

Celebrating  
**60**  
years

**South Staffordshire Local Plan  
Publication  
Representations on behalf of  
Taylor Wimpey**

**Land at Pool House Road, Wombourne,  
Wolverhampton**

Taylor Wimpey

20 December 2022

**LICHFIELDS**

**LICHFIELDS**

# **Lichfields is the pre-eminent planning and development consultancy in the UK**

**Celebrating 60 years  
of innovation in planning.**

**[lichfields.uk](http://lichfields.uk)**

# Contents

<b>1.0</b>	<b>Introduction</b>	<b>1</b>
	Plan-making to date	1
	Structure	2
<b>2.0</b>	<b>Areas of Response</b>	<b>3</b>
	Policy DS5: The Spatial Strategy to 2039	3
	Policy SA5: Housing Allocations	4
	Policy HC1: Housing Mix	6
	Policy HC2: Density	9
	Policy HC4: Homes for older people	9
	Policy HC12: Space about dwellings and internal space	11
	Policy HC13: Parking Provision	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 Taylor Wimpey.
- 1.2 These representations focus on both the strategic and non-strategic matters that are contained within the PP consultation document and relate specifically to Taylor Wimpey’s site entitled Land at Pool House Road, Wombourne, Wolverhampton (“the Site”).
- 1.3 The site is a draft allocation for residential development within the PP; site reference 285.
- 1.4 Taylor Wimpey 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.
- 1.5 Taylor Wimpey welcomes the opportunity to participate in examination hearing sessions given the recommended amendments presented within these representations.
- 1.6 Our representations have raised key matters relating to the soundness and legal compliance of the PP in relation to the proposed allocation at Land at Pool House Road. It is essential that we are able to appear at the Examination to put forward evidence on the delivery of the site to its most effective degree under a co-ordinated approach with the adjoining draft allocation (site reference: 459) and respond to any matters raised and clarifications required by the Inspector.

## Plan-making to date

- 1.7 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.
- 1.8 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.
- 1.9 The consultation on the PP is live between 11 November and 23 December. The Plan sets out the amount of development that is needed in the District and allocates sites to meet this need.
- 1.10 In this context, Taylor Wimpey is promoting land at Pool House Road, site reference 285. The 3.92ha site is located 1.46km west of Wombourne town centre and is bound by trees and hedgerows to the north; with industrial land beyond, residential development and

Bridgnorth road to the west, Pool House Road to the south and greenfield land to the east (draft allocation 459).

- 1.11 The site is currently identified in the Site Allocations Document Policy SAD3 as ‘Safeguarded Land for Longer Term Development Needs’ and will remain as such “*until a review of the Local Plan proposes development of those areas in whole or part*”.

## **Structure**

- 1.12 These representations are structured around the policies set out in the PP consultation, these being:
- Policy DS5: The Spatial Strategy to 2039;
  - Policy SA5: Housing Allocations;
  - Policy HC1: Housing Mix;
  - Policy HC2: Density;
  - Policy HC4: Homes for older people;
  - Policy HC12: Space about dwellings and internal space;
  - Policy HC13: Parking Provision; and
  - Policy NB6: Sustainable construction;

## 2.0 Areas of Response

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

### Policy DS5: The Spatial Strategy to 2039

- 2.2 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."*
- 2.3 Draft Policy DS5 also states that during the plan period to 2039, the Council will deliver a minimum of 5,089 dwellings plus a contribution of 4,000 dwellings towards meeting the Greater Birmingham and Black Country Housing Market Area's (GBBCHMA) acute housing shortfall.
- 2.4 In this regard, the Council's settlement hierarchy, as presented within the PP, identifies Wombourne as a tier 2 settlement and is recognised as having a wider range of services and facilities when compared to the other smaller settlements in the district's rural area. And thus, the PP supports the sustainable growth of the tier 2 settlements through appropriate allocations made within the Local Plan. To this end, draft Policy SA5 (Housing Allocations) allocates Land at Pool House Road, Wombourne for 82 dwellings (site reference: 285).
- 2.5 In this context, Taylor Wimpey is highly supportive of the Council's decision to allocate Site 285 within land at Pool House Road within the PP. The allocation of Site 285 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)*
- 2.6 In reference to the site and the wider safeguarded land within Wombourne, the reasons for allocating the site as discussed within the Housing Site Selection Topic Paper (November 2022) are as follows:
- "Wombourne contains existing safeguarded land sites outside of the Green Belt. These sites are non-Green Belt and need to be proactively explored for their potential to assist in meeting the District's proposed housing target. The sites assessment process has revealed no unmitigable constraints to the delivery of the safeguarded land in Wombourne. Given this, and the sites being considered suitable for safeguarding through the examination of the Site Allocations Document as recently as 2018, Sites 285, 562/415 & 459 and Site 416 are considered suitable for housing allocation." (Paragraph 5.5.6)*
- 2.7 Taylor Wimpey 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)*

- 2.8 Taylor Wimpey therefore welcomes the Council's decision to ensure development is directed towards sustainable locations such as Wombourne. The allocation of safeguarded land is justified considering the limited opportunities to allocate previously developed land in suitable locations. This is a suitable and legally sound strategy which Taylor Wimpey recommends adopting in order to achieve future growth and address the housing need. In this regard, and in relation to Wombourne, paragraph 5.46 of the PP states the following:

*“Housing growth in this area will be increased through the delivery of new housing allocations around Wombourne, which will be brought forward alongside the existing allocated and safeguarded housing sites dispersed around the village. 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.”*

- 2.9 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 capitalise on a settlement which is well-placed to accommodate growth. In this instance, Taylor Wimpey therefore strongly supports the Council's decision to allocate the Site and the overall soundness of the PP.

