



REPRESENTATION

in respect of
Land at Sandyfields Road, Sedgley
on behalf of
Seven Capital
13 December 2022
Client Reference: RCA716a
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1. INTRODUCTION

- 1.1. This representation is made by RCA Regeneration Ltd on behalf of Seven Capital to the South Staffordshire Regulation 19 Consultation on the Publication Plan, which is running from the 11 November until 23rd December 2022.
- 1.2. The Publication consultation document is the fourth public consultation on the emerging South Staffordshire Local Plan following the Preferred Option consultation in November 2021, the Spatial Housing Strategy, and Infrastructure Delivery (SHSID) consultation in October 2019 and the Issues and Options consultation in October 2018.
- 1.3. The Planning Practice Guidance (PPG) and SEA Directive¹ requires a clear and transparent process of identifying, describing, and evaluating reasonable alternatives in both policy and site allocation terms. There is often a direct conflict between the imperative to deliver new homes and enough jobs to support the local economy, whilst continuing to offer sufficient protection to the environment. There is also a soundness and legal compliance element to the preparation and production of SA documents and as such we have considered these as part of our submission.
- 1.4. It is noted that this consultation on the Publication plan now firms the policies up from the previous consultation stages, taking account where appropriate the comments received and presenting the plan in its final draft form for Publication.
- 1.5. To reflect the requirements of the consultation process, the following table sets out which paragraphs/page numbers we have commented on, and these are then dealt with, in turn, throughout this document.

Policy	Paragraph	Page
HC1		87
HC2		89
HC3		91
HC4		93
HC6		96
HC7		98
HC8		100
HC10		104
HC10	N	105
HC11		106
HC12		108
HC13		110

¹ <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

HC17		116
NB6		157

- 1.6. We do not respond to all sections of the Publication Plan, only those which we currently consider relevant to our clients and/or the sites they are promoting and areas/villages/settlements within which those sites are located.
- 1.7. We are aware that only comments on the soundness and legal compliance of the plan can be made, and it must be targeted to a specific policy or paragraph in the draft Plan. In paragraph 35 of the Framework, plans can be found 'sound' where they meet the following tests:
- 'a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.*
- b) Justified – an appropriate strategy, considering the reasonable alternatives, and based on proportionate evidence.*
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.'*
- 1.8. We therefore make our comments with this in mind.
- 1.9. These views are without prejudice to future submissions or hearing statements, which may be made in advance of the Examination.

2. REPRESENTATION

- 2.1. This section provides our comments on a number of elements of the Publication document as follows:

Policy HC1: Housing Mix

- 2.2. We are largely supportive of policy HC1 housing mix as it states that on major development sites, the market housing mix 'must' include a minimum of 70% of properties with three bedrooms or less. We would prefer the wording of 'must include' to be amended to 'should' as such a target would place a disproportionate and inflexible burden on small and medium housebuilders who may be more inclined to provide bespoke homes with a higher specification for customers seeking larger homes.
- 2.3. We therefore do not consider this policy is consistent with NPPF para 82.

Policy HC2: Housing Density

- 2.4. We are broadly supportive of the proposed housing density of 35 dwellings per hectare but feel that this policy should give some reference to best and most effective use of the land, to ensure efficient housing delivery where it is needed.

Policy HC3: Affordable Housing

- 2.5. We consider that in relation to the proposed 25% shared ownership and 25% first homes tenures, there should be some flexibility given here as it allows affordable rent to be substituted against shared ownership. To not include or indicate this within the policy would, in our view make the policy inconsistent with NPPF para 82.

Policy HC4: Homes for older people and others with special housing requirements

- 2.6. We object to the wording of Policy HC4 where it states the following:
- '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'*
- 2.7. To require all major developments to meet the higher access standards of Part M4(2) Category 2 would have significant financial viability implications. This policy also does not seem to account for the redevelopment of (for instance) listed buildings, as in many cases it will not be possible to meet the access standards of Part M4(2) Category 2 within the confines of a listed building without resulting in a detrimental impact or due to spatial restrictions. We therefore consider that this policy should be reconsidered to consider more constrained sites where this would not be possible, or where viability would indicate that flexibility should be applied.
- 2.8. If such flexibility is not written into this policy, we consider it would be inconsistent with NPPF para 82.

