



## SOUTH STAFFS REGULATION 19 CONSULTATION - REPRESENTATION

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in respect of  
**Land at School Road, Himley**  
on behalf of  
**Taylor Reed Homes**

21 December 2022  
Client Reference: RCA745c  
Last User: LC

# QMS

<b>DATE</b>	21/12/2022 11:56:53
<b>FILE LOCATION</b>	C:\Users\RCA Regeneration\RCA Share - General\Jobs\S - U\Taylor Reed Homes Ltd (RCA745)\School Road, Himley - South Staff Rep 2022 (RCA745c)\PRE-SUBMISSION

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<b>VERSION ISSUED TO</b>	<input checked="" type="checkbox"/> Client	<input type="checkbox"/> LPA	<input type="checkbox"/> Other
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<b>VERSION FOR</b>	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Submission	<input type="checkbox"/> Client
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# 1. INTRODUCTION

- 1.1. This representation is made by RCA Regeneration Ltd on behalf of Taylor Reed Homes Ltd to the South Staffordshire Regulation 19 Consultation on the Publication Plan, which is running from the 11 November until 23<sup>rd</sup> 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 Directive<sup>1</sup> 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
HC17		116

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

- 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, taking into account 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. Our client has made us aware that they are willing to support a proposal that is above 30%.
- 2.6. 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**

- 2.7. 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'*
- 2.8. 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 take into account more constrained sites where this would not be possible, or where viability would indicate that flexibility should be applied.
- 2.9. If such flexibility is not written into this policy, we consider it would be inconsistent with NPPF para 82.

### **Policy HC6 Rural Exception Sites**

- 2.10. 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:

2.11. 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.'*

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

### **Policy HC8: Self-build and Custom Housebuilding**

2.13. 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.

2.14. 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**

2.15. 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 Judgement<sup>2</sup> has been released.

2.16. 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 carry out 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'.

2.17. 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.

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

### **Policy HC11: Protecting Amenity**

2.19. 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 Regs<sup>3</sup>.

### **Policy HC12: Space About Dwellings and Internal Space**

2.20. 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?

2.21. 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

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

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1057374/ADO.pdf](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.

- 2.22. 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:**

- 2.23. 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**

- 2.24. 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.
- 2.25. 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.
- 2.26. We note that there are currently no allocations for tier 4 settlements, such as for Himley. We believe that smaller allocations in a settlement such as Himley would provide much needed housing for smaller communities that are struggling with declining population and a lack of affordable housing for young people and first-time buyers. We believe that no allocations in Tier 4 settlements is a missed opportunity.



### 3. THE SITE AND PROPOSALS

- 3.1. We would firstly like to highlight that we are disappointed that the site known as Land at School Road, Himley (SHELAA ref: 335a & 335b) 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 43 new homes (based on net 35 dph) without the need for major infrastructure investment and without the need to phase delivery. Other benefits for this site include a provision of green infrastructure (and necessary biodiversity net gain), areas of sustainable drainage and other public benefits, during the first 5 years of the plan.
- 3.3. The site is located between a number of existing residential properties towards the backland of Plantation Lane, Bridgnorth Road and School Road. School Road and Bridgnorth Road are the main routes into the small village of Himley that is predominately residential in character, with existing dwellings to the north-west, west, south and east of the site. The established housing mix surrounding the site is predominantly detached houses, bungalows and some semi-detached

**Figure 1: Aerial view of School Road site**



- 3.4. The site itself consists of an undeveloped piece of private overgrown and largely neglected grass and shrub covered backland of irregular shape, currently used for equestrian grazing. The site is capable of achieving a biodiversity net gain. The site is an obvious infill plot and is defined by a combination of wooden fences and scrubby vegetation. The terrain slopes down towards the south of the site where it meets School Road and is best accessed via Plantation Lane, a residential road to the west most tip of the site. The site is approximately 1.23ha (3.04 acres) in area and is

relatively open with a number of small, medium and large trees (some with recognised Tree Protection Orders) around its perimeter. Other distinguishing features include electrical pylons that cut across the site from north to south.

### **South Staffordshire – Housing Site Selection Topic Paper 2022**

3.5. The subject site is addressed in previous SHELAA's and is included in the 2021 SHELAA, where it is divided into two parcels, ref: SHELAA Site 335a and 335b as shown in figure 2.

