

TRAFFORD CIVIC QUARTER AREA ACTION PLAN EXAMINATION

Note to Inspector

Flexibility versus Certainty within the Plan

Context.

1 The NPPF provides guidance on Plan making from Paragraph 15 onwards. At Paragraph 16 it states that Plans should (amongst other considerations):

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

2 This makes clear that the Plan must include policies that are clear in their application and requirements, so that applicant, decision maker and interested parties all understand what is expected to happen – and where and how. This is a general requirement and is met here for reasons set out below.

3 However, there is a further relevant point from the NPPF. In the subsequent paragraphs, the Framework goes on to set out the parameters of both strategic and non-strategic plan making. In this regard, the Area Action Plan (AAP) sits squarely within the orbit of paragraph 28 in that it is a plan containing detailed policies for a small and specific area.

4 This is an important distinction – because the obligations on strategic plans are rather different from those here. There is a specific requirement to make sufficient provision for certain types of development (most obviously housing) – and to link that provision back to identified needs as set out in paragraph 11(b). In a strategic plan it is essential that the quantum and scale of development is carefully specified and defined – because that is the very purpose of such Plans. If it was found that a plan contained insufficient development, then a Local authority might be recommended to identify and allocate more land.

5 That is not the case with non-strategic policies – and so not the case with the AAP. There is not the same policy imperative to quantify the scale of development – the approach is much more of plan making from the bottom up, rather than from the ‘top down’. The emphasis is much more on achieving a high quality of development rather than an absolute quantum of growth.

6 Having said that, the Council is determined to secure at least 2500 houses and 50,000 sq m of business uses in the Plan period and up to 4000 residential units beyond. That is achieved for reasons given below.

The Approach of the AAP

7 The AAP provides through its policies, preambles and supporting sections a significant amount of information about the planned development of the area. Accordingly, when read as a whole, both applicants and decision makers can be

clear as to the vision and objectives of the plan – and its approach to housing, business, affordable housing, open space and accessibility.

8 Allied to this the revised Policies Map provides better clarity and definition as to the uses which are promoted in each parcel of the Plan area. In areas identified for housing and workspace, M5 para 5.1.4 makes proposals to ensure that there is proportionate element of both. The term ‘predominantly’ is used to identify the main uses in any specific area. So where the area is shown for residential and workspace; or residential and retail it will be required to be predominantly for that use. However, it is not intended that mono – use developments come forward (especially on the larger sites) and to ensure delivery of mixed communities, it is intended that all sites (subject to site specific constraints) should provide elements necessary for a mixed community such as F&B at ground floor or community/nursery spaces, or small scale retail – hence “predominantly but not exclusively”

9 The Examination Hearings have already heard about the prevalent form of development in this location during the 1970’s and 80’s with large, contained, inward facing ‘monoculture’ employment sites becoming prevalent. The future vision of the plan area is quite different – being intent on the creation of a much greater mix and openness of development. Consequently when the Policies Map identifies an area ‘predominantly’ as housing – it implies that it will include proportionate elements of convenience retail, food and Beverage, day nurseries, gyms and the like. These are the elements that make a mixed community ‘come alive’ and so the Policies Map is reflective of this approach.

10 As to the adequate degree of certainty (whilst also securing flexibility) the policy plan sets out the heights, uses and permeability requirements for each area, the rest of the policy framework includes the requirements for AH to be provided on each site and the housing mix as well as detailed design codes. It is considered that this provides adequate certainty whilst allowing for design and context led, rather than just quantum led, proposals to come forward.

11 This does not imperil delivery of the 2500, the 4000 or the 50000 sq m because: (1) there is ample land and capacity within the height parameters to deliver in excess of those figures; (b) it is envisaged that the market will seek as much residential as possible and thus the policy needs to ensure that is of appropriate scale and mix and that it is not to the exclusion of other uses. The inclusion of other uses is built into the masterplan, the land use budget and the viability exercise.

12 It is considered that the combination of the Policy Plan (heights, uses, permeability and open space requirements) combined with the AH and housing mix policy and the design codes provide adequate direction as to what is required so that there is certainty as to what form, scale and intensity of development is likely to be acceptable. However if the Inspector considers that further direction is required a policy expectation that where significant scale of housing is provided in up to 6 storey areas, the density would be at around 170 d/ha and that where taller buildings are proposed that may be capable of being increased.

13 The plan already sets out policy requirements in terms of building heights – and this in turn leads into considerations of density – especially of residential development. Accordingly if greater definition is thought desirable then expectations of density could be introduced via the Neighbourhood Section of the Plan at appendix 1. This would provide more detail as to the appropriate scale and type of development in each part of the plan area.

14 The Councils reticence on allocating individual parcels of land for a specific number of units is because that undermines the desire for a ‘design led’ approach to development. It is the intention of the plan to leave room for effective and innovative design solutions – and that ultimately the quantum of development will be dictated by this process, rather than a policy-led target for the amount of development for each allocation. Where developments are built at high density, it is difficult to establish a precise quantum of development that would be acceptable, without testing that quantum robustly at development management stage, and particularly where the implications of site specific constraints are not fully known.

15 In respect of meanwhile uses, the Council would have no objection in principle to these taking place on sites within the Civic Quarter, subject to suitable controls. It is anticipated that, as the residential community grows, there will be a market led demand for pop up food and beverage / drinking establishment uses, potentially on sites which may come forward later in the plan period (as it is not anticipated the market could support every residential site coming forward at once). Reference was made in the hearing sessions to existing examples at Boxpark at Shoreditch and at Croydon (albeit these are now permanent installations), and Freight Island at Mayfield in Manchester. Another type of meanwhile use was described as short term lets of existing buildings prior to comprehensive redevelopment, but which would require a change of use application.

16 The Council would also not object to this type of use, provided it did not conflict with the vision and ambitions of the plan, or national retail policy. It would be important to ensure that they did not undermine the delivery of the plan, however, by discouraging comprehensive redevelopment. Appropriate controls would be required in terms of the use of temporary planning permissions and justification given at application stage for why a site could not be delivered within the period of the temporary planning consent. It is suggested that the following wording be added to Policy CQ3: *‘meanwhile uses will generally be supported provided (i) they do not undermine the vision or delivery of the Plan; (ii) they are controlled appropriately by the use of temporary planning permissions; (iii) justification for why a site is unable to be delivered for comprehensive redevelopment within the period of the planning permission sought; (iv) they comply with all other relevant development plan policy and national policy, particularly in regard to retail development.*

17 Finally as regards the consolidation of car parking as described in Policy CQ10 and its accompanying diagrams, the Council views the identified parking locations as opportunities rather than obligations. There is not intended to be a policy requirement on any land owner to meet the parking needs of other developments; however there is the potential for this to arise by agreement – and potential locations

are identified on the maps on page 81 of the Plan. There is no intent that any site should be required to provide for the parking needs of other sites. (This point will be further explained as part of the Matter 10 session).

18 As this is considered to be indicative of an opportunity and not a policy requirement, the Council is not proposing to include these sites within the Policies Map.

Conclusion.

19 The Council considers that the advice of NPPF 16 (d) needs to be read alongside the subsequent guidance that applies respectively to strategic and non-strategic policies. Taking the Plan as a whole – and recognising the desire for mixed communities, with the improved Policies Map the Council considers that it has properly balanced the need for certainty and flexibility – and has provided sufficient clarity to meet the test of Framework paragraph 16(d)