

Gladman Developments Ltd

Matter 5 Hearing Statement

Telford and Wrekin Local Plan (2011-2031)

General Development Requirements & Specialist Housing

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1.1 Q5.1 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)
- Renewable energy and reduction of carbon emissions (policy ER1)
- Waste planning (Policy ER8)
- Water conservation and efficiency (policy ER10)
- Parking standards (Appendix F)

In addition, do the requirements of policies HO4 and ER10 accord with the Written Ministerial Statement dated 25 March 2015?

Housing Mix and Housing Standards

- 1.1.1 Policy HO4 of the Telford and Wrekin Local Plan refers to "... with properties built to lifetime homes standards and the Government's nationally described space standards" and the tracked changes version of the submitted Plan adds the wording "provided this meets a specified need and does not threaten viability of development overall".
- 1.1.2 The Written Ministerial Statement of 25 March 2015 is clear that, from the date of the Deregulation Bill 2015 receiving Royal Assent, "local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings."
- 1.1.3 The only technical standards that can now be considered and incorporated into Local Plans are restricted to the nationally described space standard, an optional requirement for water usage and optional requirements for adaptable / accessible dwellings. Therefore the reference to the lifetime homes standards in Policy HO4 is out of date and it should be amended to the adaptable / accessible housing standard.

- 1.1.4 However, the Written Ministerial Statement dated 25th March 2015 confirms that “the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”. So, if the Council wishes to adopt the higher optional standards for accessible & adaptable homes and the nationally described space standard the Council should only do so by applying the criteria set out in the NPPG. The NPPG sets out that “Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local Planning Authorities should take account of the following areas need, viability and timing” (ID: 56-020-20150327).
- 1.1.5 The Council’s evidence as set out in the SHMA is insufficient to justify the Council’s proposed policy requirements. If it had been the Government’s intention that generic statements about an ageing population justified adoption of the nationally described space standards and the higher optional standards for adaptable / accessible dwellings then the logical solution would have been to incorporate the standards as mandatory via the Building Regulations which the Government has not done. Therefore, it is incumbent on the Council to provide a local assessment evidencing the specific case for Telford & Wrekin which justifies the inclusion of the higher M4(2) standard for adaptable / accessible homes and the nationally described space standard in its Local Plan policy.
- 1.1.6 Moreover, the Council’s viability evidence does not test these proposed policy requirements. The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore, it is important for the Council to understand and test the influence of all inputs on the residual land value as this determines whether or not land is released for development.
- 1.1.7 The additional wording set out in the tracked changes document highlights the fact that the Council has not identified a specific need to justify the policy requirement and it has not been viability tested. As proposed, the policy causes uncertainty about the requirements a developer should fulfil when submitting a planning application and the assessment of that application by a decision maker in determining whether or not planning permission should be granted. Therefore the policy is ineffective as well as unjustified and non-compliant with national policy. It is recommended that the wording “with properties built to lifetime homes standards and the Government’s nationally described space standards provided this meets a specified need and does not threaten viability of development overall” is deleted from Policy HO4.

Affordable Housing (policies HO5 and HO6)

- 1.1.8 Gladman do not consider **policies HO5 and HO6** of the submission Plan to be sound. The policies do not consider the Council’s Affordable Housing Viability study (2009), which addressed recommended Affordable Housing Thresholds in the borough. The Council claims that the SHLAA Viability Study (2014) supports their affordable housing thresholds outlined in the submission Local Plan, but it would appear that there are some inconsistencies in the approach.

- 1.1.9 The Affordable Housing Viability Study (2009, which does not seem to have been submitted as part of the Council's evidence base) states the following (regarding the rural area and Newport):

"We also note that the Council has a recently adopted Core Strategy (2007) which included a target of 35% affordable housing in Newport and 40% in Rural areas of the authority. While we have been aware of the existing policy, this has not influenced the way we have reviewed viability issues in Telford and Wrekin.

However, on the basis of our independent analysis, we have concluded that both targets remain appropriate. In the Rural areas we found residual values (at 40% affordable housing) at or in excess of our comparator values. However, in the case of Newport, the position is more marginal at 35% and there may be individual schemes where, given current market values, alternative affordable housing mixes and/or grant support may be needed to ensure delivery of the target level of affordable housing. As the market returns to more 'normal' conditions this should be less of an issue."

