



SOUTH STAFFORDSHIRE COUNCIL PREFERRED OPTIONS CONSULTATION NOV/DEC 2021

## REPRESENTATION

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in respect of  
Land at Sandyfields Road, Sedgley  
on behalf of

Seven Homes

9 December 2021

Client Reference: RCA716a

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# QMS

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# 1. INTRODUCTION

- 1.1. This is a representation made on behalf of Seven Homes Ltd in respect of land at Sandyfields Road, Sedgley
- 1.2. The representation relates to the South Staffordshire Council Local Plan Review, which has reached the Preferred Options stage. The consultation is ongoing and ends on 13<sup>th</sup> December 2021.
- 1.3. We have considered the existing Development Plan as it now stands and have also considered the policies being proposed by the emerging Local Plan. We do not respond to all sections of the emerging plan, only those which we currently consider relevant. These views are without prejudice to future submissions or hearing statements, which may be made in advance of the Examination stages.

## Structure

- 1.4. The response makes comments on the following paragraphs, policies and evidence documents, and we end with further information regarding the Land at Sandyfields Road, Sedgley:

Paragraph	Policy
	Strategic Objective 1
	Strategic Objective 2
	Strategic Objective 9
	DS1
	DS2
Housing supporting text (paragraphs 4.6 to 4.20)	
	DS3
	DS4
	SA2
	HC1
	HC3
	HC4
	HC6
	HC7
	HC9

	HC11
	HC14
	HC15
	HC17
	HC19
	NB5
	NB7

## 2. Representation

### Summary

- 2.1. The Council identified the preferred spatial strategy for distributing growth in the Spatial Housing Strategy and Infrastructure Delivery Plan (October 2019) (SHSIDP). The Plan has been prepared to provide a level of housing growth which would meet South Staffordshire's housing needs plus a 4000-home contribution towards the unmet needs of the wider Greater Birmingham Housing Market Area. Option G from the SHSIDP has been identified as the preferred option, which is infrastructure-led development with a garden village area of search beyond the plan period. We do not consider that sufficient information has been provided on the calculation and distribution of the 4000-home figure to be able to comment on the suitability of the preferred strategy or the supporting Infrastructure Delivery Plan (IDP).
- 2.2. We are concerned that focussing the majority of growth on large strategic sites that are reliant on the delivery of infrastructure could lead to delayed delivery of numbers in the plan. For resilience and flexibility, we consider that a greater number of smaller sites should be allocated.

### Strategic Objective 1

- 2.3. This Objective states that where Green Belt release is necessary, there will be a mechanism in place to secure compensatory improvements to the remaining Greenbelt. We are concerned that, given the stage of the plan review, this is not substantiated in any further detail, and it is unclear how the Council intends for this to be delivered. Whilst improving environmental quality and access to remaining Green belt land would be a positive objective in accordance with the Framework (para 142), it is unlikely that a developer would have access to another parcel of land to improve and as much of the Green Belt will be in private ownership (such as agricultural land), securing contributions to improve that land is likely to be unlawful. We do not consider this objective to be deliverable.

### Strategic Objective 2

- 2.4. We support this Objective which seeks to meet the needs of the district whilst making a proportionate contribution to the needs of the Greater Birmingham Housing Market Area (HMA). However, it is unclear how this contribution is disaggregated to each Authority within the HMA, so we suggest greater clarity is provided in the plan to give more confidence and clarity in the Plan. Details of any agreements made under the Duty to Co-operate or in Memoranda of Understanding or Statements of Common Ground should be included in the Evidence Base.

### Strategic Objective 9

- 2.5. The Council's preferred spatial strategy for growth was option G, which was for an Infrastructure-led spatial housing strategy. This strategy relies on new train stations, but rail is not mentioned within the objective. We suggest this Objective therefore requires amending.
- 2.6. Further the importance placed on rail links set out in Option G does not translate into some of the sites selected.

### Policy DS1 Green Belt

- 2.7. Firstly, we consider that this policy largely repeats the Framework, and to simplify the plan, could be – in part – removed, and replaced to refer the reader to the Framework instead.