## **Policy SA5: Housing Allocations**

- 2.10 Draft Policy SA5 within the PP states that:

*“alongside the strategic development location identified within policies SA1, SA2, SA3 and SA4, further housing allocations will be delivered to meet the district’s housing target up to 2039.”*

- 2.11 Land at Pool House Road (site reference 285) is included within SA5 as a draft allocation and is proposed to be delivered throughout the upcoming Plan period in order to help meet the District’s housing target: a total of 9089 dwellings. As stated by draft Policy SA5, site 285 has been assessed as having a **minimum** capacity of 82 dwellings as set out by the site proforma in **appendix C** of the PP. Draft Policy SA5 implies that the additional housing allocations at Wombourne will deliver a minimum of 223 dwellings up until 2039. Taylor Wimpey considers this to be a sound strategy as Wombourne is identified as a tier 2 settlement within the PP and is assessed as being a sustainable location capable of accommodating further growth within the upcoming Plan period. Site 285 along with the additional draft allocations at Wombourne will be able to help meet the District’s emerging housing need whilst meeting the needs of the local community.



- 2.12 Taylor Wimpey acknowledges that all draft allocations will be delivered in accordance with the individual site planning requirements set out by the site proformas in Appendix C of the PP. The site proforma for land at Pool House Road (site 285) can be viewed at **appendix 1** of this report. As outlined by the site proforma, Taylor Wimpey notes that one of the specific requirements is for highway and pedestrian connectivity between site 285 and the adjacent draft allocation (site 459).
- 2.13 It is important to note however that a public right of way (PROW) passes from north to south along the eastern border of land at Pool House Road and the adjacent draft allocation, site 459. Taylor Wimpey can therefore deliver access from the site boundary onto the PROW but does not control land beyond.
- 2.14 In addition to the above, it should be noted by the Council that the entirety of the land between site 285 and site 459 is third party land, and thus presents a constraint in terms of achieving connectivity between the two sites. Taylor Wimpey acknowledges that the PROW runs from north to south between the two sites but believes that it does not cover the whole width of the land between site 285 and site 459. However, Therefore, it is not legally possible to provide a pedestrian link between site 285 and site 459, across the existing PROW. Taylor Wimpey is only capable of providing a pedestrian link from site 285 to the western edge of the PROW.
- 2.15 In terms of vehicle access, it is also important to note that during a Pre-Application meeting held on 24 November 2022 in regard to site 285, the Council acknowledged that a road does not have to be created to lead into the adjacent site, in order to achieve connectivity and a safe access solution, although pedestrian connectivity would be expected. This was also acknowledged by Staffordshire County Council Highways, whose officers also attended the pre-application meeting.
- 2.16 In addition, Taylor Wimpey also has concerns regarding the policy wording and the request that vehicular traffic is designed to cross the PROW. In this respect, NPPF paragraph 100 states the following:
- “Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*
- 2.17 The PPG<sup>1</sup> expands on the NPPF by stating the following:
- “Public rights of way form an important component of sustainable transport links and should be protected or enhanced.”*
- 2.18 The requirement set out within the site proforma for site 285, in terms of achieving highway connectivity would not protect or enhance the PROW and would not therefore align with the objectives set out in the NPPF/PPG
- 2.19 Taylor Wimpey therefore requests that the site proforma be amended to remove reference to vehicular connectivity between site 285 and site 459. This would ensure that the draft Policy SA5 is legally compliant in accordance with national planning policy, specifically NPPF paragraph 100.

---

<sup>1</sup> PPG reference - 37-004

## **Why is the policy unsound?**

- 2.20 Taylor Wimpey has concerns regarding the policy wording and the requirements set out within the site 285 proforma (appendix C of the PP) in regard to achieving highway connectivity between site 285 and 459. This would require vehicular traffic to be designed to cross the PROW running north to south between site 285 and 459. This would conflict with NPPF paragraph 100 as well as the PPG and therefore, Taylor Wimpey does not consider this policy to be legally compliant or sound.
- 2.21 Furthermore, as previously acknowledged, Taylor Wimpey is not capable of legally providing pedestrian connectivity between site 285 and site 459 due to third party land between the two sites. As such the requirement in the current policy wording is not deliverable and would conflict with NPPF paragraph 16 which states that Plans should: *“be prepared positively, in a way that is aspirational but deliverable”*

## **Recommended steps to ensure soundness**

- 2.22 Taylor Wimpey therefore requests that the site proforma be amended to remove reference to vehicular connectivity and revise the wording in relation to pedestrian connectivity between site 285 and site 459. This would ensure that the draft Policy SA5 is legally compliant in accordance with national planning policy, specifically NPPF paragraphs 16 and 100.
- 2.23 Taylor Wimpey requests that the policy, with specific reference to the site proforma, be amended to acknowledge the above and accept that if a pedestrian link between site 285 and site 459 is to be achieved, it must be via Pool House Road and not over the PROW. This would ensure a robust policy that is legally compliant with the NPPF and PPG.