- 1.1.10 The SHLAA Viability Study (2014) also discusses the viability of schemes in Newport. The Viability Study considers the following:

"Sensitivity analysis of the Newport and rural areas (Table 5.2) shows that reducing the affordable housing threshold to 20% and changing the tenure split to 50/50 has a positive impact on viability and moves sites from being inviable to marginal. Therefore, developers may seek to negotiate on the level of policy contributions on these sites to facilitate delivery."

- 1.1.11 The Affordable Housing Viability Study (2009) also considers what the appropriate affordable housing threshold would be in Telford. The study states:

"The position in Telford is more complex.

On viability grounds, it will not be possible to operate an affordable housing target in line with that of Newport or the Rural Area. The target will need to be considerably lower. A 20% target could be achievable but many schemes would require grant to do so. If the prospect of securing grant funding appears uncertain generally, a more realistic affordable housing target would be 10% or 15%.

...Our view is that a single affordable housing target for Telford should be established and that a figure of 20% is a realistic starting point."

- 1.1.12 It is clear that the Council's affordable housing thresholds may be unachievable given the implications identified within the SHLAA Viability Study. Gladman consider more realistic targets for affordable housing delivery would be **20%** for Telford (including the area around the existing Telford Area Boundary, **30%** for Newport and **35%** for the rest of the rural area, on the evidence available. The Policy should also be underwritten with clear flexibility that affordable housing delivery within the Telford Urban Area Boundary may not even be possible at 20%, and should

- accept that developers may come forward with viability appraisals but that this should be acceptable.
- 1.1.13 Gladman acknowledges that this may have implications for Telford and Wrekin's ability to deliver their affordable housing need as identified in the SHMA (2016). Gladman have significant concerns with the Council's objectively assessed need and their proposed housing requirement in the Submission Local Plan. This is discussed in Gladman's representations to Matter 1 (Housing – Needs, Requirement and Supply).
- 1.1.14 The Council undersupplied against their annual requirement in the Core Strategy. This was made abundantly clear in their Five Year Housing Land Supply Statement of April 2013, which acknowledges that between 2006 and 2013, when 8,050 dwellings should have been delivered, only 3,638 had been built (resulting in a shortfall of 4,412 dwellings).
- 1.1.15 Since 2011 (i.e. the beginning of the Plan Period) the position is less clear. The Council state in their latest AMR (submitted with the Local Plan) that in the 2015/16 monitoring year 27% of completions were affordable dwellings. It is clear that there is a significant need for affordable housing and Gladman have substantial concerns that the Council will not be able to meet the Local Plan targets of affordable housing delivery.
- 1.1.16 There are a number of discrepancies in the Council's evidence base relating to Affordable Housing, between what the Council considers the affordable housing need might be, and their own viability assessment. The Council's previous SHMA (2014) stated:
- "In order to clear the housing register backlog over the period 2011-2016 and to meet the requirements of those falling into housing need, there is an estimated need from those in the Urgent and Priority Needs bands for 2,493 affordable homes per annum. In the context of projected supply, this implies a shortfall of 1,608 homes per annum with the greatest pressure experienced in relation to 3 bed and then 2 bed homes. This is equivalent to 8,040 affordable homes over 5 years."*
- 1.1.17 The SHMA (2016), however, states:
- "Table ES2 summarises the annual net affordable housing imbalance by sub-area which have been derived from an analysis of households in need, considered the relative affordability of open market prices and rents to households in need and the existing supply of affordable dwellings. The overall net annual imbalance is calculated to be 665 Affordable dwellings each year over the next five years."*
- 1.1.18 Given this combination the Council have no real idea of what level of affordable housing will be delivered and little attempt has been made to remedy or address current and historic affordable housing shortfalls. On this basis alone, the housing strategy will fail to provide sufficient affordable dwellings. As a result, Gladman consider it must not be sound.

