

SOUTH STAFFORDSHIRE LOCAL PLAN PREFERRED OPTIONS NOVEMBER 2021

LAND TO THE WEST OF FENTON HOUSE LANE, WHEATON ASTON

**REPRESENTATION PREPARED ON BEHALF OF
RICHBOROUGH ESTATES**



**TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012**



Pegasus Group

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DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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APPENDICES:

Appendix 1: Proposed Illustrative Masterplan

1.0 Introduction

1.1 This representation is made by Pegasus Group on behalf of Richborough Estates to the South Staffordshire Local Plan Review ('LPR') Preferred Options Consultation ('the Consultation'). The consultation is progressed under 'Regulation 18' of the Town and Country Planning (Local Planning) (England) Regulations 2012.

1.2 This representation relates to Land to the West of Fenton House Lane, Wheaton Aston, which Richborough Estates is promoting for residential development.

1.3 These representations respond to the following documents, including addressing the questions set out within the LPR Consultation Document:

- Sustainability Appraisal of the South Staffordshire Local Plan Review – Preferred Options Plan, Regulation 18 (III) SA Report, August 2021
- Infrastructure Delivery Plan (South Staffordshire District Council) 2021
- South Staffordshire Green Belt Study – Stage 1 and 2 Report (LUC), July 2019
- South Staffordshire Landscape Sensitivity Assessment (LUC) 2019
- Rural Services and Facilities Audit (South Staffordshire Council) 2021
- Preferred Options Housing Site Selection Topic Paper (South Staffordshire Council) 2021

- Viability Assessment – Local Plan and Community Infrastructure Levy (Dixon Searle Partnership) October 2021.

1.4 The representations are framed in the context of the requirements of the Local Plan to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF), paragraph 35. For a Plan to be sound it must be:

- 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.

1.5 The representations also give consideration to the legal and procedural requirements associated with the plan-making process.

2.0 What Does the Local Plan Need to Consider?

- 2.1 Richborough Estates supports South Staffordshire District Council ('SSDC') in progressing with a review of the adopted South Staffordshire District Development Plan as required by Policy SAD1 of the Site Allocations Document ('SAD') 2018. This provides the opportunity for the SSDC to comprehensively review the adopted Development Plan, including not only its own objectively assessed housing need, but also the role of the District in meeting unmet cross boundary needs from the wider Greater Birmingham Housing Market Area ('GBHMA'), including from the Black Country.

National Requirements for Plan-Making

- 2.2 Paragraph 33 of the National Planning Policy Framework 2021 ('NPPF') requires local planning authorities to keep policies in their Local Plans up to date by undertaking a review at least once every five years.
- 2.3 Paragraph 24 of the NPPF also confirms that local planning authorities "*...are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*" In the context of South Staffordshire, strategic matters can include housing, employment, infrastructure and the Green Belt.
- 2.4 Richborough Estates supports the Council's proactive approach in continuing with a review of the Local Plan to ensure that an up-to-date policy framework exists with the District to guide growth to 2038 and to ensure that development is genuinely plan-led.

Evidence Base

- 2.5 Appendix A of the LPR Consultation Document sets out the range of studies which will be, or have been prepared, to evidence and justify the policies and allocations contained within the LPR.

Question 1: Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan? Yes/No Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.

- 2.6 Generally, the documents listed in Appendix A are considered to represent comprehensive evidence base necessary to support a local plan. It is also noted that a number of the documents have been updated in 2021, which is also supported.
- 2.7 However, concern is raised that the *Greater Birmingham HMA Strategic Growth Study*, *SSDC's Self Build & Custom Build Register* and the *Strategic Housing & Employment Land Availability Assessment ('SHELAA')* are not included, although it is noted that an updated SHELAA (2021) is available on SSDC's website. It is therefore assumed that its omission from Appendix A is a typographical error.
- 2.8 Nevertheless, the GBHMA Strategic Growth Study is a key aspect of the LPR evidence base and is a crucial piece of evidence in the context of South Staffordshire District.
- 2.9 The GBHMA Strategic Growth Study remains the latest comprehensive consideration of housing needs across the Greater Birmingham and Black Country HMA and provides a range of recommended options for meeting these needs, to be tested through individual LPA Local Plan reviews. This evidence has been subject to scrutiny as supporting evidence at the North Warwickshire Local Plan examination and provides justification for SSDC's intended contribution of 4,000 homes to assist in meeting the identified housing shortfall, as set out in draft Policy DS3.
- 2.10 Similarly, it is considered the Self Build & Custom Build Register should be identified as part of the evidence base to inform emerging policies in respect of housing needs and mix, including the level of self-build and custom-build housing that is expected to be provided on applications for residential

development.

