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**South Staffordshire Local Plan
Publication
Representations on behalf of
St Philips Land Ltd**

**Land at Wolverhampton Road, Wedges Mills,
Cannock**

St Philips Land Ltd

24 November 2022

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Contents

1.0	Introduction	1
	Plan-making to date	1
	Structure	1
2.0	Areas of Response	2
	Policy DS4: Development Needs	2
	Policy DS5 – The Spatial Strategy to 2039	9
	Policy HC1 – Housing Mix	12
	Policy NB6 – Sustainable Construction	14

1.0 Introduction

- 1.1 These representations to the South Staffordshire Local Plan Review Publication Plan (“the PP”) have been prepared by Lichfields on behalf of St Philips Land Ltd (“St Philips”).
- 1.2 We focus on the strategic matters that are contained within the PP consultation document and relate specifically to St Philips’ site at Wolverhampton Road, Wedges Mills Cannock (“the Site”).
- 1.3 St Philips seeks to work constructively with South Staffordshire Council (“the Council”) as it progresses towards the adoption of the Local Plan Review and trusts that the comments contained within this document will assist Officers in this regard.

Plan-making to date

- 1.4 To date, the Council has consulted on an ‘Issues and Options Consultation’ (“IOC”) between 8 October and 30 November 2018, followed by the South Staffordshire Spatial Housing Strategy & Infrastructure Delivery (“the SHSID”) and the Infrastructure Delivery Plan 2019 [IDP] between 17 October until 12 December 2019.
- 1.5 The IOC did not define the Council’s preferred approach, but rather considered a range of five potential future spatial strategies to meet the Council’s preferred level of housing growth for the District up to 2037. Consequently, the SHSID sought views on how the Council’s housing target could be best planned for through a variety of Spatial Housing Options to distribute housing growth across the district. This was followed by the Preferred Options consultation from November to December 2021, which set out an infrastructure-led strategy, and proposed site allocations to meet the district’s (*inter alia*) housing needs. The Council is now undertaking a consultation on the PP, which asks for views on the legal soundness of the Council’s PP and the policies within it.

Structure

- 1.6 These representations are structured around the policies set out in the PP consultation, these being:
- Policy DS4: Development Needs; and
 - Policy DS5 – The Spatial Strategy to 2039.
 - Policy HC1 – Housing Mix
 - Policy NB6 – Sustainable Construction

2.0 Areas of Response

- 2.1 St Philips' response to the PP is set out below, using the draft policies contained in the PP document for continuity.

Policy DS4: Development Needs

- a. Draft Policy DS4 (Development Needs) sets out the Council's proposed housing requirement for the plan period up to 2039, which includes a contribution towards meeting the unmet housing needs of the Greater Birmingham and Black Country Housing Market Area [GBBCHMA]. St Philips has the below comments on draft Policy DS4, and the evidence base underpinning it, which it is considered would need to be addressed by the Council to ensure the policy is robust and sound:

1. Housing Need

- 2.2 Draft Policy DS4 states that the Council will deliver a minimum of 9,089 dwellings between 2018-2039 to meet the district's housing 5,089 dwelling local housing need [LHN] figure and a 4,000 dwelling contribution towards unmet housing needs of the GBBCHMA. The supporting text states that the Council's 241 dwellings per annum [dpa] LHN figure is based on National Planning Policy Framework's (2021) [NPPF] Standard Method for the 2022 to 2039 period, with the 2018 to 2022 period consisting of the 992 dwellings already completed.
- 2.3 Broadly, St Philips supports the Council's approach to assessing its minimum LHN. The Council's LHN calculation and figure of 241 dwellings per annum [dpa], although not explicitly stated, appears to have correctly utilised the 2014-based household projections and 2021 median work-place based affordability ratios – in line with the Planning Practice Guidance [PPG]¹. St Philips also welcome the Council's update to the LHN figure following on from the PO (c.243 dpa), which reflects the PPG's clear instructions to keep this number under review and revise it where appropriate.²
- 2.4 However, St Philips notes that the Council has not reflected on the critical concerns raised by St Philips in the previous PO and SHSID consultation responses. Firstly, as St Philips previously stated in their PO representations, the Council should not utilise completions already delivered in the District prior to the current base year in generating the District's housing need for the plan period. As St Philips has previously advised, to ensure a sound approach, which aligns with the guidance in the PPG³, St Philips consider that the Council's LHN should be applied to the whole emerging plan period (2018-2039).
- 2.5 It is entirely reasonable for the Council to include the 2018/21 completions within its supply from the 2018 base date, therefore reducing the overall plan requirement. However, these should not form part of the Council's housing need figure for the 2018/21 period. The Council should, therefore, update the assessment of its LHN to reflect the need across the whole plan period (i.e., a policy-off figure), and explicitly state that the Plan's housing requirement (i.e., policy-on figure) reflects the existing sources of housing supply (i.e.,

¹ PPG ID: 2a-004

² PPG ID: 2a-008

³ PPG ID: 2a-008 and 2a-012

completions and permissions). This would result in the Council's minimum LHN for the 21-year plan period increasing to 5,061 dwellings, a 964 dwelling increase compared to the need identified in the PP. As such, to ensure a sound approach, the Council should amend the housing requirement to reflect this increased 'need', and factor in the completions within the supply element of Policy DS4.