## **Policy HC1: Housing Mix**

- 2.24 The PP sets out Policy HC1 which is proposed to ensure a mix of property sizes that reflects the latest needs set out in the Council’s latest Housing Market Assessment and requests that *“Proposals must contribute to better balancing the district’s housing market, particularly by increasing the supply of 2 and 3 bedroom homes in all areas, especially on the open market”*. The Council’s proposed direction of travel as set out within Policy HC1 (Housing Mix), includes a requirement for all market housing to deliver a minimum of 70% of properties with 3 bedrooms or less and those proposals *“that fail to make an efficient use of land by providing a disproportionate amount of large, 4+ bedroom homes”* will be refused.
- 2.25 In this context, the NPPF highlights the importance of ensuring an appropriate housing mix is addressed by local planning authorities, stating that it is important that the needs of groups with specific housing requirements are addressed (Para 60). It goes on to state that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”* (Para 62). Furthermore, the PPG states that *“strategic policy-making authorities will need to look at the current stock of houses of different sizes and assess whether these match current and future needs”* (PPG ID: 2a-023).
- 2.26 In this regard, Taylor Wimpey consider that an appropriate strategy would be for the Council to address the District’s future housing mix and tenure needs within the Local Plan Review and that if adopted, this approach would in principle, align with the requirements

set out in the NPPF and PPG. However, Taylor Wimpey has some comments regarding the Council’s proposed strategy and in particular the inflexibility of the policy.

- 2.27 Firstly, as established in the *‘William Davis Ltd v Charnwood Borough Council’*<sup>2</sup> judgment, Taylor Wimpey recommends that the Council should explicitly set out market and affordable housing mixes by dwelling size within the policy itself, which can be guided by the Council’s evidence base (i.e. the latest Housing Market Assessment). Secondly, the policy should include wording that defers to alternative mixes should more up-to-date information become available. This is because the latest Housing Market Assessment is a point in time assessment, and the needs and demands for dwelling sizes within the District will evolve over time, and the policy should be suitably flexible for developments to respond to this.
- 2.28 In addition to the above, the Council’s proposed direction of travel implies that the policy would set out the housing mix which reflects the District-wide level (i.e. an average housing mix for South Staffordshire). In this instance, Taylor Wimpey would have concerns in relation to a prescriptive District-wide approach.
- 2.29 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 PPG<sup>3</sup>. 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.
- 2.30 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-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.
- 2.31 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.
- 2.32 Taylor Wimpey 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.
- 2.33 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,

---

<sup>2</sup> William Davis Ltd v Charnwood BC Queen’s Bench Division (Administrative Court) 23 November 2017 [2017] EWHC 3006 (Admin)

<sup>3</sup> PPG ID: 2a-023

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.

2.34 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. Taylor Wimpey 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.

2.35 In summary, whilst Taylor Wimpey 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 Taylor Wimpey.

### **Why is the policy unsound?**

2.36 In this regard, Taylor Wimpey 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.”*

2.37 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**

2.38 Taylor Wimpey 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 HC2: Density**

2.39 In addition to achieving an effective housing mix, it is important that the Local Plan Review also adopts a site specific approach when determining the appropriate density of development. As noted above, 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. Therefore, it is critical that this policy is applied with a degree of flexibility.

2.40 Taylor Wimpey acknowledges that draft Policy HC2 of the PP states that a minimum density of 35 dwellings per net developable hectare will be achieved on sites within tier 1 settlements, infill locations within the development boundaries of other settlements in the district or in urban extensions to neighbouring towns or cities. It is further acknowledged that draft Policy HC2 states the following:

*“In areas not covered by the minimum density standards set out above, the appropriate density of a scheme will be determined on a case-by-case basis. In doing so it will have regard to the location of the site relative to services and facilities and other development plan policies, such as those addressing local design, character and housing mix requirements.”*

2.41 This is generally consistent with NPPF paragraph 124, in regard to making effective and efficient use of land and achieving appropriate densities.

2.42 NPPF paragraph 130 also states that planning policies and decisions should ensure that developments:

*“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).”*

2.43 In consideration of the above, Taylor Wimpey considers draft Policy HC2 to be legally compliant and sound with both the NPPF and the PPG. The density of development should be achieved in accordance with the prevailing character of each specific area in order to secure well-designed and attractive places. Taylor Wimpey welcomes the flexible approach implied by this policy.

## **Policy HC4: Homes for older people**

2.44 The PP sets out draft Policy HC4 which aims to ensure that development meets the needs of older people and other groups with specialist requirements. In this instance, Taylor Wimpey wishes to raise a number of concerns in regard to the implied direction of the policy and the unspecific nature of the strategy proposed in terms of meeting the needs of the social groups noted.

2.45 The policy states that *“All major housing developments will be required to demonstrate how the proposal clearly contributes to meeting the needs of older and disabled people.”* The housing needs of both the older generation and disabled people should be provided

within “*both the market and affordable sectors*”, as required by the policy. The policy continues by stating that it is expected that housing, as part of the wider housing mix on site, will be provided in the form of the following housing types in order to meet the objectives of the adopted Housing and Homelessness Strategy:

- *“Bungalows*
- *Other age restricted single storey accommodation such as flats and maisonettes*
- *Sheltered/retirement living*
- *Extra care/housing with care and other supported living”*

2.46 NPPF paragraph 62 states that the type of housing needed for different groups in the community should be assessed and presented within planning policies “*(including, but not limited to, those who require affordable housing, families with children, older people*”.