Biodiversity and Woodland Enhancement (Policies NE1, NE2 and ER12)*NE1*

- 1.1.19 The NPPF (§118) considers that Local Planning Authorities should aim to “*conserve and enhance biodiversity*”. The Council’s **policy NE1**, as drafted, is far more restrictive in that it states:

“Biodiversity and geodiversity assets will be protected, maintained and enhanced”

- 1.1.20 As currently drafted Gladman do not believe that Policy NE1 aligns sufficiently with the requirements of the Framework and needs to be revisited to ensure that it is consistent with the approach set out by the national planning policy.

NE2

- 1.1.21 Gladman object to Policy NE2 as it is considered to be too onerous. The first part of the Policy should refer to the retention of trees, hedgerows and woodlands wherever possible so that it accords with criterion (ii) of the Policy which suggests that compensation and mitigation maybe acceptable when retention is not possible.

ER12

- 1.1.22 The Policy appears overly onerous and Gladman do not support the policy as currently drafted. The Policy requires development to “*demonstrate proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment.*”
- 1.1.23 Gladman submit that developers should not need to address watercourses or riverside habitats unless there is a direct impact upon them. Gladman would recommend amending the policy to make this more specific.

Open space provision (policy NE4)

- 1.1.24 Gladman have no specific comments to make on this policy.

Promoting alternatives to the private car (policy C1)

- 1.1.25 Gladman submit that the Council can only expect developers to provide measures that are CIL Compliant. Planning obligations should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Policy C1 unnecessarily burdens developers and could constrain the delivery of residential development.
- 1.1.26 Policy C1 should be amended so that it reflects the fact that developers will provide contributions in accordance with the CIL regulations 122 and 123. Any improvements sought by the Council in relation to a specific development should be necessary to make the development acceptable.

Renewable energy and reduction of carbon emissions (policy ER1)

- 1.1.27 Gladman object to Policy ER1 on Renewable Energy as the policy should refer to viability in order to ensure that it is not contrary to the Framework paras 173 and 174 which state that plans should be deliverable and sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

Waste planning (Policy ER8)

- 1.1.28 Gladman do not consider that Policy ER8 is sound as drafted. The Policy requires a contribution towards the costs of refuse and recycling containers. Gladman submit that this approach is not CIL Compliant. The request will be levied against all developments in Telford and Wrekin and Gladman believe this contribution fails to comply with CIL Reg 122 as it is not deemed to be necessary to make the development acceptable in planning terms.
- 1.1.29 This has previously been considered by Planning Inspectors, including Inspector S R G Baird (APP/C3105/A/14/2213263) at land off Banbury Road, Adderbury, Oxfordshire. The Inspector concluded, with regard to refuse and recycling bins that:

“With regard to the provision of refuse bins by the developer rather than the Council or individual home owners... are not necessary to make the development acceptable in planning terms.”

- 1.1.30 These conclusions have been supported by a number of other Planning Inspectors conclusions.¹

Water conservation and efficiency (policy ER10)

- 1.1.31 Policy ER10 requires major development to incorporate design features which will reduce water consumption. Following the introduction of the optional technical standards, water consumption is to be dealt with through the Building Regulations. Should the Council wish to introduce measures to restrict water consumption further than the standard restriction of 125 litres of water per person per day to the higher standard under Part G (110 litres per person per day), they must do so through evidencing a clear need for this and also test its viability.

Parking standards (Appendix F)

- 1.1.32 Gladman have no specific comments to make on this policy.

1.2 Q1.5 – Are the criteria for specialist housing set out on policy HO7 adequately justified?

- 1.2.1 The Local Plan Publication Version recognises the issue of an ageing population within Telford and Wrekin and the fact that the situation will continue to worsen over the plan period. It is positive that

¹ Land east of Bloxham Road, Banbury (APP/C3105/A/12/2178521), Land off Banbury Road, Adderbury (APP/C3105/A/14/2213263) and Land off Barford Road, Bloxham (APP/C3105/A/13/2189896).

the Council have sought to recognise this with the inclusion of a criteria based policy (HO7) which seeks to support proposals catering for specialist housing needs. The policy could include additional detail within the criteria to provide more guidance to developers of these types of accommodation but the inclusion of a policy covering these needs is supported.