



LAND SOUTH OF BRIDGNORTH ROAD, WOMBOURNE - REPRESENTATION

in respect of
South Staffs Regulation 19 Consultation
on behalf of
Richborough Estates

21 December 2022
Client Reference: RCA028f
Last User: LC

QMS

DATE	21/12/2022 11:17:08
FILE LOCATION	C:\Users\RCA Regeneration\RCA Share - General\Jobs\P - R\Richborough Estates (RCA028)\Land South Bridgnorth Road, Wombourne (RCA028f)\South Staffs Reg 19 Representation (Dec 2022)

AUTHOR	LC
CHECKED BY	SG

VERSION ISSUED TO	<input type="checkbox"/> Client	<input checked="" type="checkbox"/> LPA	<input type="checkbox"/> Other
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VERSION FOR	<input type="checkbox"/> Checking	<input checked="" 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 Richborough Estates 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
HC17		116

¹ <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. Policy HC1 states that on major development sites, the market housing mix 'must' include a minimum of 70% of properties with three bedrooms or less. We consider this to be a restrictive approach and would prefer the wording of 'must include' to be amended to 'should' or 'seek'; and add a caveat that each site needs to be assessed on its own merits as many things will influence a housing layout. As currently written, the policy with 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 understand that our client would be able to support in excess of a policy compliant 30% affordable housing on site.
- 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 could 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 we have two concerns over this. Firstly, incorporating self and/or custom build into larger residential schemes is unlikely to meet the need for this type of accommodation because the very reason why many self and custom builders want to go down that route is because they do not want to live on large developments. Secondly, if the emerging Plan does continue with this approach then it needs to 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 to planning applications (such as a hybrid outline) now that the Hillside Judgement² 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,

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

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

- 2.20. 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 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. For Wombourne, only 2 small sites are considered as 'suitable' for allocation, which for a settlement of its size, boasting considerable community facilities, is viewed as a missed opportunity. We believe that further allocation of development sites in this large settlement would go a considerable way to meeting the local authority's housing target within the plan period.

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

3. THE SITE AND PROPOSALS

- 3.1. We would firstly like to highlight that we are disappointed that the Land South of Bridgnorth Road, Wombourne (SHLAA reference: 626, 627, 628 & 629) 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. The site comprises four conjoined parcels of agricultural land sustainably located on the southern urban edge of Wombourne and within Green Belt. Collectively, the site extends to about 30.5 hectares (75.4 acres) and in development terms, would represent a logical extension close to shops and local employment.
- 3.3. Access to each parcel would be gained via the existing adopted highway network; with multiple access points enabling development construction and new housing to be delivered provided in a phased and flexible manner. A choice of pedestrian footways and recreational walks provide access to countryside and a range of local facilities located within a short walking distance.
- 3.4. Situated between urban and landscape contexts, the site is well related to existing and established residential edge of Wombourne, which comprises medium density, contemporary development of varying form, character and style.
- 3.5. This site presents an excellent opportunity for a sustainable housing, or mixed-use development adjacent to the existing settlement and areas of employment land. With previous representations we have already submitted a Vision Document, explaining and summarising the constraints and opportunities presented by the site, and how, through an indicative landscaped masterplan, the site might be delivered.



- 3.6. The new green infrastructure within the site would not only act in a 'compensatory' way but would provide strategic public open space that was previously not available for local people, offering a new park and open spaces for existing and future residents to use and enjoy. We consider that this would balance positively against any potential landscape criteria harm caused through the loss of the Green Belt land (as assessed by the Sustainability Appraisal that accompanies this consultation). The proposed landscaping and extensive planting will also provide considerable biodiversity net gain across the site which is considered to be of low biodiversity value (save for the areas of hedgerow and trees).
- 3.7. The site currently presents as a 'blank canvas' with very few constraints. Clearly, the hedgerow and trees offer some habitat for birds, mammals and insects and would be largely retained within any new scheme, together with the creation of linked and integrated new biodiversity network within and through the site.
- 3.8. The site is entirely within Flood Zone 1, with no significant surface water drainage constraints, as demonstrated in Flood Risk Assessment work undertaken by BWB. There would be space within the site for attenuation measures such as basins to be included.
- 3.9. Other than the Green Belt designation, the site is unaffected by any statutory site constraints, including any listed within 'Footnote 7' of the NPPF. The evidence base supporting the current consultation, in particular the Housing Site Selection Paper 2021, suggests that, save for the Green Belt designation, the site would be considered suitable and deliverable for housing within the plan period. The Sustainability Appraisal concludes that the site would be a reasonable alternative to the proposed allocations. It appears not to have been chosen only because the proposed allocations are 'sequentially preferable'. We maintain that the situation is not either/or as a settlement with the facilities that Wombourne boasts should be subject to far more new housing to help underpin its continued viability.
- 3.10. Whilst this site could deliver around 1,068 new homes (based on net density of 35 dph), the aspiration of the developer is to deliver around 350 new homes, having regard to the need for compensatory open spaces and taking account of the prevailing settlement pattern and local character. These homes could be delivered within the first part of the Plan period without the need for major infrastructure investment. The allocation of this site would lend much needed flexibility to the delivery of housing over the course of the next plan period. We therefore urge you to reconsider your decision to omit this site from the proposed allocations.
- 3.11. We note that sites 281b and 556 are noted as 'suitable' for development in the 2022 SHELAA as part of the supporting evidence for this Reg 19 consultation. However, these sites are now completed.
- 3.12. We must stress the level of work that has already been put into preparing the site and assessing its appropriateness for development, including layout plans, design and landscaping work. The site overall represents a well-positioned and unconstrained opportunity to meet the area's housing demands, with a developer and landowner that are keen to deliver 350 new homes.
- 3.13. For the reasons highlighted above, we urge that the council gives further consideration to the Land South of Bridgnorth Road, Wombourne as a housing allocation in the emerging plan.