2.11 Whilst the consultation document raises specific questions in relation to some evidence base documents, such as the Infrastructure Delivery Plan ('IDP'), it fails to ask questions in respect of others. Comment on these specific evidence base documents is accordingly contained within the following Chapters of this Representation.

Evidence Base Document	Comment within Representation
Sustainability Appraisal of the South Staffordshire Local Plan Review – Preferred Options Plan, Regulation 18 (III) SA Report, August 2021	Chapter 6
South Staffordshire Green Belt Study – Stage 1 and 2 Report (LUC), July 2019	Chapter 7
South Staffordshire Landscape Sensitivity Assessment (LUC) 2019	Chapter 7
Rural Services and Facilities Audit (South Staffordshire Council) 2021	Chapter 7
Preferred Options Housing Site Selection Topic Paper (South Staffordshire Council) 2021	Chapter 8
Viability Assessment – Local Plan and Community Infrastructure Levy (Dixon Searle Partnership) October 2021.	Chapter 5

Infrastructure Delivery Plan

2.12 An IDP (2021) has been prepared to support the LPR to ensure the required infrastructure and investment needed to deliver the plan effectively is identified. The IDP should include the specific infrastructure projects needed to deliver planned growth and will be updated as the plan progresses

Question 2:

(a) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP?

Yes/No

(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver?

Yes/No

2.13 Richborough Estates supports SSDC's proposed infrastructure-led strategy which seeks to focus development towards larger settlements supplemented with some smaller settlement sites and, where appropriate, deliver new infrastructure benefits.

2.14 Development of Land to the West of Fenton House Lane, Wheaton Aston, can facilitate significant infrastructure provision, including the following infrastructure opportunities identified within the IDP:

- Improvements to sports and leisure facilities within the District.
- Enhancements to the Green Infrastructure Network, including the provision of new publicly accessible open space and measures to ensure achievement of biodiversity net gain.
- Obligations towards health provision

2.15 Overall, it is considered that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP. Richborough Estates is committed to engaging with SSDC, the Parish Council and service providers to explore infrastructure requirements to inform future iterations of the Infrastructure Delivery Plan and the emerging proposal for Land to the West of Fenton House Lane.

Vision and Strategic Objectives

2.16 The LPR Consultation Document identifies a number of 'Issues and Challenges' surrounding homes and communities, economic vibrancy and the natural and built environment. The Document goes on to present a 'Vision' based upon these issues and challenges, and a number of 'Strategic Objectives' by which the Vision can be achieved.

Question 3:

a) Have the correct vision and strategic objectives been identified?

Yes/No

b) Do you agree that the draft policies (Chapters 4 and 5) and the policy directions (Chapter 6) will deliver these objectives? Yes/No

- 2.17 Whilst the Vision is succinct, it is not considered to be locally relevant and contains no spatially specific elements. It also seeks to 'protect and enhance' the District as it currently exists, rather than thinking forward and considering how the growth proposed within the LPR can better the District as a whole.
- 2.18 The strategic objectives identified are also broadly supported, particularly the recognition of the requirement to make a proportionate contribution towards the unmet needs of GBHMA contained within Objective 2.
- 2.19 Overall, it is considered that the draft emerging policies will assist in delivering these objectives.

3.0 Development Strategy

Green Belt and Open Countryside

Question 4: Do you support the policy approach in Policy DS1 – Green Belt and Policy DS2 – Open Countryside? Yes/No If no, please explain how these policies should be amended?

- 3.1 Policy DS1 is broadly in line with the relevant paragraphs of the NPPF relating to development within the Green Belt and is therefore supported.
- 3.2 The recognition within the supporting text that exceptional circumstances exist for Green Belt release within the District to allow for sustainable development within the plan period is also supported. However, this recognition should also be included within Policy DS1, with cross reference made to the relevant sites where Green Belt release is proposed.
- 3.3 Richborough Estates has no comment to make in respect of Policy DS2.

Housing

- 3.4 Richborough Estates supports the recognition at Paragraph 4.6 of the LPR that:

"A key part of the new Local Plan is to establish the role that South Staffordshire Council can play in both meeting its own housing needs and those of the wider Greater Birmingham Housing Market Area (GBHMA), which contains local authorities with significant unmet housing needs (Birmingham and the Black Country)."

Spatial Strategy to 2038

Question 5: Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? Yes/No If no, please explain how this policy should be amended?