- 2.8. The accompanying text again refers to “compensatory improvements to the environmental quality and accessibility of remaining Green Belt, including improving access to the countryside and ecological and biodiversity enhancement, are made”. However, as stated previously, the way in which this would be delivered has not been defined and creates uncertainty for landowners and developers. It is unclear what is meant by “remaining Green Belt”, because whilst it might be feasible to provide high quality, on-site green infrastructure, and open space (within the confines of other policies), if the improvement is made on an allocated development site, it will have therefore been removed from the Green Belt as part of this Plan. If the intention is to improve Green Belt land unrelated to this site, then a contribution would not meet the tests required. It is notable that the Plan refers to the idea of compensation on several occasions, but it is not mentioned within the policy itself.
- 2.9. The policy also states that “Development within the Green Belt must retain its character and openness”. This statement would appear contradictory, and it is unclear how this could be achieved in practice. Development will inevitably have an impact on openness, so the policy wording as it stands appears impracticable and undeliverable.
- 2.10. We would encourage the Council to demonstrate that they have met the exceptional circumstances required to remove sites from the Green Belt. Whilst we are not suggesting that these have not been met, this is likely to be important at the examination to demonstrate why Green Belt releases have been chosen above some non-Green Belt sites, in order to avoid the situation that arose with the West of England Plan.

#### **Policy DS2 Open Countryside**

- 2.11. It is not clear from the wording of proposed policy DS2 what types of development would or would not be acceptable in open countryside. Under DS2 (A) the council to refer to a singular new ‘building’ when this should read ‘building(s)’ in our view. We also consider the policy wording as a whole should be revisited.

#### **Housing supporting text (paragraphs 4.6 to 4.20)**

- 2.12. We consider that in light of known worsening housing affordability during the pandemic that the plan should be revisited when the ONS house price to earnings data is updated in March 2022.
- 2.13. The relative proportion of reserve sites (1,608) against the provision of housing overall (5,348) seems high. Whilst we accept the need for reserve sites which reduces the need for a continuously reactive reassessment of green belt boundaries in future, one must conclude that such a high proportion of reserve sites is surely less ‘plan led’ as a result. The same applies to the windfall allowance, which we also consider to be excessive.
- 2.14. Table 8 of the PO Local Plan seems to include safeguarded land as contributing to the overall OAN and is not included as additional land ‘above and beyond’ their requirement. The role of safeguarded land in the Green Belt is fairly straightforward: it provides flexibility during plan reviews where 5-year supply dips, or there are other problems with delivery. To that end the contribution safeguarded land makes to the current OAN figure should be little to none, with safeguarded sites included that are above and beyond the OAN figure. This would take account of their intended long-term permanence and endurance beyond the Plan period, in combination with the requirement at NPPF 143(e) that green belt boundaries should not need to be altered at the end of the Plan period.

- 2.15. If the focus of green belt release in the emerging Plan is solely that needed to meet the emerging Plan requirements, then future planned development needs will necessitate further green belt releases. We consider it would be more appropriate, both for effective and positive preparation of the emerging Local Plan and to ensure that green belt boundary review is not an ongoing iterative process running alongside Plan preparation on each occasion, to seek to secure sufficient land release to meet anticipated future needs beyond the Plan period. This would be more aligned to the need to plan positively.

#### **Policy DS3 – The Spatial Strategy to 2038**

- 2.16. There is some confusion here whether the new development is being built to address previous infrastructure issues and the extent to which this will address and accommodate new development. Is the proposed growth reliant on new infrastructure, or being proposed as a mechanism to deliver new infrastructure to address existing deficiencies? We are concerned that existing sustainable settlements are not receiving allocations and growth is instead being focussed on large allocations in seemingly rather less sustainable locations that will be reliant on largescale infrastructure delivery to make them sustainable.
- 2.17. The third paragraph states that the priority 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”. But if this is the case, this would not appear to relate well to the proposals to allocate large Urban Extensions which are so large, they will require their own infrastructure.
- 2.18. We note that policy DS3 indicates that ‘Land at Cross Green’ is put forward and is anticipated to deliver a large scale housing development of 1200 dwellings. Within Policy DS3, it is stated that ‘the Council will continue to work with partners to seek opportunities to deliver’ this site. However, this seems very vague and given the time that has elapsed since housing delivery strategy Option G was chosen, we would have expected more progress to have been made on this.

