

**SOUTH STAFFORDSHIRE LOCAL PLAN REVIEW
PUBLICATION PLAN CONSULTATION**

LAND AT ORTON LANE, WOMBOURNE

DECEMBER 2022



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1 INTRODUCTION

1.1 INTRODUCTION

St Philips Land Ltd has prepared these representations to the South Staffordshire Local Plan Review Publication Plan ("the PP") consultation, in respect of land interests at Orton Lane, Wombourne.

The purpose of these representations is to respond to the questions set out in the PP Consultation Form. To this end, St Philips trusts that the comments contained within this document will assist Officers and looks forward to working with the Council as it progresses towards the submission and adoption of the Local Plan Review.

1.2 CONTEXT

The Council's Core Strategy was adopted in 2012 and set out the District's spatial strategy for growth up to 2028. To meet this need, the Council subsequently adopted the Site Allocations Document 2018 [SAD] in September 2018. As a part of the SAD, the Council allocated 'Safeguarded Land' to meet the longer-term development needs for the period 2028-2038.

In this context, the Council are undertaking a Local Plan Review. Subsequent to consulting on the Issues and Options ("the IOC") in 2018, the Council then consulted on the South Staffordshire Spatial Housing Strategy & Infrastructure Delivery ("the SHSID") and the Infrastructure Delivery Plan 2019 [IDP].

The IOC considered five potential future spatial strategies to meet the Council's preferred level of housing growth for the District up to 2037, whilst the SHSID sought views on how the Council's housing target could be best planned for through a variety of Spatial Housing Options for distributing the housing growth across the district.

Following on from the IOC, the Council consulted on the Preferred Options ("the PO") in 2021. The PO presented an amended infrastructure-led strategy, as a result of the responses received to previous consultations. It set out proposed site allocations to meet the District's housing, employment and the Gypsy and Traveller community's needs. It also included a new Development Strategy and site-specific policies and set out a direction of travel for Development Management policies.

The Council is now consulting upon the PP between the 11th of November and the 23rd of December 2022. The Plan sets out the amount of development that is needed in the District and allocates sites to meet this need.

In this context, St Philips is promoting a site at Orton Lane, Wombourne. The c. 1.89-hectare [Ha] site is located approximately 1.5km north of Wombourne town centre and is bounded by horse-grazed pastures to the north, west and south with Orton Lane running parallel to the eastern boundary. The wider landscape comprises further pasture fields, woodland and residential housing.



A Vision Document was submitted for the site as part of previous consultation responses, which demonstrates that the site is comprised of two distinct parcels of land. The western parcel (c.1Ha) falls within Safeguarded Land Site 416, which was removed from the Green Belt through the SAD. The eastern parcel (Site 416a), which has been assessed separately, was initially rejected for development but has now been allocated within the PP – which St Philips welcomes.

2 OUR RESPONSE

2.1 QUESTION 5

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Council has committed to delivering 9,089 dwellings within the plan period 2018-2039, including 4,000 to help meet the needs of the Greater Birmingham and Black Country Housing Market Area ("The GBBCHMA"). To meet these needs, 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. It identifies that the sustainable growth of larger rural settlements (i.e., Tier 2 Settlements, including Wombourne) will be delivered through appropriate allocations. To this end, draft Policy SA5 (Housing Allocations) allocates Land off Orton Lane, Wombourne for 79 dwellings.

In this context, St Philips is highly supportive of the Council's decision to allocate Site 416a within the Land off Orton Lane allocation within the PP. The allocation of Site 416a is in accordance with the NPPF which is clear that:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly." (Paragraph 69)

The site-specific benefits of allocating Site 416a specifically within the wider allocation are discussed within the Housing Site Selection Topic Paper (November 2022) which comments that:

"...The site is free from any significant constraints and is adjacent to an area of safeguarded land proposed for a housing allocation (Site 416). Its allocation would facilitate delivery of that site by providing access to the northern parcel of the safeguarded site and creating a more regular site shape when considered with the wider parcel." (Paragraph 5.5.8)