- 3.5 Policy DS3 sets out that SSDC will deliver a minimum of 8,881 dwellings, comprising 4,131 dwellings to meet South Staffordshire’s own housing need using the Government’s standard method across the 17-year plan period 2021-2038, 750 dwellings which have already been completed in the District in the period 2018-2021 and a further 4,000 dwellings to contribute towards the unmet needs of the GBHMA.
- 3.6 The Policy also defines a settlement hierarchy across five 'tiers', across which the housing target will be distributed.
- 3.7 In respect of residential development, Richborough Estates broadly supports the policy approach of Policy DS3. However, it remains a concern that the 8,881 dwellings proposed through the LPR may be insufficient, as set out below. In addition, it is submitted that the Spatial Housing Delivery Table (Table 8), should be woven into the Policy, as the settlement hierarchy currently doesn't consider locations adjacent to the Black Country Urban Area as sustainable locations for growth.

Housing Requirement for South Staffordshire District

- 3.8 This is based upon the Government's Standard Method for Calculating Housing Need, which currently requires the district to deliver a minimum annual average of 243 dwellings per annum ('dpa'), based upon a baseline figure of 195 dpa and the 2020 affordability ratio of 7.88 (released March 2021)¹.
- 3.9 Nonetheless, Planning Practice Guidance ('PPG') is clear that the figure

¹ Whilst the Strategic Housing Market Assessment ('SHMA') identifies a minimum housing requirement of 254 dpa, it is acknowledged that this is based upon the 2018 affordability ratio of 7.39 and is therefore out of date.

produced by the Standard Method represents a *minimum* figure, rather than a *requirement*².

3.10 PPG provides a non-exhaustive list of examples whereby additional growth beyond the minimum requirement may be appropriate, including relevant growth strategies for the area, strategic infrastructure improvements or accommodating unmet need from neighbouring authorities³.

3.11 Other circumstances that should be considered in respect of South Staffordshire District include the balance between homes and jobs created over the plan period.

3.12 These circumstances are considered in further detail below.

Unmet Housing Needs from the Wider Housing Market Area

3.13 The recognition of the significant housing shortfall arising from Birmingham City and the Black Country at paragraphs 4.8-4.9 of the Consultation Document is supported.

3.14 The 37,900-home shortfall arising from within Birmingham has been tested and confirmed at examination, whilst the Black Country Authorities have produced the Draft Black Country Plan 2018-2039, which has been subject to consultation in 2021, and which concluded that the amount of housing need which cannot be accommodated in the Black Country amounts to around 28,239 homes to 2039.

3.15 It is important to stress that these shortfall figures do not take into consideration the 35% uplift applied to Birmingham introduced in December 2020, as the adopted Birmingham Development Plan pre-dated this. The overall unmet housing need figure arising from the GBBCHMA is therefore well in excess of 66,000 homes.

² Paragraph: 002 Reference ID: 2a-002-20190220

³ Paragraph: 010 Reference ID: 2a-010-20201216

3.16 The LPR Consultation Document sets out that, in order to contribute towards meeting this shortfall, SSDC will "test" for the delivery of an additional contribution of 4,000 dwellings through the LPR, based on the scale of growth implied in the district by the strategic locations identified in the GBHMA Strategic Growth Study⁴ ('SGS').

3.17 The principle of this contribution is supported by Richborough Estates, although SSDC should continue to co-operate with other authorities within the GBBCHMA to ensure that the level of the contribution made by each Authority is sufficient to collectively meet the significant shortfall discussed above.

Economic Uplift

3.18 The SHMA sets out the broad economic consequences of the projected growth in Chapter 5. However, the SHMA fails to consider the impact of committed development at the West Midlands Interchange ('WMI'), which is projected to create around 8,500 new jobs, well in excess of the increased in the working age population between 2018 and 2038 identified by the SHMA (3,489 people).

3.19 In addition, significant jobs growth will be provided through committed strategic employment developments planned at i54 and ROF Featherstone.

3.20 At present, the SHMA fails to consider whether the minimum local housing need figure derived from the standard method (243 dpa equating to 4,131 dwellings) would support the necessary growth in the working age population to create a balanced community within South Staffordshire to support such jobs growth, even taking into consideration the 4,000 additional homes to meet unmet needs in the wider GBHMA.

3.21 Further evidence is necessary to consider the balance between jobs and the working age population that would be necessary to satisfy the jobs demand.

⁴ Greater Birmingham HMA Strategic Growth Study (GL Hearn) 2018

This may require an uplift in local housing needs identified.