#### **Policy DS4**

- 2.19. In relation to policy DS4 – we have a minor observation in relation to this policy. We question why this policy is included when it relates to a time period outside of the scope of the plan - why not extend the plan period instead?

#### **Policy SA2 - Strategic development location: Land at Cross Green**

- 2.20. Policy SA2 sets out the context of the site allocation at Cross Green. We note in this policy that the justification of allocating this site is heavily reliant on the ‘Land at Cross Green SPD’, which has not yet been published and is claimed to be adopted in the ‘early years of the plan period’. The policy’s objectives for the site are ambiguous as they do not carry any weight to guarantee the site’s delivery.
- 2.21. The heavy reliance on a pending SPD does not provide certainty that the site is deliverable and there is currently no clear justification provided which demonstrates that this allocation can be implemented. With no clear timeline of when this site can be delivered, we consider that the council should look to allocate further sites to ensure that they are still able to meet the housing target of 8,881 dwellings over the plan period.

#### **Policy HC1 – Housing Mix**



- 2.22. This policy states that market housing will need to provide 75% of the development as 3-bed dwellings or smaller. This policy could be more flexible where it would allow for different approaches to phased development and other development outside of the scope of the plan, including rural exception sites.

### **Policy HC3 – Affordable Housing**

- 2.23. It is unfortunate that flexibility has not been afforded in respect of the affordable housing tenure mix. We consider that this policy should be amended to avoid it being fixed, so that other evidence (such as that provided by Registered Providers or through housing needs assessments for individual parishes) and the SHMA can be considered. The Plan also seems to suggest that this could therefore not be reviewed until the Plan itself is reviewed in more than 5 years' time.
- 2.24. This Policy comments on the desirability of 'pepper potting', but to provide greater clarity for applicants, this should be quantified. For example, including a statement such as "unless the application is for entirely affordable housing, clusters of approximately 9 dwellings or less, should be used", would assist.
- 2.25. The policy contains a suggestion that the Council will not support forms of grant funding, it is not clear what is meant by this and should be removed as it relates to the policies of third party grant providers (such as Homes England) which are outside the control of the Local Plan.
- 2.26. When discussing potential offsite/financial contributions, this should be clarified by stating that this will be subject to viability/market evidence.
- 2.27. It is suggested that the final bullet point be removed. It is unclear on what basis the Council could assume that all policy compliant developments will be viable, this risks failing to take into account the nuances of site-specific circumstances.

### **Policy HC4 – Homes for Older People**

- 2.28. The requirement for 30% of all market and affordable homes to meet Building Regulations Standard Part M4(2), in addition for the requirement for all homes to meet Nationally Described Space Standards, is unnecessary burdensome on developers. What is the justification for 30%? What is the justification for both standards being required? The land-take for a dwelling to meet both NDSS and M4(2) can be high and can lead to dwellings that are of a floor area that takes them above local affordable housing price thresholds and local market price levels. It can also lead to an inefficient use of land.

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

- 2.29. This policy accepts that a small amount of market housing would be permitted in proposals outside of the Green Belt where essential to the viability of the scheme. Whilst we generally support this policy, we are unclear why this is only something permissible outside the Green Belt, since being within or outside the Green Belt will have no impact on the viability of the scheme. Given that the vast majority of South Staffordshire is within the Green Belt, this is a sweeping restriction that appears to lack clear justification.
- 2.30. There have been a small number of Green Belt exception sites that have been supported by S78 appeal inspectors, such as Shop Lane, Oaken – because they were aligned to the provisions within the NPPF. Why therefore would this local plan take a different approach? We do not consider this is consistent with national policy.

### **Policy HC7 – Self & Custom Build Housing**

- 2.31. The requirement to put Self Build dwelling plots on all major developments is onerous and the policy provides no certainty in terms of the level of provision, providing no reassurance to the Council, developers, or would-be self-builders. Providing self-build dwellings within a wider development provides significant health and safety concerns, introducing potential new contractors.
- 2.32. In addition, this policy does not recognise that self and custom builders are very unlikely to want to position themselves within a volume housebuilder site, so the uptake of these plots is likely to be poor. We consider that it would be a far better policy to allocate specific small plots to meet this need instead.