St Philips welcomes that the Council has reflected upon the concerns raised by St Philips within the previous PO consultation responses. Whilst the Council had initially allocated Site 416, Site 416a was omitted. The reasons for originally rejecting the Site were discussed within the Housing Site Selection Topic Paper (September 2021) (Appendix 3) which considered the findings of the Sustainability Appraisal of the Staffordshire Local Plan



Review (2021) ("The SA"). In relation to the Site, the topic paper stated that the SA found that:

"Major negative effects are predicted against the landscape criteria, due to the site's Green Belt harm." (Appendix 3)

However, representations made by St Philips to the PO consultation demonstrated that the exclusion of Site 416a did not make logical sense. Site 416 and 416a performed identically within the SA, with the exception that Site 416a was found to have higher levels of Green Belt Harm and landscape harm. However, this was purely on the basis that site 416 had already been removed from the Green Belt, and by virtue of its safeguarded status has previously been assessed in terms of Green Belt harm and landscape impact.

The PO representations further demonstrated that the Site made very little contribution to the purposes of the Green Belt, as set out in Paragraph 138 of the NPPF. The development of the Site would not lead to Wombourne merging with Wolverhampton. Furthermore, the Site is set between Orton Lane and safeguarded land, and development within the Site would not exceed the northern boundary of the safeguarded land. This would ensure no further encroachment upon the countryside. The proposed development would also create a new, well-defined Green Belt Boundary and would not lead to sprawl, as required by paragraph 143 of the NPPF.

St Philips, therefore, welcomes that the Council has recognised the logic of allocating Site 416a alongside Site 416, with paragraph 4.38 of the Green Belt Exceptional Circumstances Topic Paper (November 2022) stating that:

"The removal of the northeast section of the site from the Greenbelt and allocation for housing represents a logical extension to the existing allocation / Safeguarded Land..."

St Philips would also note that the Site is located in the highly sustainable settlement of Wombourne. Wombourne is ranked second in the proposed settlement hierarchy and is the largest of the settlements that have been designated within Tier 2. Appendix 4 of Rural Services and Facilities Audit (2021) sets out the variety of existing services and facilities in Wombourne, including amongst others, primary and secondary schools, shops, restaurants, dental practices, and a GP. The settlement is therefore well served by local facilities. The NPPF is clear that:

"When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account." (Paragraph 142)

St Philips, therefore, welcomes the Council's decision to ensure development is directed towards sustainable locations such as Wombourne. The release of Green Belt land is justified considering the limited opportunities to allocate previously developed land in suitable locations. In this regard, Paragraph 5.46 of the PP states:

"Recognising that previously developed land adjacent to the village is either unsuitable or unavailable, significant Green Belt release has been focused on the north-east of the village. This recognises this location's good proximity to a variety of services and facilities, including regular public transport, as well as its relatively low Green Belt harm compared to other areas in the district."



The Site will therefore make a valuable contribution to meeting the housing needs of the District and its neighbouring local authorities. It represents the opportunity to help worsening affordability pressures in Wombourne, promotes sustainable patterns of development, and capitalises on a settlement that is well-placed to accommodate growth. The allocation of Site 416a also enables the delivery of Site 416 by providing access to the northern parcel of the safeguarded site. St Philips therefore strongly supports the Council's decision to allocate the Site.

However, whilst broadly supportive of the PP, St Philips has some concerns regarding draft Policy HC1 (Housing mix) which states that:

“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.”

St Philips is concerned that evidence provided within the Council's latest Housing Market Assessment could quickly become out-of-date. The Council should therefore allow for housing mixes to be justified based upon evidence of housing need and demand at the point of decision making, rather than through a prescribed housing mix set out in the latest Housing Market Assessment. This is important as a more up-to-date assessment of local housing needs could supersede the Housing Market Assessment at the point of decision-making. For example, as demographically-derived market housing needs are not necessarily reflective of future market demand and wider trends – as indicated in the PPG^[1] – any current assessment of housing mix is likely to not reflect the changing demand for properties as a result of the Covid-19 pandemic and working from home practices. Furthermore, St Philips considers that the Council's approach to prescriptively apply a District-wide housing mix is inflexible and unsuitable when different areas will have differing requirements and demographic profiles. St Philips therefore sets out recommendations in section 2.2 to ensure that Policy HC1 is compliant with national policy.