2.47 The specific needs of each of the housing types listed above is not reflected within draft Policy HC4. And thus, is not clear how individual developments are expected to contribute towards the needs of older people, as well as groups with specific requirements. Furthermore, the policy direction is heading towards a District-wide strategy opposed to achieving a more specific community level approach. And thus, the policy does not acknowledge the demographic differences between the local areas throughout the District and fails to reflect the need for each housing type within the policy itself. Therefore, Taylor Wimpey considers that this policy is not legally compliant as it does not accord with NPPF paragraph 62.

2.48 Draft Policy HC4 continues by stating that:

*“All major developments will also be required to ensure 100% of both the market and affordable housing meets the higher access standards Part M4(2) Category 2: Accessible and adaptable dwellings of Building Regulations”.*

2.49 In consideration of the above, it is important to note that the 2021 SHMA identified a need for 1,793 accessible and adaptable general homes for those over 65 and 1,235 for those under 65 to 2038. Subsequently, the latest Housing Market Assessment presents a greater need, 2,172 accessible and adaptable general homes for those over 65 and 851 for those under 65 to 2040. With an overall district-wide housing need of 9,089 dwellings, the accessible and adaptable housing need only accounts for c.33% of the overall housing need within the District up until 2039. In this instance, whilst Taylor Wimpey acknowledges that there is a need for dwellings which accommodate the M4(2) standards, although the requirement for 100% of market and affordable housing to fall within this standard is found to be unjustified, and thus this policy is not considered to be sound.

2.50 In summary, Taylor Wimpey recommends that the draft Policy HC4 is amended so that the need for each housing type is reflected within the policy and that the on-site provision is determined on a site-by-site basis. This would better address the demographic differences between local areas opposed to implementing a District-wide requirement. Additionally, the Policy should be amended so that the requirement for new homes to meet the M4(2) accessibility standards is reduced to reflect the actual need.

## **Why is the policy unsound?**

- 2.51 NPPF paragraph 62 states that the type of housing needed for different groups in the community should be assessed and presented within planning policies “(including, but not limited to, those who require affordable housing, families with children, older people”.
- 2.52 Taylor Wimpey notes that the specific needs of each of the housing types listed within draft Policy HC4 is not reflected within draft Policy HC4. And thus, is not clear how individual developments are expected to contribute towards the needs of older people, as well as groups with specific requirements.
- 2.53 Furthermore, the policy direction is heading towards a District-wide strategy opposed to achieving a more specific community level approach. And thus, the policy does not acknowledge the demographic differences between the local areas throughout the District.
- 2.54 Furthermore, Taylor Wimpey acknowledges that the policy requires that “All major developments will also be required to ensure 100% of both the market and affordable housing meets the higher access standards Part M4(2) Category 2”. In this instance, whilst Taylor Wimpey acknowledges that there is a need for dwellings which accommodate the M4(2) standards, although the requirement for 100% of market and affordable housing to fall within this standard is found to be unjustified as the policy is supported by insufficient evidence.

## **Recommended steps to ensure soundness**

- 2.55 In order to comply with NPPF paragraph 62, Taylor Wimpey recommends that the draft Policy HC4 is amended so that the need for each housing type is reflected within the policy and that the on-site provision is determined on a site-by-site basis.
- 2.56 Additionally, the Policy should be amended so that the requirement for new homes to meet the M4(2) accessibility standards is reduced to reflect the actual need opposed to 100% of dwellings which is considered to be unjustified.

## **Policy HC12: Space about dwellings and internal space**

- 2.57 Taylor Wimpey recognises the importance of including design-based policies within the Local Plan Review in order to enhance the existing character of the District and provide a good quality of life to current and future residents. Similarly, Taylor Wimpey supports the need to ensure improved housing standards are delivered by requiring developments to meet Nationally Described Space Standards [NDSS]. As such, Taylor Wimpey supports, in principle, the direction of travel for draft Policy HC12 (Space about dwellings and internal space standards), particularly given that it is fairly consistent with the space standards set out in Appendix 6 of the adopted Core Strategy (2012).
- 2.58 However, whilst similar space standards are already adopted, Taylor Wimpey considers that it is important to acknowledge Footnote 49 of NPPF paragraph 130(f), which states that policies may “make use of the nationally described space standard, where the need for an internal space standard can be justified.” As set out under paragraph 31, all policies should be “underpinned by relevant and up-to-date evidence”, and “should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned.”

2.59 In addition, the PPG<sup>4</sup> sets out:

*“Where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Local planning authorities should take account of [need, viability and timing]”*

2.60 On the basis of the above, Taylor Wimpey would advise the Council that, should a policy approach that requires the delivery of dwellings to the NDSS be adopted, the Council should provide a local assessment evidencing the case for the District in accordance with the NPPF and PPG. This would be essential evidence to underpinning the Council’s proposed policy approach and will be necessary to ensure the policy can be found sound.

### **Why is the policy unsound?**

2.61 Taylor Wimpey considers the general direction of draft Policy HC12 to be sound. Although, it is important to acknowledge Footnote 49 of NPPF paragraph 130(f), which states that policies may *“make use of the nationally described space standard, where the need for an internal space standard can be justified.”* As set out under paragraph 31, all policies should be *“underpinned by relevant and up-to-date evidence”*. In this regards, Taylor Wimpey considers that the direction of this policy is not supported by sufficient evidence and thus in this moment in time the policy is not considered to be sound.