Policy HC6 Rural Exception Sites

- 2.9. Whilst we are broadly supportive of this policy, we consider that smaller housing sites need to be better defined. Given that Rural Exception Sites are delivered on the basis of local need, this policy assumes that sites can only be small, which runs contrary to the NPPF which does not stipulate such sites should be small:

2.10. Paragraph 78 states that *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.'*

2.11. We therefore do not consider that this is consistent with national policy.

Policy HC8: Self-build and Custom Housebuilding

2.12. Policy HC8 talks about major developments but does not give a percentage requirement of self-build/custom-build plots. We consider that the policy is vague and would benefit from clarification, given how precise the council have been about the proportion of affordable housing, for instance.

2.13. In light of the fact that the council are under an obligation to maintain a custom and self-build register, it should be clear what the requirements are and how a policy could address this appropriately.

Policy HC10: Design Requirements

2.14. We have considered Policy HC10 and note that there is a lack of reference to character areas in major sites, so this should be given greater emphasis. We also consider that the policy needs to be supportive of flexible approaches planning applications (such as a hybrid outline) now that the Hillside Judgement² has been released.

2.15. The Hillside Judgment reaffirms the 'Pilkington principle.' This establishes that where a development has already been built in accordance with and under a first permission, the ability to lawfully implement a second permission on part of the same defined site is dependent on whether it is physically possible to conduct that second permission based on what has already been carried out in the first permission. This occurrence is sometimes referred to as a 'drop-in permission.'

2.16. With regard to point J in Policy HC10. – 'Gives safe and convenient ease of movement to all users prioritising pedestrians and cycle users' This point should include the requirements for developments to be adequately lit to ensure the safety of pedestrians and cycle users.

2.17. In order to be considered consistent with para 82 of the NPPF, this policy requires greater flexibility.

Policy HC11: Protecting Amenity

2.18. We are widely supportive of this policy but consider that outlook also needs to be covered to consider the impact of development proposals on neighbouring living conditions. Furthermore, there should be some consideration within the policy of to the potential for overheating, under part O of Building Regs³.

Policy HC12: Space About Dwellings and Internal Space

2.19. We note that this policy mentions outlook and mentions a garden area ratio under 'external space.' However, has this been tested against the proposed net densities of 35 dwellings per hectare?

2.20. We also feel that the suggested 21m distance between dwellings from principal elevations should be subject to further review because it could result in excessively wide streets which may affect developments achieving net density targets. Moreover, it would not accommodate the sorts of

² <https://www.supremecourt.uk/cases/uksc-2020-0211.html>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057374/ADO.pdf

street hierarchies that would typically be advocated in larger developments with multiple character areas. Furthermore, such separation distances could result in wide carriageways appearing over dominant throughout schemes.

- 2.21. We consider the policy, as worded, would be contrary to para 130 of the NPPF which states that *'Planning policies and decisions should ensure that developments ... (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;'*

Policy HC17 Open space:

- 2.22. We are supportive of this policy, but what is the formula to calculate open space provision requirements and has this been considered by the viability study? We consider that this should be included as part of the policy.

Policy DS5 The Spatial Strategy to 2039

- 2.23. In relation to the 4000-home contribution towards unmet housing needs of the Greater Birmingham and Black Country Housing Market Area, we are supportive of this. However, it remains unclear whether this is now a contribution entirely for the Greater Birmingham area or whether there was a proportion towards the unmet need of the Black Country. This figure should be disaggregated.
- 2.24. We also consider that the tier 2 settlements should be subject to an increased level of allocation. It is noted that there are 4 large strategic sites subject to allocations in excess of 500 dwellings. The limitations of these sites are that they are unlikely to deliver quickly – requiring greater levels of upfront investment in infrastructure as well as being often fraught with more complex technical problems which take time to solve. Moreover, these sites will be delivered on a phased basis, requiring multiple planning applications, all of which takes time. In order to deliver housing quickly (particularly in light of the delays to the delivery of this plan) there should be an increase in the number of smaller, less strategic allocations to deliver within the initial phase of the plan period in order to ensure the council can initially achieve and then maintain a healthy supply of housing land.
- 2.25. In accordance with the Emerging South Staffordshire Local Plan and the 2021 SHELAA, the land at Sandyfields Road, Sedgley is categorised as a Locality 5 settlement. The site has been given the reference '567'.
- 2.26. The emerging Local Plan does recognise the opportunity to allocate limited residential development schemes to this Locality. This is because housing growth will 'be delivered through a smaller urban extension to the Black Country, directed towards a relatively less constrained site within the Green Belt.' Given that the promoted site (ref:567) has limited constraints and is situated within the Green Belt, we consider this is a missed opportunity for a scheme that could have delivered up to 105 dwellings.
- 2.27. Furthermore, when selecting housing sites for allocation, the Council should select the widest possible range of sites by both size and market locations to provide suitable land for small, medium regional and large national housebuilder companies. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs.
- 2.28. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow sustainably and creates opportunities to diversify the construction sector.