#### **Policy HC9 – Design Requirements**

- 2.33. Whilst the majority of this policy is supported, we do have concern about the requirement for 'Tree lined streets'. Whilst it is appreciated that this is a national requirement, it should be the role of the Local Plan to put 'meat on the bone' in terms of how this should be implemented. We would also question whether this has been discussed with the highways adoptions team.
- 2.34. Developers are also likely to have to contribute towards exorbitant maintenance fees, which will need to be factored into the plan viability. There should also be guidance in terms of which streets will be expected to be tree lined, and an appreciation for circumstances where this may not be appropriate because it is out of character, for example.
- 2.35. The policy introduces a requirement for a Design and Access Statement (DAS) to be submitted with every application. This seems onerous and would add unnecessary costs for householders proposing very minor applications, where the DAS is likely to add very little value in any event.

#### **Policy HC11 – Space about dwellings and internal space standards**

- 2.36. We suggest that some flexibility is added to this wording policy, perhaps to suggest that *most* development *should* meet NDSS. Affordable Housing providers do not want NDSS in some areas as the floor area can take them above local affordable housing price thresholds. The same can also be true for market homes, which can price out first time buyers. It can also lead to inefficient use of land and, depending on the mix (particularly in light of the policies proposed by this Plan to focus on homes with lower numbers of bedrooms), can make it challenging to achieve 35dph. This can also ultimately threaten site viability and therefore, deliverability.

#### **Policy HC14 – Health Infrastructure & Policy HC15 – Education**

- 2.37. We consider, these policies should be amended to reflect the fact that new development should not be solving existing infrastructure problems.

#### **Policy HC17 – Open Space**

- 2.38. This policy creates a requirement for play provision to be provided automatically in all areas of development associated public open space. This would seem disproportionate, particularly for smaller sites and those in proximity to existing play facilities. This requires amendment or further justification. Provision should also relate to bed spaces and not number of units, to be proportionate. Proposed requirements for open space to be centrally located and contain play equipment should also be omitted, as the suitability and requirements for the open space should be assessed on a site specific basis, taking into account the site constraints and existing local provision.

### **Policy HC19 – Wider green infrastructure design principles**

- 2.39. Whilst we support the need for good quality green infrastructure, the information provided within this policy is vague for such an advanced stage, this should be substantiated within the emerging local plan, rather than left for an SPD which may not be produced for some time.
- 2.40. We would also like further clarity as to whether provision of Open Space (HC17) and Sports Facilities and Playing Pitches (HC18) would qualify as green infrastructure within this policy. If not, this would represent an unduly onerous set of infrastructure requirements.

### **Policy NB5 - Renewable and low carbon energy generation**

- 2.41. Whilst the aims of this policy are clearly laudable, the omission of energy storage as a strategic policy is something that requires addressing in the local plan. Energy storage is crucial in the transition towards renewable forms of energy generation, because unlike fossil fuelled power stations which can be turned on and off like a tap, the way renewable energy is generated can rarely be controlled; it is intermittent and unpredictable.
- 2.42. With battery technology, energy can be stored during times of high production, and then discharged when demand is at its peak, when the grid becomes strained. This becomes even more important because the peaks and troughs of renewable energy generation and energy demand do not overlap when using renewable sources, so this is a crucial way of balancing the grid.
- 2.43. The importance of energy storage has been recognised by National Government in recent years, as battery storage technologies have advanced and become more viable. If electric car charging points and a move away from the use of gas in domestic settings happens in the short term, national grid capacity must be increased and this local plan should have a policy to cover this.

### **Policy NB7 - Managing flood risk, sustainable drainage systems & water quality**

- 2.44. National policy dictates that a Flood Risk Assessment (FRA) should be provided for all development in Flood Zone 2 and 3, and on sites over 1ha in Flood Zone 1 (see footnote 55 of the Framework<sup>1</sup>). Therefore, it is unclear why this policy is seeking to request an FRA on all major sites. Whilst we would agree to the provision of a drainage strategy on all major sites, we disagree with an automatic requirement for a FRA. This would appear another onerous requirement.
- 2.45. We agree with the importance placed on providing SuDS, but we disagree that all major developments should provide them. Brownfield sites, for example, may struggle with this requirement and risks stymieing the drive towards any 'brownfield first' approach.