- 2.6 Secondly, as set out in detail within St Philips' PO and SHSID representations, both the NPPF⁴ and PPG⁵ are clear that the LHN figure generated by the standard method is a minimum starting point and the PPG is clear that it would be appropriate for a higher figure to be adopted on the basis of employment, infrastructure, affordable housing or unmet housing needs⁶ (i.e. actual housing need may be higher than this figure). The Council's 'South Staffordshire Housing Market Assessment' ("the SSHMA") was published in 2021 in support of the PO; however, the SSHMA did not consider the above-mentioned uplifts in detail. As such, St Philips recommended to the Council that an updated SSHMA should be prepared to support the Local Plan Review.
- 2.7 Importantly, St Philips considers that neither the PP nor a revised SSHMA – which has not been prepared – has considered whether uplifts are required to the minimum LHN figure as per St Philips' detailed recommendations within the previous PO response and contrary to the PPG. As such, it is considered that the Council has still not considered whether:
- 1 An affordable housing need uplift would be required to account for the affordable housing needs of in-migrating households from the Black Country or Birmingham, resulting from the proposed 4,000 dwelling unmet housing needs contribution – to demonstrate whether an uplift could help deliver the required number of affordable homes for different groups in the community (Para 62, NPPF); and
 - 2 Whether there would be a sufficient supply of housing to meet the indigenous employment needs identified within the Council's new 'Economic Development Needs Assessment 2020-2040 (June 2021)' [EDNA], or the regional needs arising from the job growth associated with the West Midlands Interchange [WMI] within the plan period – to align with the NPPF which recognises the implicit link between economic growth and housing need, and that economic growth should not be decoupled from housing growth (Para 81).
- 2.8 As such, St Philips wishes to again reiterate to the Council that, to ensure a robust and sound approach, the Council should prepare an SSHMA update which considers whether affordable housing or economic uplifts should be applied to the Council's 241 dpa minimum LHN figure.

2. Unmet Housing Need

- 2.9 As noted above, draft Policy DS4 of the PP sets out the Council's commitment to delivering 4,000 dwellings towards the unmet housing needs of the GBBCHMA. In this regard, as St Philips set out in their previous PO representations, St Philips again welcomes the Council's commitment to addressing part of the GBBCHMA unmet needs through the Local Plan Review. Given the acute housing shortages arising within the main conurbations in the

⁴ Paragraph 61

⁵ PPG ID: 2a-002

⁶ PPG ID: 2a-010

HMA, it is entirely appropriate and in accordance with the NPPF (Paras 11b and 35c) that the Council makes provision for these strategic and cross-boundary needs to be addressed within the Local Plan Review.

- 2.10 Importantly, St Philips also welcomes the Council's continued commitment to addressing the unmet needs of the Black Country. As the Council will be aware, despite a strong track record of working together and joint plan-making, it was announced that in October/November the Black Country Plan Review [BCPR] would no longer proceed following Dudley's announcement that was withdrawing from the plan. Whilst the BCPR is no longer proceeding, St Philips notes that these acute unmet needs will still need to be addressed and each of the BCA authorities will still require assistance separately. It is therefore entirely logical to continue to assist the Black Country Authorities in meeting their cumulative needs up to 2039.
- 2.11 In respect of the scale of the Council's proposed unmet housing need contribution, as was set out in St Philips' PO representations, St Philips still has concerns regarding the Council's derivation of its 4,000-dwelling contribution. Whilst the PP again refers to this figure being defined within the 'Greater Birmingham HMA Strategic Growth Study' (February 2018) ("the SGS") (Para 5.12), St Philips remains of the view that the SGS has not been examined, and therefore the findings of the SGS carry little to no weight.
- 2.12 Moreover, the Council's proposed unmet need provision is contrary to the clear caveats set out in the SGS, that it is for Local Planning Authorities to test potential growth through the local plan process (Para 1.41 and 1.42). The quantum of growth identified within the SGS is therefore not a maximum or minimum, and it is for the Council to establish through its own Local Plan process the quantum of growth the District is capable of accommodating above its own LHN. As such, St Philips continues to consider that the SGS is not an appropriate or robust piece of evidence to underpin the Local Plan Review's contribution towards the GBBCHMA unmet housing needs.
- 2.13 To this end, St Philips PO response suggested that there was a cogent need – if not a requirement – for the Council to prepare a robust and evidence-led approach which draws on analysis that considers the functional housing market relationship between the various local authority areas. As the Council will be aware, Lichfields, on behalf of St Philips, undertook this analysis. Lichfields' functional housing market relationship analysis indicates that the Council should be seeking to make provision for c.25% of the total unmet needs of the Black Country HMA up to 2039 and c.7% of the total unmet needs of the Birmingham HMA up to 2031. When combined this would equate to c.8,650 dwellings above the District's own housing needs, which should be seen as a starting position and tested through the Sustainability Assessment [SA] process.
- 2.14 In this regard, it is noted that the 'Sustainability Appraisal of the South Staffordshire Local Plan Review (2019-2039): Regulation 19 SA Report (October 2022)' ("the Reg 19 SA") has included an additional Residential Growth Option (F) within the testing of reasonable alternatives (Para E.1.1.5) – as required by the PPG⁷ and Friends of the Earth High Court judgment.⁸ Importantly, St Philips welcomes the Council's pragmatism in reflecting on St Philips' PO response and Lichfields' analysis through testing Lichfields suggested unmet