### **Recommended steps to ensure soundness**

2.62 In order to ensure a sound a robust policy, Taylor Wimpey recommends that the Council should provide a local assessment evidencing the case for the District in accordance with NPPF paragraph 31.

## **Policy HC13: Parking Provision**

2.63 The PP recognises the importance of adapting to climate change, and that road transport is the District’s biggest generator of carbon emissions; largely due to the strategic road network within the District, but also a preference of residents of the District to drive to other towns for work. Taylor Wimpey also welcomes the Council’s acknowledgement that whilst locating development in close proximity to existing rail and bus networks could mitigate this, that electric vehicle charging points [EVCP] will also need to play a role to facilitate a move towards decarbonising the district’s transport infrastructure (Para 8.10).

2.64 NPPF paragraph 104b states that transport issues should be considered from the earliest stages of plan-making so that opportunities for changing transport technology and usage are realised. It goes on to state that, if an LPA is setting local parking standards for residential development, policies should take account of the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles (Para 107e).

2.65 As such, Taylor Wimpey is supportive of the encouragement for the use of electric vehicles [EV], more so now that the Council has declared a climate change emergency,<sup>5</sup> and this would be in accordance with the NPPF.

2.66 In regard to residential development, Taylor Wimpey supports the principle of ensuring that infrastructure is correctly implemented in new dwellings to support the ability of residents to charge EVs. As previously acknowledged, this is supported by the NPPF (i.e.

---

<sup>4</sup> PPG ID: 56-020

<sup>5</sup> Declared 10<sup>th</sup> September 2019



Paras 104b and 107e). However, Taylor Wimpey disagrees with the Council's proposed strategy for residential dwellings in line with draft Policy HC13 (Parking Provision).

- 2.67 In particular, Taylor Wimpey recommends that the Council acknowledges the diversity of different charging speeds depending on the type of vehicle and charging location. At present, there are many different types of EVCP infrastructure depending on the manufacture of the EV. As such, one EVCP may not suit the EV demands of all future residents. This reflects the fact that the EV market is still at a relatively early stage but is becoming increasingly diverse. Moreover, one disadvantage of installing EVCPs across an entire development is that there is a significant level of uncertainty over how much infrastructure will be required by when.
- 2.68 In consideration, Taylor Wimpey considers that a planning policy that requires the provision of underground cabling and/or ducting for an EVCP is put in place. This would allow for the proportional expansion of the charging network in the future as demand grows, with minimal disruption and additional cost for excavation and labour. This would allow residents to easily install the necessary EVCP required to meet their needs as when this is required; a process that does not require planning permission and can be done through Permitted Development Rights (Part 2 Class D & E). Such modified wording would ensure the Policy is justified as per NPPF paragraph 35(b), and "*aspirational but deliverable*" as per NPPF paragraph 16(b).
- 2.69 Therefore, Taylor Wimpey considers that it would be more appropriate for developments to make provision for appropriate cabling/infrastructure rather than installation of EVCP themselves. This is because this allows future residents to ensure vehicle specific EVCP are installed at the relevant time they take occupation of the house. Fundamentally, it ensures a consistent approach to future-proofing the housing stock and allows the policy to be more flexible as demand and technologies change and improve over time.
- 2.70 As an aside, the NPPF requires Local Plans to have regard to the economic viability of sites (Para 68). This position is further supported within the PPG, which states that "*Plans should set out policies for the contributions expected from development to enable fair and open testing of the policy at examination*"<sup>6</sup> (i.e. a supporting viability assessment of planning contributions and policies). It has been acknowledged that the cost of EVCPs has been included within the Council's Viability Assessment which includes an allowance of £500 per dwelling for an EVCP.
- 2.71 However, neither the Viability Assessment nor its Appendix 1 justify this cost. Taylor Wimpey notes that the Government's estimated cost for the installation of EVCPs is £976 per car parking space for an average home.<sup>7</sup> And thus, Taylor Wimpey consider that should the Council proceed with the proposed policy approach, it should provide further justification for this cost within the Viability Assessment, or alter the cost to match the Government average costs accordingly. This will be necessary to ensure that the requirements of NPPF (Para 31, 34 and 68) have been addressed and that the proposed policy is sound.

### **Why is the policy unsound?**

- 2.72 Taylor Wimpey considers that the Council have not acknowledged the diversity of different charging speeds depending on the type of vehicle and charging location. As such, one EVCP may not suit the EV demands of all future residents. Moreover, Taylor Wimpey encourages the Council to note that one disadvantage of installing EVCPs across an entire development

<sup>6</sup> PPG ID: 23b-004

<sup>7</sup> DfT (July 2019) *Electric Vehicle Charging in Residential and Non-Residential Buildings*, page 7

is that there is a significant level of uncertainty over how much infrastructure will be required by when.

- 2.73 Furthermore, the NPPF requires Local Plans to have regard to the economic viability of sites (Para 68). This position is further supported within the PPG, which states that *“Plans should set out policies for the contributions expected from development to enable fair and open testing of the policy at examination”*<sup>8</sup>
- 2.74 Taylor Wimpey acknowledges that the cost of EVCPs has been included within the Council’s Viability Assessment which includes an allowance of £500 per dwelling for an EVCP. However, neither the Viability Assessment nor its Appendix 1 justify this cost and the departure from the Government’s estimated cost of installation (£976).