Spatial Strategy

- 3.22 SSDC previously consulted on a Spatial Housing Strategy and Infrastructure Delivery (SHSID) document in October 2019. This looked at how the proposed housing target could be distributed between different settlements and other broad locations within the District.
- 3.23 Richborough Estates does not support the limiting of new allocations at Perton to only the land safeguarded through the adopted SAD. Further comment on this matter is provided within a further Representation relevant to Perton, prepared by Pegasus Group on behalf of Richborough Estates.
- 3.24 Furthermore, whilst Featherstone is identified as a Tier 3 Settlement within the Settlement Hierarchy, it is located less than a mile away from the strategic mixed-use allocation at Cross Green (ref:646a and 646b). It is submitted that Featherstone can play a similar role in supporting the existing and planned employment opportunities in the area, whilst also supporting the creation of additional services and facilities, to the betterment of the overall sustainability of the settlement. Further comment on this matter is provided within a further Representation relevant to Featherstone, prepared by Pegasus Group on behalf of Richborough Estates.

Longer Term Growth Aspirations for a New Settlement

- 3.25 Policy DS4 sets out an aspiration for SSDC to deliver a new settlement to be delivered beyond the plan period. A broad location comprising the transport corridor formed by the A449 and West Coast Mainline between Wolverhampton and Stafford has been identified as a potential area of search for such proposals.

Question 6: Do you support the policy approach in and Policy DS4 – Longer Term Growth Aspirations for a New Settlement? Yes/No If no,

please explain how this policy should be amended?

- 3.26 Richborough Estates supports Policy DS4 and recognises the importance and suitability of the identified potential growth corridor, as first suggested by the SGS. Richborough Estates also supports the objectives for the new settlement as set out within the Policy.
- 3.27 To this end, Richborough Estates is promoting Land North of the A5, Gailey, which falls within this corridor. The site comprises approximately 100 hectares of land, situated to the west of junction 12 of the M6, east of the A449 and north of the A5. The site comprises a number of irregularly shaped field parcels, alongside some elements of previously developed land. The site is bisected by the Staffordshire and Worcestershire Canal, whilst the West Coat Mainline runs through its western edge.
- 3.28 The site is also located to the South of South Staffordshire College, which is understood by Richborough Estates as being promoted through this Local Plan Review for potential longer-term residential use. As such, Land North of the A5 provides the opportunity for the two sites to be brought forward in collaboration and, therefore, Richborough Estates will work cooperatively on future master-planning to ensure a comprehensive and sustainable site could be delivered.
- 3.29 A separate representation has been prepared by Pegasus Group on behalf of Richborough Estates which further promotes this land for allocation in a future Local Plan.

4.0 Site Allocations

Strategic Masterplanning Locations

- 4.1 Richborough Estates has a number of land interests within South Staffordshire District. This Representation relates to Land to West of Fenton House Lane and should be read in conjunction with other representations submitted on behalf of Richborough Estates.

Question 7:

a) Do you support the proposed strategic housing allocations in policies SA1-SA4? Yes/No If no, please explain your reasons for this.

b) Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code? Yes/No

- 4.2 Richborough Estates has no specific comments to make in respect of the Strategic Allocations SA1-SA4.

Housing Allocations

Question 8: Do you support the proposed housing allocations in Policy SA5? Yes/No Please reference the site reference number (e.g site 582) for the site you are commenting on in your response.

- 4.3 Richborough Estates supports the allocation of their land intertests identified through Policy SA5 – Land adjacent to 44 Station Road, Codsall (ref:224), Land off Marston Road/ Fenton House Lane (ref: 610), and Land North of Langley Road (adjoining City of Wolverhampton boundary) (ref: 582).

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- 4.4 Further information in respect of Land to the West of Fenton House Lane, Wheaton Aston, is included at Chapter 7 of this Representation.

5.0 Development Management Policies

5.1 Chapter 6 of the LPR sets out a number of preferred approaches to policies against which planning applications will be determined. At this stage, these preferred approaches do not reflect the final policy wording that will be included in the Local Plan Review that will be submitted to the Secretary of State. Instead, they are intended to highlight key requirements, aims and measures that the final submitted policies will deliver, focusing on the most important parts of the future policies to seek views on these.

Question 11: Do you agree with the proposed policy approaches set out in Chapter 6? Yes/No. If no, then please provide details setting out what changes are needed, referencing the Policy Reference number (e.g HC1 - Housing Mix).

Policy HC1 – Housing Mix

5.2 Whilst it is recognised that the Policy contained within the LPR Consultation Document is not a 'final' version of the intended Policy, it is nevertheless submitted that the final wording should be flexibly worded to allow for appropriate application across the differing settlements and locations across the District, as appropriate.