⁷ PPG IDs: 11-017 and 11-018

⁸ Paragraph 88 of R (Friends of the Earth England, Wales and Northern Ireland Ltd) v The Welsh Ministers [2015] EWHC 776 (Admin)

housing need contribution within the Reg 19 SA. It is entirely appropriate for the Council to test an additional reasonable, evidence-based, alternative as a part of the iterative process necessary for progressing a plan.

- 2.15 Therefore, as a part of the Reg 19 SA, the Council has now tested 6 unmet housing need contribution figures, ranging from 0 to 20,000 dwellings, as shown below:
- Residential Growth Option A – 0 dwellings towards the GBBCHMA unmet needs;
 - Residential Growth Option B – 1,520 dwellings towards the GBBCHMA unmet needs;
 - Residential Growth Option C – 4,000 dwellings towards the GBBCHMA unmet needs;
 - Residential Growth Option D – 12,000 dwellings towards the GBBCHMA unmet needs;
 - Residential Growth Option E – 20,000 dwellings towards the GBBCHMA unmet needs; and
 - Residential Growth Option F – 8,650 dwellings towards the GBBCHMA unmet needs.
- 2.16 However, St Philips disagrees with the conclusions of the Reg 19 SA. On the face of it, the Reg 19 SA is fundamentally unclear as to how the Residential Growth Options have been scored. Indeed, there appears to be little evidence to justify the scores given, as the Reg 19 SA notes that the assessment is only at a high-level, is limited, and results in “*uncertain impacts being identified for various SA Objectives*” (Para N32), other than the Housing SA objective, due to “*the uncertainty over the distribution of development*” (Para E.2.1.2).
- 2.17 By way of example, as shown in Figure 2.1 below, Options B and C scored the same despite a c.2,500 difference in the contribution. Moreover, for most of the SA Objectives, Options B and C scored ‘Neutral’, with only a ‘Major Positive’ score for Housing and ‘Major Negatives’ for Climate Change Mitigation and Pollution and Waste. Similarly, Options D to F scored the same, despite 4,000-8,000 differences in the contribution. Conversely to Options B and C, ‘Negative’ scores were attributed to Options D, E and F, despite the same level of uncertainty from the Reg 19 SA.
- 2.18 Ultimately, despite ‘uncertainties’, it is fundamentally unclear how Option F (8,650 dwellings contribution) would score the same in SA terms as Option E (20,000 dwellings contribution). This is a product of the SA scoring criteria being too broad and unclear, which results in options scoring ‘uncertain’. It is also a product of the Council not decoupling housing growth from the distribution of development, and assuming that it would “*result in proposals for a large number of homes in locations where the development would discord with the existing character and setting of local landscapes and townscapes*” (Para E.2.1.2), which isn’t necessarily the case. Indeed, growth could be disbursed through the District to locations which could feasibly and sustainably support additional growth beyond that which the Council’s PP has currently identified. In essence, it appears that the evaluation of reasonable alternatives in the Reg 19 SA could be interpreted to have been ‘improperly restricted’.

Figure 2.1 Comparison of Residential Growth Options A-F Reg 19 SA Scores

Residential Growth Option	SA Objective											
	1	2	3	4	5	6	7	8	9	10	11	12
	Climate Change Mitigation	Climate Change Adaptation	Biodiversity & Geodiversity	Landscape & Townscape	Pollution & Waste	Natural Resources	Housing	Health & Wellbeing	Cultural Heritage	Transport & Accessibility	Education	Economy & Employment
Option A	--	+/-	+/-	+/-	--	+/-	+	+/-	+/-	+/-	+/-	+/-
Option B	--	+/-	+/-	+/-	--	+/-	++	+/-	+/-	+/-	+/-	+/-
Option C	--	+/-	+/-	+/-	--	+/-	++	+/-	+/-	+/-	+/-	+/-
Option D	--	+/-	+/-	-	--	+/-	++	-	+/-	-	-	+/-
Option E	--	+/-	+/-	-	--	+/-	++	-	+/-	-	-	+/-
Option F	--	+/-	+/-	-	--	+/-	++	-	+/-	-	-	+/-

Source: Table N.3, Reg 19 SA

2.19 Notably, the Reg 19 SA concludes that “options B and C could be considered the best options as these would be likely to have less potential for environmental impacts that are irreversible compared to the larger-scale of growth under D, E and F, such as loss of the soil resource” (Para N33). It goes on to state that:

“Options D, E and F which propose the highest levels of growth (totalling 17,130, 25,130 and 13,739 dwellings respectively) would generally be expected to result in greater potential for adverse effects particularly in relation to environmental SA Objectives such as air quality, climate change, biodiversity, soil resources and landscape. These three options would also be likely to present the greatest challenge with respect to capacity issues and pressure on existing services and infrastructure required to deliver the proposed levels of growth and meet the day to day needs of the population.” (Para 5.3.6) (Emphasis added)

2.20 Despite ‘uncertainties’, the Reg 19 SA states that a further contribution beyond 4,000 dwellings would have more negative impacts than Option C. This fundamentally ignores the fact that any adverse impacts could be mitigated. Further growth can, and should, (*inter alia*) contribute towards the improvement of services and facilities, biodiversity net gain, and the provision of sustainable transport. It is therefore entirely possible for further growth to ameliorate any environmental and social impacts through appropriate mitigation. Again, St Philips considers that results in the Reg 19 SA appearing to ‘improperly restricted’ the assessment of reasonable alternatives.

2.21 Notwithstanding the above, it is clear that over the course of the Local Plan Review process the unmet needs of the GBBCHMA have continuously evolved. Whilst the PP highlights that the sources of significant unmet need arise from Birmingham’s adopted Birmingham Development Plan (2017) and the emerging Black Country Plans (Para 5.10), as the Council is aware, the Birmingham City Council are now undertaking a Local Plan Review, with their latest Issues and Options consultation identifying an emerging c.78,000 dwelling unmet

need between 2022 and 2042 (Para 5.13). This is, of course, in addition to the extant unmet housing needs in Birmingham and those of the Black Country.

- 2.22 Whilst the PP acknowledges this emerging issue in Birmingham, the Council currently does not propose to address this issue within the Local Plan Review. Instead, the Council states that it will work with the other GBBCHMA authorities to update the SGS and address this through a future Local Plan Review (Para 5.15). Whilst St Philips welcomes the Council's continued commitment to addressing the housing needs of the GBBCHMA, St Philips has concerns that the Council is effectively seeking to defer rather than deal with this issue, contrary to paragraph 35c of the NPPF.
- 2.23 In particular, St Philips has concerns regarding deferring addressing this matter until such time as an updated SGS has been prepared. This is because this process could take several years and still not result in an agreed spatial distribution. Indeed, few authorities have agreed to the distribution of growth set out in the 2018 SGS. Moreover, the adopted Birmingham shortfall was identified in 2017, with the SGS published in 2018, and still to date only one authority within the GBBCHMA has addressed these needs through an adopted plan (e.g., North Warwickshire) nearly 5 years later.
- 2.24 As was indicated in St Philips PO representations, the distribution of the unmet housing needs of the GBBCHMA should be undertaken based on a functional relationship approach, rather than an updated SGS. This is an approach supported by Inspectors in both the Coventry and Warwickshire HMA⁹ and the Leicester and Leicestershire HMA.¹⁰ In this context, even if Birmingham is able to make provision for further land within their Green Belt, the extent of the unmet housing needs arising up to 2042 is likely to remain acute and severe. As such, although the Council has weaker socio-demographic and economic links with Birmingham, it is very likely that the Council will need to make further provisions to address these needs. As such, it is likely that this will exceed the 8,650 dwelling contribution that Lichfields have already quantified in St Philips' PO response.
- 2.25 Whilst it is noted that further growth beyond the 8,650 identified by Lichfields has been tested (i.e. Options D and E), as set out above, the Reg 19 SA does not appear to have sufficiently or robustly assessed these reasonable alternatives. St Philips considers that it is likely that there are sites throughout the District that could sustainably contribute to addressing more of the GBBCHMA's unmet housing needs than the currently proposed 4,000 dwelling contribution. It is evident that there are opportunities to allocate additional 'suitable, available and achievable' land and sites in sustainable locations across the District.
- 2.26 Indeed, St Philips site at Wolverhampton Road, Wedges Mills (Site ref: 529) is one of these opportunities.

3. Buffer

- 2.27 Notwithstanding the above, it is noted that the PP highlights that against a minimum housing requirement of 9,089 dwellings over the 2018 to 2039 plan period, the Local Plan Review will make provision for c.10,188 dwellings over this same period. Draft Policy DS4 indicates that this would equate to a c.13% oversupply, which the Council considers will

⁹ IR61, Inspectors Report

¹⁰ Charnwood Local Plan Examination – Inspectors Letter dated 18 November 2022

ensure that the Council can “*meet the national policy requirement to respond to changing circumstances in the plan period and demonstrate plan flexibility*” (Para 5.22).