### **Recommended steps to ensure soundness**

- 2.75 In this instance, Taylor Wimpey recommends that a planning policy that requires the provision of underground cabling and/or ducting for an EVCP is put in place. This would allow for the proportional expansion of the charging network in the future as demand grows, with minimal disruption and additional cost for excavation and labour. Such modified wording would ensure the Policy is justified as per NPPF paragraph 35(b), and *“aspirational but deliverable”* as per NPPF paragraph 16(b).
- 2.76 In additions, Taylor Wimpey consider that should the Council proceed with the proposed policy approach, it should provide further justification for this cost within the Viability Assessment, or alter the cost to match the Government average costs accordingly.

### **Policy NB6: Sustainable construction**

- 2.77 Taylor Wimpey fully supports emerging policies seeking to tackle climate change with proactive sustainable measures. However, policies must be sufficiently flexible and fit for purpose and factor in the viability appraisal of proposed planning policies.
- 2.78 Taylor Wimpey supports the government’s proposal to achieve ‘Zero Carbon Ready’ homes by 2025. As stated within national guidance, this will be achieved through the application of low carbon heating and hot water technology and highly insulated fabric building elements i.e. walls, floors and roofs which will in turn reduce the energy demand for the home. The decarbonisation of the electricity grid will only improve the carbon reduction of a proposed development over time.
- 2.79 Draft Policy NB6 seeks 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.”*
- 2.80 Taylor Wimpey welcomes the proposed policy to reduce carbon emissions on proposed developments. However, Until Future Home Standard and the supporting SAP software

---

<sup>8</sup> PPG ID: 23b-004

finalised (Government due to consult 2023) the industry will be unable to confirm it building specification and carbon reduction over Building Regulations 2013 or 2021 when this policy is targeted for adoption or Future Homes Standard becomes legislation in 2025. Therefore the proposed policy should be flexible to allow developers to utilise the most appropriate technology available at that time. The Government’s approach “remains technology-neutral and designers will retain the flexibility they need to use the materials and technologies that suit the circumstances of a site and their business”. (MHCLG Summary Response to the FHS (2019 Consultation Changes to Part L and F).

- 2.81 Reference should be made to those matters that are yet to be finalised by Government. Whilst the Government’s response to the FHS (2019 Consultation Changes to Part L and F) states that local planning authorities will retain powers to set local energy efficiency standards for new homes, it also states “as we move to ever higher levels of energy efficiency standards for new homes with the 2021 Part L uplift and Future Homes Standard, it is less likely that local authorities will need to set local energy efficiency standards in order to achieve our shared net zero goal”. (MHCLG Summary Response to the FHS (2019 Consultation Changes to Part L and F). The Government’s proposals set out in both part 1 of its Future Home Standards Consultation and the 10 points for a green industrial revolution have set a target for homes to be ‘zero carbon ready’ from 2025 rather than necessarily achieving ‘zero carbon’ from 2025.
- 2.82 The costs of introducing proposed policy requirements must be included within the Plan viability assessment and viability assessment of strategic sites. This should include the cost of utility network upgrades to support proposed technologies. Where a viability assessment is submitted to accompany a planning application, this should be based upon and refer back to the viability assessment that informed the plan, with evidence of what has changed since then.
- 2.83 Additionally, the Building regulations (Part L) have recently changed in order to deliver the Government’s ‘Future Homes Standard’ which meant from 15 June 2022, homes will have to achieve a 31% reduction in carbon emissions when compared to previous standards<sup>9</sup>. This is a step towards achieving zero carbon homes by 2025.
- 2.84 The Council’s proposed strategy aims to seek carbon reduction standards above those introduced by the Government in June 2022. Taylor Wimpey 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). Taylor Wimpey 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.
- 2.85 Following a review of the 2022 Sustainable Construction and Renewable Energy Study (SCRE) submitted in support of the PP, Taylor Wimpey 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

<sup>9</sup> <https://www.gov.uk/government/publications/conservation-of-fuel-and-power-approved-document-l>

direction of travel as being necessary. As draft Policy NB6 has not been justified by sufficient evidence, Taylor Wimpey considers that this policy is not legally compliant with national policy.

- 2.86 Departure from the nationally set building regulations is supported, but without sufficient evidence is not justified and could lead to delays in the fall out of sustainable development. 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.
- 2.87 As stated by paragraph 31 of the NPPF:  
*“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.”*
- 2.88 In order to make the Local Plan Review legally compliant, Taylor Wimpey recommends that the more onerous standard proposed should be reduced to reflect the 2022 building regulations (Part L).
- 2.89 Another requirement set out by draft Policy NB6 is that:  
*“Once minimum improvements in fabric efficiency and carbon reduction in (a) are delivered, additional on-site renewable energy generation must be provided, or connections made to on or near site renewable/low-carbon community energy generation and storage networks. Any such measures must be sufficient to achieve at least zero regulated carbon across the scheme and schemes should also look for opportunities to go beyond this standard where feasible. If full compliance is not achieved proposals must demonstrate how such technologies have been provided to the greatest extent feasible.”*
- 2.90 Taylor Wimpey, where possible, practical and viable, support the use of onsite renewable energy generation and/or connection to near site renewable low carbon energy networks. However, Taylor Wimpey considers that the words ‘possible, practical & viable’ would need to be included within the proposed policy wording.
- 2.91 Importantly, Taylor Wimpey considers that this is far beyond what is being planned in the regulations and will be an unknown on every site and will come at a risk.
- 2.92 The third requirement of the proposed policy is that:  
*“For major developments, any remaining residual regulated carbon emissions which demonstrably cannot be addressed via on or near site, renewable technologies must be offset. Offsetting will only be considered an acceptable alternative to renewable energy generation in meeting net zero carbon requirements if it can be demonstrated that the necessary emission reductions achieved via renewable energy generation are demonstrably unfeasible. Offsetting will be delivered via an in lieu financial contribution to the District Council’s carbon offsetting fund. Any offsetting sum must reflect 30 years of residual emissions arising from the development. The carbon offset price is the latest central figure from the nationally recognised non-traded valuation of carbon, set through the Treasury Green Book.”*

