



REPRESENTATION

in respect of
South Staffs Regulation 19 Consultation
on behalf of
CCB Investments Ltd

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1. INTRODUCTION

- 1.1. This representation is made by RCA Regeneration Ltd on behalf of CCB Investments Ltd 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
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HC4		93
HC6		96
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¹ <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

HC17		116
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- 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. 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 take into account 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 to 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 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'.

2.16. 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 <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

- 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 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. Our client's site is located in Pattingham which is a Tier 3 settlement as set out Publication Plan Regulation 19 document. However, Pattingham is clearly far more sustainable than the assessment suggests. The site is clearly within safe and easy walking distance to St Chads Primary School, convenience store, public houses, restaurants, shops, and pharmacy, and local bus stops. It is simply not the case that the site is locationally unsustainable.

3. THE SITE AND PROPOSALS

- 3.1. We would firstly like to highlight that we are disappointed that site at Westbeech Road, Pattingham has not been included as an allocation within the Publication Plan document. We consider this to be a missed opportunity for the council 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 up to 50 new affordable homes without the need for major infrastructure investment and without the need to phase delivery.
- 3.3. The site presents an opportunity to deliver housing within Pattingham which is a highly sustainable location. The site is located to the east of Westbeech Road in Pattingham, Staffordshire. The parcel of land extends to approximately 4.39ha and is bound to the north and east by open agricultural fields, to the south allotments and to the west by existing residential development along Westbeech Road and College Farm Close.
- 3.4. The site includes a bungalow and its curtilage, a rear access road, and various fishing pools and associated land. The site cannot be seen from the adopted highway.
- 3.5. The location plan is shown below:



- 3.6. The site is centrally located within the village and therefore benefits from being located opposite the local park and 250m away from a bus stop that travels frequently to Wolverhampton town centre.
- 3.7. The site is also within 300m of the village centre, providing access to a range of services including a primary school, convenience store, public houses, restaurants, shops and a pharmacy. All of the above facilities can be accessed on foot via the existing public footpaths.

- 3.8. The site falls entirely within Flood Zones 1 and has a very low risk of surface water (pluvial) flooding. There are no nearby designated heritage assets within the locality of the site.
- 3.9. The site is situated within the administrative areas of South Staffordshire and is currently designated as Green Belt land.
- 3.10. The site would achieve sustainable development without the need for major infrastructure investment and without the need to phase delivery. The site could deliver a residential development combined with a much needed new medical centre to serve the village and the wider community.
- 3.11. The plan blow shows that the site sits within the logical village boundary and extends no further than the existing built form line along Wolverhampton Road.



- 3.12. Whilst we note the Green Belt value of the site, it is clear that the proposals will not project further into the Green Belt than the existing built form line shown above. Furthermore, there is existing housing located along Wolverhampton Road demonstrating other extended built form within this area of the Green Belt. The proposals will not result in a coalescence between Pattingham and Wolverhampton.
- 3.13. The site owners are in negotiations with a local GP practice to accommodate a new, purposebuilt Medical Centre for Pattingham. An agreement in principle has been reached between both parties. The site owners are happy to reserve a section of this site at this stage for a Medical Practice in the future. The site offers a central location for the new medical centre, which will be accessible by many existing residents of the village and wider rural hinterland. In addition, and due to the proximity of the bus stop, staff working in the medical practise will not be dependant on the car to reach their place of work.

- 3.14. Currently, residents of Pattingham have to drive 5 miles to the nearest medical centre located at Claverley. The proposed medical centre would remove this reliance on the motor vehicle whilst also being located 250m from the nearest bus stop enabling residents from further afield to travel sustainably to it.
- 3.15. The site is available now and can be readily delivered within the early stages of the emerging plan period. It is acknowledged that the site is within the West Midlands Metropolitan Green Belt and work is ongoing to assess it within the context of the Green Belt in this location. It is anticipated that the site would be fully constructed within a period of two years of planning permission being granted. The site is viable and can deliver and support the required infrastructure to meet the needs of existing and proposed residents. This will include affordable housing and open space, in addition to planning obligations required to be facilitated to improve local infrastructure.
- 3.16. The site is capable of mitigating harm to the Green Belt and landscape through the use of an appropriate landscaping strategy, introducing extensive open space for residents and visitors to enjoy. The site is well contained by the existing boundary trees and landscaping but this could be bolstered by additional landscaping.
- 3.17. A proposal for development at this site would result in little to no impact with regards to infrastructure requirement and would be very much in line with the strategy set out within the Preferred options document.

In the section below we respond to the proposed allocation to the village:

Assessment of housing site allocation 251 (policy SA5), Hall End Farm.

- 3.18. The site is not within the Green Belt and is located adjacent to the settlement boundary.
- 3.19. The site proforma within the previous preferred options documents sets out that:
- Major negative effects are predicted against the landscape criteria, although this applies to the Green Belt area of the adjacent site.
 - The site does not appear to have footway access into the wider village.
 - This site is safeguarded land and therefore sequentially preferable to Green Belt sites. However, there are insufficient non-Green Belt opportunities to deliver the infrastructure strategy identified for Pattingham. Additional growth is required above the existing levels of safeguarded land and allocations in the settlement.
 - Located approximately 600m from this ancient woodland. The proposed development at this site could potentially have a minor negative impact on this ancient woodland, due to an increased risk of disturbance.
 - Assessed as being within an area of 'moderate' landscape sensitivity.
 - Located in close proximity to several PROWs. The proposed development at this site could potentially alter the views experienced by users of these footpaths. As a result, a minor negative impact on the local landscape would be expected.
 - Located 40m from Conservation Area
 - Located within an area of medium historic value

- Located wholly or partially outside the target distance to a bus stop providing regular services. Therefore, the proposed development at these nine sites could potentially have a minor negative impact on site end users' access to bus services.

- 3.20. Whilst the site is not located within the Green Belt, the location of the site is questionable when focussing on the locational sustainability of the site. The site also has a greater impact on heritage assets than our client's site at Westbeech Road.
- 3.21. Notwithstanding the above, Pattingham has a large range of services and amenities and is capable of far more growth than the allocated 17 dwellings (approx.) within the emerging plan.
- 3.22. Land at Westbeech Road is by far the most sustainably-located site put forward in the Local Plan Review for Pattingham. The existing footpath network in Pattingham means that this site will need little infrastructure upgrades fully in line with the aims of the local authorities Preferred Strategy.
- 3.23. In addition, the site is the only proposed allocation that can deliver a new Medical Centre for Pattingham. This highly sustainable location is ideal for patients and staff alike and when assessed over the full plan period. This must be given significant weight as a public benefit to existing and future residents of Pattingham, particularly as the plan seeks to minimise the pressure on existing infrastructure and reduce the dependence on private vehicles.
- 3.24. For the reasons highlighted above, we urge that the council should give further consideration to the site at Land at Westbeech Road, Pattingham and it should be included as a housing allocation within the Publication Plan.