St Philips also has concerns that Draft Policy NB6 (Sustainable Construction) has not been justified by sufficient evidence. Draft Policy NB6 sets out to ensure that:

“New development of one or more new dwellings must achieve net zero regulated carbon emissions. In achieving this all schemes must demonstrate application of the energy hierarchy through submission of an energy statement showing compliance with all of the following:

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.”

St Philips notes that the Building regulations (Part L) have recently been updated and from 15 June 2022, homes will be required to achieve a 31% reduction in carbon emissions in comparison to previous standards^[1]. Through Policy NB6, the Council is seeking to

[1] PPG ID: 2a-023

[1] <https://www.gov.uk/government/publications/conservation-of-fuel-and-power-approved-document-1>



implement standards above what is required by Building Regulations. Following a review of the PP's evidence base, St Philips considers that the Council has not provided sufficient evidence to justify this departure from national standards. This is in conflict with paragraph 31 of the NPPF which states:

"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence."

St Philips therefore sets out recommendations in section 2.2 to ensure the PP is in compliance with national policy.

2.2 QUESTION 6

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In regard to draft policy HC1 (Housing Mix), St Philips recommends that housing mixes are based upon market signals and housing need and demand at the point of decision making. This would allow for more flexibility and ensure compliance with paragraph 62 and 82d of the NPPF.

St Philips further recommends that draft Policy NB6 is amended to reflect the 2022 building regulations (Part L). The Council has not currently provided sufficient evidence to justify a departure from national standards and therefore the draft policy is not currently legally compliant.

Furthermore, as set out in section 2.1, St Philips is supportive that the Council has allocated site 416a within the wider Land off Orton Lane allocation within the PP. However, whilst St Philips supports the allocation of the Site, it is our position that the PP should be modified to remove the requirement to *"ensure sites 416 and 416a are planned and delivered as a single site"* (Page 206) set out in the supporting site proforma. Whilst it is entirely logical for the Council to require the allocation to come forward coherently, it is not entirely necessary for the site to come forward as one single site *per se*.

As the Council will be aware, St Philips land interest relates to the northern half of the site. However, St Philips is committed to working collaboratively with the other landowners to bring forward a site which delivers on the Council's ambition for a 'single site' approach, as demonstrated by the emerging masterplan proposals appended to this document. However, St Philips considers that the Council should not preclude the sites from coming forward independently, so long as they come forward within the context of a coordinated masterplan. This would ensure the deliverability of the Sites.



It should be noted that St Philips is promoting other sites within the District and has commented on this matter in each set of respective representations.

2.3 QUESTION 7

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

St Philips wishes to participate in examination hearing sessions.

2.4 QUESTION 8

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary?

Our representations have raised key matters relating to the soundness of the PP in relation to the proposed allocation at Land off Orton Lane. It is essential that we are able to appear at the Examination to put forward evidence on the delivery of the site separately but under a coordinated masterplan, and respond to any matters raised and clarifications required by the Inspector.



ST PHILIPS

APPENDIX A EMERGING MASTERPLAN PROPOSALS



Legend

- Site boundary (1.89ha)
- Wider extent of site 416
- Developable area
- Public open space
- Existing building; may be retained
- Potential pumping station
- ➔ Proposed vehicle access
- ➔ Potential link to adjacent site
- ➔ Potential link to PRoW
- Primary route
- Secondary route
- Tertiary route / private drive
- Public right of way
- National route / cycle route
- Proposed footpath
- Drainage area
- Existing tree: category A
- Existing tree: category B
- Existing tree: category C
- Retained hedgerow
- Proposed trees



Revisions

Site: **Orton Lane, Wombourne**
 Client: **St Philips**
 Title: **Concept layout**

Drawing Ref: **STP0733-003**
 Status: **Draft**
 Revision: **-**
 Scale: **1:1250 @ A3**
 Drawn by: **KK**
 Date of issue: **05.12.2022**

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