2.29. As a result, we feel as if the Council should also provide maximum flexibility within its overall housing land supply to respond to the changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market.

Policy NB6: Sustainable Construction

2.30. Policy NB6 discusses how to ensure developments are sustainable, in regard to its construction methods because of the current climate emergency. Paragraph 154-158 in the NPPF identify objectives for developments to adhere towards transitioning to a low carbon future in a changing climate. Methods for this are explored within Policy NB6.

2.31. Whilst we are widely supportive that all new residential developments must strive to achieve net zero regulated carbon emissions, the demonstration of these schemes poses difficulties.

2.32. Whilst we acknowledge that much of the requirements will be delivered through improved house types and the new Building Regulations Part L Volume 1 Conservation of Fuel and Power, Volume 1: Dwellings; Policy NB6 is still quite an onerous policy requirement. This is because of the suspicion that this policy has in regard to the impacts towards the viability of residential developments.

2.33. These additional requirements therefore add further obligations to those already included in the Building Regulations, which could further impact on development viability.

3. THE SITE AND PROPOSALS

- 3.1. We would firstly like to highlight that we are disappointed that the Land at Sandyfields, Sedgley has not been included as an allocation within the Publication Plan document. We feel that the site should be included in the emerging plan as it would make a valuable contribution towards meeting the district housing target 9,089 homes over the period from 2018-2039.
- 3.2. We would like to highlight the following points about the site, particularly as the site could deliver around 105 new homes (based on net 35 dph) without the need for major infrastructure investment and without the need to phase delivery.
- 3.3. The site itself extends over a number of separate land parcels bounded by hedgerow and punctuated by some trees. The site is classified as being apart of the urban fringe of Sedgley where there is significant residential development up to its boundary.
- 3.4. In the 2021 SHLAA, the site was promoted under the reference: '567: Green Hill Farm, Sandyrfields' and it received positive feedback. The only restriction that the site received was that if the site were developed, there would be a loss of Green Belt, which is obvious and would apply to all other Green Belt sites within the Borough. The SHELAA marked the site as orange and categorised the site as being partially constrained against the Green Belt and Core Policy 1, because the site was 'directly adjacent to the urban form of the Black Country'. It followed by stating 'site suggestion also includes land within the Black Country urban area. Urban edge site modelled at 35 dwellings per hectare'.
- 3.5. As part of previous promotional work, the site has been subject to extensive work which is summarised in the Vision Document that was submitted during the preferred options consultation. The masterplan submitted with the Vision Document has been included as a reminder in Appendix B.
- 3.6. The site is locationally sustainable and would make a major contribution towards affordable and market housing for the Borough and Dudley, particularly at a time when the Black Country Plan is unlikely to deliver any major housing development for a considerable amount of time. The need for new housing will not diminish in this time and is likely to place even greater pressure on South Staffordshire and its residents who will be competing with those migrating out of the Black Country as well as those who need to live close to the Black Country for work.
- 3.7. Due to being connected to the urban fringe, it means that the proposed site would be a suitable addition to the existing built form and could integrate well with the existing settlement surrounding the site. This is demonstrated in the masterplan already submitted and contained within the Vision Document.
- 3.8. The alternative sites that have been allocated near to the site at Sandyfields is Land off Himley Lane (REF: 313) which has a minimum capacity of 22. This allocated site borders the Green Belt; however, it does not follow the existing built form of the settlement of Swindon.
- 3.9. Furthermore, the site at Land North of Sandyfields Road (REF:560) has also been allocated. However, this site is also within the Green Belt but does not adjoin to the existing built form. This is similar to the sites with the following references 336, 565, 566 and 337.
- 3.10. In comparison to the surrounding promoted sites, the proposed site at Sandyfields Road is a more logical extension to the existing urban edge and there are clear opportunities to deliver new

housing within this site, together with extensive green infrastructure within the areas that are most sensitive in landscape and visual impact terms (see Appendix B).

- 3.11. For the reasons highlighted above, we urge that the council considers the site 'Land at Sandyfields Road, Sedgley.' We consider it should be included as a housing allocation within the Publication Plan.



Figure 1: The site location plan for Land at Sandyfields Road, Sedgley.



Figure 2: The proposed site layout plan.