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<sup>1</sup> [National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

### 3. THE SITE AND PROPOSALS: LAND AT SANDYFIELDS ROAD, SEDGLEY

- 3.1. The site is a large land parcel located directly to the southwest of Sedgley, which could deliver up to 150 new market and affordable homes and large areas of new green infrastructure (and biodiversity net gain), as well as other public benefits within the first 5 years of the next South Staffordshire plan period, without the need for major infrastructure investment.
- 3.2. Shown below is a red line location plan which denotes the location of the site. The majority of the site lies within South Staffordshire Council with the potential access arrangements falling within Dudley Metropolitan Borough Council.



- 3.3. This greenfield site extends to approximately 7 hectares and is situated to the south-west of Sedgley and to the north-west of Lower Gornal. It is bounded by Sandyfields Road to the south, Raglan Close to the east along with residential development to the eastern boundary, and the former car showroom of S B Shakespeare to the south. The boundary to Sandyfields Road comprises of mature hedgerow and a small number of residential properties which are proposed to be subsumed into the proposed development. Within the site are a series of linear hedgerows which define the field boundaries into five compact pasture fields. These hedgerows include a number of mature trees that provide strong features within the site.

#### **Previous Representations**

- 3.4. We have already made previous representations on behalf of Seven Homes in respect of Sandyfields Road, Sedgley to the Call for Sites Consultation, which took place in August 2020.

#### **SHELAA 2021 – Site Assessment**

- 3.5. We note that the site has been assessed in the SHELAA 2021 under site reference 567: Green Hill Farm, Sandyfields. Within the SHELAA, the site is marked as orange and has received the following comments:
- 3.6. ‘Potentially suitable but subject to policy constraints - Green Belt & Core Policy 1’ – ‘Directly adjacent to the urban form of the Black Country. Site suggestion also includes land within the Black Country urban area. Urban edge site modelled at 35 dwellings per hectare.’
- 3.7. We have considered the site assessment and would comment as follows:

#### **Green Belt**

- 3.8. The site lies within the Green Belt, but is well contained by mature trees and hedgerows on the boundaries of the site and as acknowledged within the SHELAA, it is in an urban fringe location on the edge of Dudley. Existing development on Raglan Close and Greenfield View screens views of the site from Sedgley meaning that the site’s current contribution to the openness of the Green Belt is limited and the effect of development of the site on the openness of the Green Belt would be minimised. The site is at its most visible point from close proximity to Sandyfields Road to the south-west and is generally screened from long distance views by intervening vegetation. The connectivity to the urban fringe would mean that the site would be a suitable addition to the existing built form and would integrate well with the existing settlement.

#### **Core Policy 1**

- 3.9. The site is considered to be highly sustainable, with a significant level of shops, services and amenities situated within a short walking distance of the site. Furthermore, ready access to public transport and bus stops are available outside 108 Sandyfields Road which demonstrates that the site is well connected to local towns. The bus stop provides an hourly service to Wolverhampton and Dudley.

#### **Other Related Matters**

- The site is within flood zone 1 and is therefore at the lowest risk of flooding
- There are no known ecological constraints on site
- There are no scheduled ancient monuments or assets of historical value on site.



3.10. Since our previous representation to the Call for Sites consultation, the site proposals have been developed further and a vision document has been produced. The following masterplan has been created as part of the vision document, which indicates how the site may look (see below).



- 3.11. The vision document will be submitted alongside this representation, which should be read in conjunction with this representation.
- 3.12. Seven Homes Ltd have been working in conjunction with the landowners who are supportive of the promotion of the site for residential development and wish to see it released from the Green Belt for the reasons discussed above and developed within the emerging Plan period.
- 3.13. We submit that the allocation of this site would deliver a well thought out, high quality development. It would deliver much needed housing within the plan period and due to the existing infrastructure, this could be delivered quickly and provide a valuable contribution to the five year housing land supply.

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