- 2.93 The proposed policy standard exceeds the proposed government Future Homes Standard, proposed industry best practice, and other existing policies in the UK. The proposed policy does not provide viability or justification of uplift over proposed government standards. Taylor Wimpey therefore considers this policy to be unsound.
- 2.94 In regard to embodied carbon and closing the performance gap, draft Policy NB6 presents the following requirement:
- “All major development must also demonstrate in the energy statement how the embodied carbon of the proposed materials to be used in the development has been considered and reduced where possible, including with regard to the type, life cycle and source of materials to be used. Proposals for development of 50 dwellings or more or 5,000sqm or more of new non-residential gross internal floorspace must be accompanied by a nationally recognised Whole Life Carbon Assessment and demonstrate actions to reduce life-cycle carbon emissions.”*
- 2.95 Taylor Wimpey recognises the importance of reducing embodied carbon within the development process. However, embodied carbon emissions are unregulated in the UK. Current policy and regulation focus solely on operational energy use, as distinct from embodied carbon. There currently does not exist a nationally approved regulator or national recognised standard, national planning policy or building regulation requirement to assess and report embodied carbon emissions or whole life cycle carbon assessments.
- 2.96 Taylor Wimpey recommends that the Council notes that a report by the Future Home Hub is due to be published in January which will set out some of the barriers to this approach and or what can be achieved in the interim.
- 2.97 A final requirement set out within policy NB6 is as follows:
- “For all major residential and non-residential developments, applicants must also implement a recognised quality regime that ensures the 'as built' performance (energy use, carbon emissions, indoor air quality, and overheating risk) matches the calculated design performance of dwellings as specified above. This will be secured via planning conditions. Developers must ensure that a recognised monitoring regime is put in place to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed dwellings (of the council's choosing) for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority.”*
- 2.98 Taylor Wimpey encourages the Council to note that there is no nationally agreed and approved monitoring approach that could be used to achieve the proposed requirements. Therefore this policy cannot be complied with and is therefore found to be unsound.
- 2.99 The above targets go beyond the proposed plan period and there is no evidence of testing of development viability for such targets or what the phased approach might be. We note that no viability study has been commissioned to evidence or underwrite testing of the various policy options outlined in the consultation and look forward to seeing this.
- 2.100 The costs of introducing proposed policy requirements must be included within the Plan viability assessment and viability assessment of strategic sites. This should include the cost of network upgrades to support technologies. Where a viability assessment is submitted to

accompany a planning application, this should be based upon and refer back to the viability assessment that informed the plan, with evidence of what has changed since then.

2.101 Taylor Wimpey supports responding to climate change and reducing carbon emissions. However, the proposed draft Policy NB6 is ambiguous and ineffective without the supportive national guidance, regulation, regulator and agree monitoring approach and does not have the flexibility to respond to an unknown future government regulation or viability.

2.102 This policy is considered not to be in accordance with NPPF paragraph 31.

### **Why is the policy unsound?**

2.103 As draft Policy NB6 has not been justified by sufficient evidence, Taylor Wimpey considers that this policy does not comply with national policy.

2.104 It is 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.

In regard to the requirement "*Developers must ensure that a recognised monitoring regime is put in place to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed dwellings (of the council's choosing) for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority.*" Taylor Wimpey would like to highlight that there is no nationally agreed and approved monitoring approach that could be used to achieve the proposed requirements. Furthermore, the policy is not supported by sufficient evidence or an appropriate viability assessment.

2.105 Taylor Wimpey therefore considers that this policy is unsound and does not comply with national planning policy and legislation.

2.106 Overall, the proposed draft Policy NB6 is ambiguous and ineffective without the supportive national guidance, regulation, regulator and agree monitoring approach and does not have the flexibility to respond to an unknown future government regulation or viability.

### **Recommended steps to ensure soundness**

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

2.108 In consideration of the above, policies should therefore contain wording that that they will be reviewed to account for future changes to Government legislation, policy, guidance and regulation changes. This would ensure compliance with national legislation and that the policy remains to be supported by up-to-date evidence. Furthermore, policies should also contain a viability exception clause and avoid a simple pass or fail test to ensure they do not prejudice the future delivery of sustainable development.

2.109 If the Council wish to depart from national policy and legislation, the policy must be supported by sufficient evidence and have the flexibility to respond to an unknown future government regulation or viability.