3.6. The site is also referenced in the Housing Site Selection Topic paper 2022 as a supporting document to the Reg 19 consultation. The paper states the following:

*“One site suggestion with capacity to accommodate residential growth has been identified within the development boundary of Himley (Site 335a). However, based on the initial views of the Highways Authority the site does not appear to have a suitable access and would also be predicted to result in unmitigable major negative effects in the Sustainability Appraisal if allocated. Therefore, on balance, the site is not proposed for a housing allocation.”*

3.7. We strongly object to the highways comments, as the site can in fact achieve access via the unregistered land at Plantation Lane with capacity to support a modest infill development at the subject site.

### **South Staffordshire – Strategic Housing and Economic Land Availability Assessment (SHELAA 2022)**

3.8. Overall, the site (including both parcels shown in figure 11) is deemed “potentially suitable” for residential development, notwithstanding some policy concerns relating to; Core Policy 1 (The Spatial Strategy), identified TPOs on the perimeter of the site and the Green Belt designation.

3.9. The SHELAA makes the following assessments over the two parcels:

*335a: Site lies within Himley Development boundary and is currently being marketed. Himley is not allocated for growth under Core Policy 1 of the adopted Core Strategy. TPOs within site. Development boundary site modelled at 38 dwellings per hectare.*

*335b: Site lies within Green Belt adjacent to the Himley settlement boundary. TPOs adjacent to the site. Village edge site modelled at 32 dwellings per hectare.*

3.10. In considering the content of the Lepus Consulting Interim SA dated August 2021, it assessed the site as falling within the ‘Wombourne Cluster’. The site was assessed against a number of objectives and performs well against many of them and compared to sites 479a and 707, is the best performing potential site in Himley.

3.11. The site's overall concerns regarding education should take account of the Blakeley Heath Primary School, Maidensbridge Primary School and Little Learners Nursery, within 1km of the site. The site benefits from a total of 10 nearby primary, special needs and high schools in Wombourne, Swindon and Wall Heath.

3.1. With regards to parcel 335b's Green Belt allocation, the South Staffordshire Green Belt Review (July 2019)<sup>4</sup> Appendix 3 ‘Stage 2 Harm Assessments states the following about sub-parcel S72As2 (of which the site is part of), states:

<sup>4</sup><https://www.sstaffs.gov.uk/doc/181123/name/South%20Staffs%20GB%20Stage%201%20and%202%20Report%20FINAL%20v1%20-%20web%20copy.pdf/>

*“The village of Himley remains partially washed over to the southeast of the sub-parcel. Release of smaller, more contained areas on the fringes of the three settlements would constitute negligible weakening of the adjacent Green Belt: Himley Plantation and a tree belt to the east of it provide containment to land adjacent to Wombourne and the former also contains land adjacent to Himley.”*

- 3.2. Parcels 335a and 335b would fall into this category of a “small” and “contained” area, being entirely surrounded by existing dwellings and partly within the Himley development boundary, making it a prime infill development site, that would not significantly increase the size of the settlement nor result in significant harm to the openness of the Green Belt. It is clear that the Green Belt in this location is simply not fulfilling any of the main Green Belt objectives and its loss would have no material impact of the openness of the Green Belt in this location. Its part inclusion in the Green Belt is therefore erroneous in our view.
- 3.3. The two parcels (335a and 335b) that form the site, demonstrate infill development land, being bounded on all sides by existing dwellings, some of Green Belt designation to the east and south and non-Green Belt to the north and west. The site is also partly in and partly adjacent to the Himley development boundary and is an island of neglected private and inaccessible scrubland which bears no public benefit to the people of Himley. If allocated as a preferred options site, its impact would be minimal and would greatly reduce pressure to develop sites on the peripheries of the village, reducing sprawl, encroachment on surrounding settlements and safeguarding the historic character of Himley. As such, the parcel could be removed without impacting on the function of Greenbelt.
- 3.4. Further evidence is provided in support of development of this site in a full planning application, that was submitted on 15 November 2021 (21/01216/FUL).
- 3.5. We submit that this site could be a reasonable additional allocation rather than an alternative. This site could deliver around 43 new homes within the first 5 years of the next South Staffordshire plan period, without the need for major infrastructure investment and without the need to phase delivery. Allocation of this site would lend much needed flexibility to the delivery of housing in the new plan period. We encourage you to reconsider your decision to omit this site from the proposed allocations.
- 3.6. For the reasons highlighted above, we urge that the council should give further consideration to the site known as Land at School Road, Himley and it should be included as a housing allocation within the Publication Plan.