- 2.28 In this regard, St Philips welcomes the Council’s update to the Local Plan Review following their response to the PO. Indeed, on the face of it, the Council has increased its buffer from c.1% in the PO to c.13% in the PP. In this regard, and notwithstanding St Philips’ concerns with the Council’s draft housing requirement – discussed above – St Philip’s fundamentally supports the principle of the Council’s approach of ensuring a sufficient headroom is built into the supply.
- 2.29 As the Council will be aware, it is critical that the Local Plan’s housing trajectory has sufficient land supply across the plan period so that it can adjust and accommodate any unforeseen circumstances, such as a degree of flexibility in delivery rates and densities. This is because, if any single component of supply does not come forward or falls behind the timescales implied by the Council, which buffers are intended to address, this may result in the GBBCHMAs unmet housing needs not being delivered, rather than the Councils.
- 2.30 At present, the Council’s proposed growth strategy would exceed the Council’s identified housing requirement with a c.13% headroom in supply. Whilst St Philips welcomes the Council’s provision of a c.13% buffer, St Philips notes that this is below the range identified by other Councils and found sound at the examination as well as being explicitly endorsed by Inspectors:
- Chelmsford: 18% buffer¹¹
 - South Kesteven: 18% buffer¹²
 - Harrogate: 25% buffer¹³
 - South Oxfordshire: 27% buffer¹⁴
 - Mansfield: 34% buffer¹⁵
 - Guildford: 36% buffer¹⁶
 - Chesterfield: 59% buffer¹⁷
- 2.31 As such, St Philips recommends that a minimum of c.20% headroom should be incorporated into the Local Plan Review. Importantly, this increased buffer in supply to ensure flexibility should be detached from the Council’s contribution to the GBBCHMA housing shortfall (i.e. 20% on top of its LHN figure and GBBCHMA unmet need contribution). The consequence of this is that it will be necessary for the Council to identify

¹¹ Inspector’s Report to Chelmsford City Council, paragraph 154. Available at: <https://www.chelmsford.gov.uk/resources/assets/inline/full/0/3951296.pdf>

¹² Inspector’s Report to South Kesteven District Council, paragraph 145. Available at: <http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=25671>

¹³ Inspector’s Report to Harrogate Borough Council, paragraph 180. Available at: <https://democracy.harrogate.gov.uk/documents/s8649/05-Appendix1-InspectorsReport.pdf>

¹⁴ Inspector’s Report to South Oxfordshire District Council, paragraph 44. Available at: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2020/11/Inspectors-Report-November-2020.pdf>

¹⁵ Inspector’s Report to Mansfield District Council, paragraph 159. Available at: <https://www.mansfield.gov.uk/downloads/file/1473/mansfield-local-plan-inspector-s-report>

¹⁶ Inspector’s Report to Guildford Borough Council, paragraph 42. Available at: https://www.guildford.gov.uk/media/29804/Appendix-1-The-Inspector-s-Report/pdf/Appendix_1_The_Inspectors_Report.pdf?m=637369059509370000

¹⁷ Inspector’s Report to Chesterfield Borough Council, paragraph 104. Available at: <https://www.chesterfield.gov.uk/media/1270438/final-report-27-may-2020.pdf>

additional suitable land supply (i.e. more than needed to meet the total housing requirement) to facilitate an additional c.7% headroom to be built into the supply.

- 2.32 In this regard, growth within the plan period at Wedges Mills would be an entirely logical source of supply to address this need – discussed further below.

Policy DS5 – The Spatial Strategy to 2039

- 2.33 Draft Policy DS5 (The Spatial Strategy to 2039) sets out the Council’s proposed spatial strategy to address the plan’s housing requirement for the plan period up to 2039. The PP notes that the proposed spatial strategy has been revised since the PO, following comments received during the consultation (Para 5.20). The draft policy notes that an integral part of the Strategy is *“to ensure that growth is distributed to the district’s most sustainable locations, avoiding a disproportionate level of growth in the district’s less sustainable settlements, whilst also recognising that very limited growth in less sustainable areas may be appropriate in limited circumstances set out in the settlement hierarchy below.”*
- 2.34 In this regard, the Council’s updated ‘Rural Services and Facilities Audit 2021’ [RSFA] identifies Wedges Mills as a Tier 5 settlement, and the PP therefore still does not propose any allocations within the settlement, or at all along the edge of Cannock. Indeed, the draft policy states that these *“settlements are not intended to experience further housing or employment growth, owing to their poorer public transport links and lack of services and facilities relative to other settlements within the district.”*
- 2.35 In this regard, as the Council will be aware, in St Philips’ previous representations to the PO St Philips expressed concerns regarding the Council’s omission of any growth on the edge of Cannock. Particularly because this approach had no regard to the role that Cannock’s ‘higher order’ services have for the residents of settlements along its boundary, such as Wedges Mills, and that Wedges Mills is sustainably located on the edge of Cannock, which utilises the variety of existing services, facilities, and employment opportunities in Cannock.
- 2.36 In this context, it is noted that in response to the PO consultation responses, the Council has changed its site selection process to reflect particular comments. Notably, as set out in the ‘Site Selection Topic Paper 2022’ [SSTP], the Council has changed its site selection process to ensure that *“sites in Tier 1-4 villages or urban edge locations which do not strictly conform to Spatial Option G of the 2019 consultation are not excluded from assessment, particularly in light of Spatial Options D-G being assessed as all having similar sustainability impacts in the 2019 iteration of the Sustainability Appraisal”* (Para 1.4). It is also welcomed that the Council recognises in the Reg 19 SA that *“failing to consider such areas for development may result in an unsustainable pattern of development”* (Appendix H, Reg 19 SA).
- 2.37 In essence, the Council appears to now have had regard to the role that development on the edge of Cannock could play in addressing the District’s housing needs, whilst reflecting the link between the settlements on the edge of the District and Cannock.
- 2.38 On the face of it, St Philips welcomes the Council’s pragmatism in constructively taking on board St Philips’ previous concerns regarding the need for growth on the edge of Cannock. Indeed, it is noted that the Council has assessed the Site in both the Reg 19 SA and SSTP. As

