustainable development. The Framework confirms that sites and development should not be subject to a scale of obligations and policy burdens that their ability to be developed viably is threatened (paragraph 173). By including a threshold of 10 units, is unlikely to allow a developer to make a competitive return on a scheme of 10 units which is required to provide a mix of housing types, styles and tenure that will meet the changing needs of households over time. The threshold should be 100 units or more. In short, major residential development should be amended to relate to schemes of 100 units or more.

4. Policy HO 5 states that schemes that deliver a higher percentage of affordable housing than identified within the policy may be appropriate. This is not consistent with supporting text or national policy which encourages the delivery of a wide choice of homes and widen the opportunities for home ownership (paragraph 50 of the Framework). Paragraph 5.2.1.6 confirms that schemes of 100% affordable housing can deliver much needed housing in the locality and support the delivery of wider housing objectives of the Local Plan. Paragraph 5.2.2.10 further states that schemes of predominantly or solely affordable housing can make a positive contribution to meeting identified need. Clearly, it is the Council’s position that these schemes are appropriate and this should be

reflected in Policy HO 5.

5. Under policy HO 6 the management of affordable housing will be too onerous under the Council's definition of major development (10 residential units) and for some schemes, it will make it too difficult to deliver affordable housing.
6. The policy does not make it clear that a financial contribution will be acceptable in line with paragraph 50 of the Framework which states that where affordable housing is required policies should make provision for *"off-site provision or a financial contribution of broadly equivalent value"* where this can be justified. Policy HO 6 currently reads that: *"the Council will consider alternative means of delivery of affordable housing, including a mixture of on-site and off-site contribution"*. It should be made clear from the outset that off-site contribution can take the form of a financial contribution.
7. Further, the requirement to review affordable housing contributions if schemes have been delayed is unjustified and will increase uncertainty for developers trying to deliver viable schemes. Paragraph 173 of the Framework confirms that sites and the scale of development identified in the Plan should not be subject to a scale of obligations and policy burdens that the ability to develop viably is threatened. It confirms that requirements for affordable housing should provide competitive returns to enable the development to be delivered.
8. Policy NE1 places unnecessary policy burdens on developers. It

'expects' developments to 'provide opportunities' to incorporate new biodiversity features or to enhance existing features. While it might be desirable for developers to provide opportunities, there is no justification for a requirement. The Framework simply states that 'where possible' the planning system should provide net gains in biodiversity. Therefore, the policy is too onerous and it is only appropriate that development is required to mitigate site specific impacts. The Local Planning Authority has not considered the alternative of loosening the wording of this policy to reduce the burden placed on developers.

9. Paragraph 6.1.3 refers to *Making Space for Nature*. This was published before the Framework and any reference to it should be removed. The extracts included make no material contribution to the Council's policies or justification. Criteria i) to iv) of Policy NE 1 should be deleted. The policy should simply read '*where necessary, mitigate for features impacted or lost*'.
10. The expectations of Policy NE2 are too onerous and do not accord with Framework expectations to reduce barriers to development and in particular paragraph 21 of the Framework confirms that investment in business should not be over-burdened by the combined requirements of planning policy expectations. It places a blanket protection on all existing trees, hedgerows and woodland with 'value' and requires developers to justify the loss of any trees on site. This simply adds more cost, delays and barriers to development, and is not positive planning in line with paragraph 8 of the Framework which states that: "*to achieve sustainable*

development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”.

11. A sensible consideration of the purpose of the development, its function, design, layout and scale, should be sufficient to determine if the loss of any trees (or not) would undermine the scheme. In most circumstances, it should not be necessary, for the developer to have to provide separate assessment of the viability implications of the retention of all trees which are proposed to be removed.
12. This Policy fails to accord with paragraph 14 of the Framework. Sustainable development should be supported unless adverse impacts would be so significantly and demonstrably outweigh the benefits. This should be the test in respect of trees: would the adverse impact of their loss significantly and demonstrably outweigh the benefits of the development.
13. It is not appropriate that Policy NE 4 applies to all major development. Major development will include uses that will not generate a need for public open space. Policy NE 4 should be amended to apply only to development providing over 100 residential units which creates a need for new public open space. The viability of developments below this threshold is likely to be affected with such an onerous requirement in place. The policy criteria over-burden developers. In particular, there is no justification for developers to have to provide for a local deficiency of open space unless their development creates the deficiency (criteria iii).

14. Similarly paragraph 6.3.2.4 expects that all development is required to address deficiencies in open space. This is simply not reasonable, sensible or justified. The Plan must be amended to ensure that such expectations are not placed on development proposals that have no bearing on the provision of open space. It is only appropriate that development proposals are required to mitigate site specific impacts.
15. The Council can only expect developers to provide measures that are CIL compliant. It is not good practice to seek contributions which are outside the scope of Regulation 122. Development should only be required to mitigate site specific impacts. Policy C1 unnecessarily burdens developers and could constrain the delivery of economic development. The supporting paragraphs do not explain or justify the policy.
16. This links closely to policy CO 5, the design of parking and Appendix F – Parking Standards. As drafted the parking standards are onerous and will undermine the viability of development and encourage the use of cars. This is in conflict with policy CO1 and the aims of the Framework which seek to promote alternatives to the car. The amount of space required to meet these standards will make development inefficient and threaten its viability. Parking standards for cycles are unrealistic, unnecessary and will waste space. It should be confirmed that the parking standards for cycles, two wheeled vehicles, and cars are maximum standards and that they will be applied flexibly in all areas. It should be confirmed that Council will not require developers to provide

more spaces (including cycle spaces) than are appropriate given the likely need generated by the development.

17. The requirements for water conservation and efficiency within policy ER 10 are addressed by Building Regulations and therefore it is unnecessary and should be deleted. It unduly places additional burden on the developer which is in fact outside the scope of planning policy.

18. Policy ER 12 is not clear in that it states that the “Council will expect development to...”. This is not consistent with the Framework and is unduly onerous. It should be made clear that this policy only relates to those sites which have a direct impact on watercourses or riverside habitats. This policy is not deliverable and the alternatives have not been assessed. It does not accord with paragraph 157 of the Framework which requires Local Plans to be planned positively.