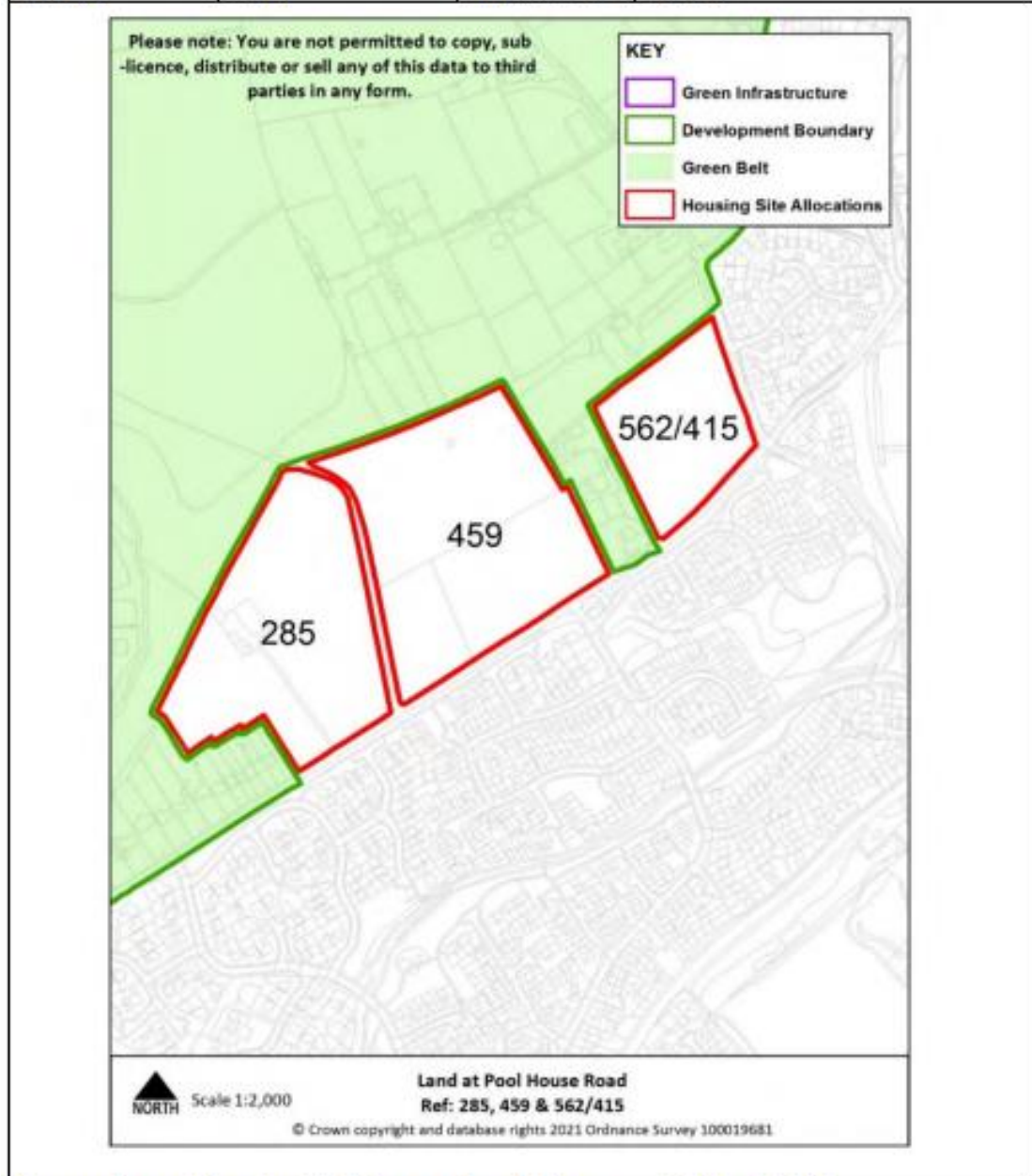
2.110 This will ensure that the PP is in compliance with the NPPF which states:

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

2.111 Furthermore, in terms of achieving on-site renewable energy generation, Taylor Wimpey considers that the words ‘possible, practical & viable’ would need to be included within the proposed policy wording. This is in regard to requirement number two as set out by draft policy NB6 and discussed above.

### Appendix 1 – Draft Allocation 285 Site Proforma

Site reference	285	Village	Wombourne
Minimum capacity	82 dwellings	Address	Land off Pool House Road
Site area	3.9 ha	Proposed use	Housing



Key requirements	<ul style="list-style-type: none"> <li>• Provide highway and pedestrian connectivity to site 459.</li> <li>• Any relevant policy requirements including affordable housing, open space, education, health, sports and recreation, energy efficiency, climate change mitigation, flood risk mitigation, highways, sustainable transport, housing mix and green infrastructure, delivered in line with the relevant development plan policy standards.</li> </ul>
Proposed access	Provide vehicular and pedestrian access via Pool House Road alongside pedestrian links to the village centre along Ounsdale Road.



Celebrating  
**60**  
years

**Birmingham**

0121 713 1530

birmingham@lichfields.uk

**Edinburgh**

0131 285 0670

edinburgh@lichfields.uk

**Manchester**

0161 837 6130

manchester@lichfields.uk

**Bristol**

0117 403 1980

bristol@lichfields.uk

**Leeds**

0113 397 1397

leeds@lichfields.uk

**Newcastle**

0191 261 5685

newcastle@lichfields.uk

**Cardiff**

029 2043 5880

cardiff@lichfields.uk

**London**

020 7837 4477

london@lichfields.uk

**Thames Valley**

0118 334 1920

thamesvalley@lichfields.uk



@LichfieldsUK

**lichfields.uk**