previously stated, it is entirely appropriate for the Council to direct growth to settlements, such as Wedges Mills, on the edge of Cannock, as the Council's previous approach could warrant its proposed spatial strategy unreasonable.

2.39 However, despite now assessing sites within the West of Cannock (A5 Corridor) area of search within the SSTP, the SSTP concludes that having considered all reasonable alternative sites on the western edge of Cannock, no site is considered to perform so well as to change the Council's preferred spatial housing strategy. Its justification for this is that:

"Most sites in this broad location are in some of the highest areas of Green Belt harm in the District ('very high' harm). In addition to this, a large number of sites are affected by constraints. These include unmitigable major negative education or landscape effects in the Sustainability Appraisal, due to many sites' distance from education facilities and land sitting within the AONB. There are also concerns from the Highways Authority regarding access or pedestrian connectivity and large amounts of land which would affect brick clay mineral safeguarding areas. Unlike some sites in growth locations next to other adjacent towns and cities, many of the sites are also relatively remote from services and facilities in the neighbouring town." (Para 5.26.4)

2.40 In this regard, St Philips disagrees with the Council's conclusion. In particular, due to the fact that this has been informed by an assessment of St Philips' site at Wolverhampton Road, Wedges Mills (Site ref: 529) which contains unjustified and incorrect assessments of the Site. Whilst the Site was assessed in a previous 'Sustainability Appraisal (2021)' and 'Housing Site Selection Topic Paper (2021)' [HSSTP] and discounted the site due to Green Belt and landscape harms, the Council's updated assessment of the Site in the Reg 19 SA and SSTP has now identified a series of constraints which resulted in the Council concluding that it *"is not considered to perform so well as to warrant a departure from the Council's preferred Spatial Housing Strategy"*.

2.41 The constraints identified by the Council in Appendix 3 Site Proforma largely reiterated the Council's overall conclusion above but also included:

- High Green Belt harm;
- Moderate landscape sensitivity;
- Development would result in the loss of agricultural fields;
- Site is separated from the highway by well-established tree and hedgerow planting;
- Pylons run through the site;
- TPOs to the north of the site;
- Initial concerns regarding pedestrian distance to local facilities; and
- Would require consultation with Highways England to resolve any issues with Junctions on the A5.

2.42 However, St Philips' previously submitted Vision Document clearly demonstrated that any impacts from the development could be appropriately and sensitively mitigated. Indeed, St Philips' vision for the Site did not comprise the full area of the Site, but comprised only a limited area located adjacent to the current western built-up area of Wedges Mills and would be contained within the existing tree-lined field boundary. As such, the 359 dwellings

suggested capacity of the Site in the ‘Strategic Housing and Economic Land Availability Assessment November 2022’ [SHELAA] is over double that proposed by St Philips in the Vision Document (i.e. 170 dwellings). The consequence of this is that the ‘impacts’ envisaged by the Council through development on the Site would be far less than currently assessed.

- 2.43 In terms of the other ‘constraints’ identified in the SSTP, as shown in the Vision Document, the development would not extend beyond the pylon and would retain a 30m offset to the existing power lines. The pylon would therefore not preclude development on the Site. Moreover, the development would retain existing trees and hedgerows along the perimeter of the Site, other than where necessary to provide highway access.
- 2.44 With regards to concerns regarding access to services, the settlement is within 1 mile of both Longford Primary School and Bridgetown Primary School and can be accessed by well-lit footways. Moreover, the settlement has access to a bus service with regular and fast travel times to central Cannock.¹⁸ Indeed, there is one bus stop located approximately 200 metres north of the Site entrance along Wolverhampton Road. This is served by the number 67 which provides an hourly service to both Cannock and Wolverhampton. The Site is within easy reach of the Avon Business Park, the South Staffs Business Park and the Linkway Retail Park which offer a range of employment opportunities and shopping facilities.
- 2.45 With regards to the impact on the Green Belt, whilst the Site (Ref: E47) sits within ‘Sub-Parcel Ref S4D – Hatherton’ of the Stage 2 Green Belt Assessment (“the Stage 2 assessment”), which concludes that the degree of harm that would result from the release of the site would be ‘High’, as shown in the Vision Document, not all of the site (E47) is being promoted for development. Given that the proposed development would not significantly extend beyond the current line of development along Wolverhampton Road, St Philips contend that the proposed developable area would ensure a clear, and defensible long-term Green Belt boundary and would reduce the harm to ‘Moderate’. Coupled with the inclusion of mitigation and offsetting measures, including open space and a green infrastructure network, the release of the Site would accord with paragraph 140 of the NPPF.
- 2.46 In any event, whilst it is justified to consider ‘harm’ in the balance when assessing exceptional circumstances for Green Belt release, it is not compliant with national policy to release only those sites which perform the worst against the Green Belt purposes (i.e. low Green Belt harm). There is a need to consider the broader Green Belt policies in the NPPF as a whole. As such, regard should be had to the promotion of sustainable patterns of development, access to public transport, whether compensatory improvements could offset the harm from removal (Para 142, NPPF), and consistency of the Green Belt with the emerging Local Plan strategy.
- 2.47 In this context, it is an essential part of the exceptional circumstances test that logically exceptional circumstances must be capable of trumping the purposes of the Green Belt.¹⁹ For example, it is conceptually possible for Green Belt land that fulfils strong Green Belt purposes to be released if it is consistent with the Local Plan strategy for meeting requirements for sustainable development.

¹⁸ Service: 67 - Wolverhampton - Cannock via Shareshill c.10 minutes

¹⁹ Paragraph 42, *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078

- 2.48 As such, St Philips consider that it is entirely reasonable, and appropriate, for land that fulfils strong Green Belt purposes to be released where exceptional circumstances are evidenced. The site is located on the edge of Wedges Mills, which has high sustainability credentials in terms of proximity to the existing shops and services in Cannock, and access to existing transport routes and infrastructure. As a result, St Philips still contend that the Council has continued to ignore the strategic role of settlements on the edge of Cannock such as Wedges Mills, even though several services and facilities fall within the 1 mile of the settlement's boundary.
- 2.49 Working in the knowledge that only part of the wider site would be developed, it would be well-served by the existing transport infrastructure (Para 142, NPPF) and wider mitigation benefits, such as the provision of new open space (Para 138, NPPF), the site should be removed from the Green Belt.
- 2.50 St Philips, therefore, requests the Council to consider a modification to draft Policy DS5, which considers the issues raised within these representations. In particular, St Philips considers that the Council should allocate Land at Wolverhampton Road, Wedges Mills for residential development.

Policy HC1 – Housing Mix

- 2.51 St Philips is concerned that Policy HC1 (Housing Mix) is overly prescriptive. The Policy states:
- “On major development housing sites (excluding sites exclusively provided for self-build or custom housebuilding), the market housing must include a minimum of 70% of properties with 3 bedrooms or less, with the specific mix breakdown to be determined on a site-by-site basis and reflective of need identified in the council's latest Housing Market Assessment”*
- 2.52 St Philips considers that it would be an unsuitable strategy to apply a prescriptive mix to all development sites now as individual sites may not come forward for several years, by which time the District's evidence base would be out of date. Draft Policy HC1 should allow for proposed housing mixes to be justified based on market signals and evidence of housing need and demand at the point of decision-making, rather than a prescribed housing mix set out in the current Housing Market Assessment that could quickly become out-of-date. This is crucial as a more up-to-date assessment of local housing needs could likely supersede the latest Housing Market Assessment at the point of decision-making. By way of example, as demographically-derived market housing needs are not necessarily reflective of future market demand and wider trends, this is indicated in the PPG²⁰. Any current assessment of housing mix is likely to not reflect the changing demand for properties as a result of the Covid-19 pandemic, working from home practices and the evolution of the market.
- 2.53 Furthermore, it would be an unsuitable and inflexible strategy to prescriptively apply a District-wide housing mix when different areas will have differing requirements and demographic profiles. Indeed, the Housing Market Assessment, which includes a review of the housing market sub-areas within the District, demonstrates this. By way of example, the latest Housing Market Assessment (Appendix 3) assesses the sub-area results for the type and tenure of new housing needed. In particular, it identifies that the North-Western Sub-

²⁰ PPG ID: 2a-023

Area has a c.31.6% demand for 4+ bed first homes. Similarly, the North Eastern Sub-Area had a c.31% demand for 4+ bed First Homes.

- 2.54 Notably, the above examples from the Council’s Housing Market Assessment are above the implied 30% limit set out in the Council’s proposed direction of travel, which states that 70% of properties should ‘have 3 bedrooms or less’ and that proposals with a ‘disproportionate amount of large, 4+ bedroom homes’ would be refused.
- 2.55 St Philips therefore supports the Council’s approach of assessing development on a site-by-site basis, but encourages the Council to apply a degree of flexibility to the Policy. The housing mix should be determined in accordance with the most up to date market evidence.
- 2.56 Flexibility within the policy is required as the housing mixes across urban, suburban and rural areas will generally be reflective of the locations’ existing characteristics. For example, densities in urban areas will generally be higher (and more suited to smaller 1-2 bed dwellings) in urban areas and town centres, whilst being lower on the edge of settlements and in rural areas. This is generally consistent with NPPF paragraph 124, in regard to making effective and efficient use of land and achieving appropriate densities. It would therefore, be reasonable for schemes across the District to deliver different mixes of housing whilst still meeting the overall District-wide need.
- 2.57 Moreover, it is important to consider more recent trends in housing occupation following the outbreak of Covid-19. In this context, the Covid-19 pandemic has led many people to reconsider their living environments and has increased the demand for properties with more internal and external space. This will include living and sleeping space as well as additional space at home to work. Indeed, the Council recognises that *“home working is becoming an increasing feature in rural areas, which has been further accelerated as an effect of the Covid-19 pandemic”* in the ‘Economic Prosperity – issues and challenges’ (Table 4) of the PP. However, the latest Housing Market Assessment has not fully considered the implications of this. St Philips acknowledges that in between the Preferred Options Consultation and the PP, the Council has increased the maximum provision of 4+ bedroom dwellings from 25% to 30%, this is welcomed. However, it is encouraged that the Council apply a degree of flexibility and that housing mix should be determined on a site-by-site basis opposed to requiring a prescriptive district-wide standard.
- 2.58 In summary, whilst St Philips would support the inclusion of a housing mix policy within the Local Plan Review, the Council should not be overly prescriptive in the application of a principally demographically derived District-wide housing mix. Indeed, the Housing Market Assessment is clear that the *“profile set out is a guide to the overall mix of accommodation required in South Staffordshire although it is acknowledged that the Council may wish to divert away from this profile in particular instances”* (Para 8.12). A degree of flexibility is encouraged by St Philips.

Why is the policy unsound?

- 2.59 In this context, St Philips is concerned that Policy HC1 as it is drafted is unsound. Paragraph 82d of the NPPF requires that planning policies:

“be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”

- 2.60 Furthermore, paragraph 62 of the NPPF states that “*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies*”. As it is drafted, Policy HC1 is overly prescriptive and does not allow for sufficient flexibility to react to new evidence that suggests the districts housing needs have changed. Furthermore, the Councils district wide approach to housing mixes does not adequately assess the housing needs of different communities within the District.

Recommended steps to ensure soundness

- 2.61 St Philips therefore recommends that Policy HC1 be amended to allow for housing mixes to be justified based upon up-to-date market evidence of housing need and demand at the point of decision making. This would ensure that the PP is sound and compliant with paragraphs 62 and 82d of the NPPF.

Policy NB6 – Sustainable Construction

- 2.62 St Philips is concerned that the Council has not produced sufficient evidence to justify the requirements set out in Policy NB6 (Sustainable Construction). The Policy states:

“A minimum 63% reduction in carbon emissions is achieved for each dwelling by on-site measures compared to the relevant baseline rates set by Building Regulations Part L 2021. In achieving this, each dwelling must demonstrate at least a 10% improvement on the Part L 2021 Target for Fabric Energy Efficiency and must not include fossil fuel-based heating systems or be connected to the gas grid.”

- 2.63 St Philips notes that the Building regulations (Part L) have recently been amended to require that new homes will need a 31% reduction in CO² in comparison to preceding standards. Policy NB6 sets out standards above those required at a national level.
- 2.64 The Council’s proposed strategy aims to seek carbon reduction standards above those introduced by the Government in June 2022. St Philips does not accept the proposed direction of travel within draft Policy NB6 as there is no evidence to support the departure from the latest changes to the building regulations (Part L).
- 2.65 St Philips acknowledges that the 2020 Staffordshire Climate Change Mitigation and Adaptation Study did support the introduction of locally set standards at the time of being published. However, and most importantly, the study recognised that its recommendations would be subject to and affected by any future consultations held by the Government in terms of building regulations and Conservation standards.
- 2.66 Following a review of the 2022 Sustainable Construction and Renewable Energy Study (SCRE) submitted in support of the PP, St Philips considers that the 63% reduction in carbon emissions against the 2022 Building Regulations Part L is not justified. The SCRE only refers to legal acts such as the Energy Act 2008 when justifying departure from the 2022 building regulations (Part L) but does not provide supporting evidence to deem this direction of travel as being necessary.

Why is the policy unsound?

- 2.67 As draft Policy NB6 has not been justified by sufficient evidence, St Philips considers that this policy is not legally compliant with national policy.

- 2.68 The Government’s intention is to achieve zero carbon by 2025 through a step-by-step introduction of higher building regulations. The District’s departure from the national standards could have damaging impacts on the market without the support of evidence, and should therefore aim to achieve a nationally shared net zero goal.

Recommended steps to ensure soundness

- 2.69 In order to make the Local Plan Review legally compliant, St Philips recommends that the more onerous standard proposed should be reduced to reflect the 2022 building regulations (Part L).

- 2.70 This will ensure that the PP is in compliance with the NPPF which states:

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.” (Paragraph 31).

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