5.3 At present, the Policy requires 'major development' to provide:

- 75% of market homes to have 3 bedrooms or less, with specific breakdown to be determined with reference to latest Housing Market Assessment; and
- Specific breakdown of affordable housing to be determined with reference to latest Housing Market Assessment and other affordable housing needs evidence

- 5.4 This wording is not sufficiently clear or flexible. It is not clear whether applications will be expected to strictly accord with the evidence presented in the SHMA, or simply have 'reference' to that evidence.
- 5.5 Much can change over the 17 years of the Plan. It is submitted that it is most appropriate for housing mix to be guided by market signals as reflected in the most up-to-date assessment of needs. Such assessments will need to be updated over the course of the Plan period. The requirement that 75% of properties comprise of three-bedrooms or less is restrictive and does not afford the flexibility required for the reasons set out above.
- 5.6 The policy should also comment that it is subject to viability assessment, thus allowing for flexibility in its application.
- 5.7 Lastly, 'Major development' is defined by footnote 11 of the LPR which states that:

"Major residential development is defined in the 2019 National Planning Policy Framework as "development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more" [NB this definition is carried through to the 2021 version of the NPPF].

- 5.8 Whilst a definition of major development is contained within the NPPF, the statutory definition is actually contained within the Town and Country Planning Development Management Procedure Order, which defines major development as where:

(Ci) the number of dwellinghouses to be provided is 10 or more; or

*(Cii) the development is to be carried out on a site having an area of 0.5 hectares or more **and it is not known whether the development falls within sub-paragraph (c)(i)** [Pegasus Emphasis].*

- 5.9 The text emphasised above is an important qualifier when considering whether or not a proposal constitutes major development. This qualifying text has not been carried through into the definition contained within the NPPF. It is submitted that the definition in the DMPO should be referred to within the LPR for the avoidance of doubt.

Policy HC2 – Housing Density

- 5.10 Policy HC2 currently sets out an aim to achieve a minimum net density of 35 dwellings per net developable hectare in developments "*within or adjoining Tier 1 settlements, in infill locations within the development boundaries of other settlements in the district or in urban extensions to neighbouring towns and cities*".
- 5.11 The objective of achieving an efficient use of land on development sites is supported. However, the policy should be drafted to recognise that a blanket approach to density is unlikely to be effective as this will vary between individual sites depending on specific site constraints and opportunities. Furthermore, it is considered that this wording does not provide direction as to what is expected of developments adjacent to settlements within Tiers 2-5 of the Settlement Hierarchy, which should be corrected.

Policy HC3 – Affordable Housing

- 5.12 Policy HC3 requires proposals for major residential development to provide 30% of all dwellings to be affordable housing, broken down using the following ratio:
- 50% social rent,
 - 25% shared ownership, and
 - 25% first homes
- 5.13 The requirement for 30% affordable housing appears to be broadly supported

by the Viability Study⁵ which confirms that affordable housing within the range of 20-30% is potentially relevant to strategic housing sites overall, assuming a maximum of £9,200/dwelling S106 costs and no additional CIL contributions. However, the LPR and evidence base should justify why social rent is the preferred rented tenure, rather than affordable rent.

- 5.14 It is recognised that a Stage 2 Viability Assessment will be undertaken once more refined and bespoke assumptions regarding infrastructure and development costs are known. It also is understood that the Infrastructure Delivery Plan will continue to be evolved and refined as the Local Plan review progresses.
- 5.15 Richborough Estates would welcome the opportunity to engage with the Council and the appointed viability consultants prior to the publication of the Stage 2 Assessment.
- 5.16 The requirement to ‘peppercot’ affordable housing in clusters across the development is generally supported. However, the policy should recognise that for management purposes, Registered Providers do require a degree of clustering of affordable housing within a development and this will inform site layouts.
- 5.17 Policy HC3 also suggests it would not support grant funding for homes to be provided under the requirements of the Policy. It is submitted that the funding mechanisms for the delivery of affordable housing is not a planning matter and is therefore beyond the remits of a Policy to control. This text should accordingly be removed.

Policy HC4 – Homes for Older People

- 5.18 Policy HC4 requires major development to:

⁵ Viability Assessment – Local Plan and Community Infrastructure Levy (Dixon Searle Partnership) October 2021.

"...make a clear contribution to meeting the needs of the district's ageing population, through the provision of either: general needs properties for older people e.g. bungalows, other ground floor accommodation with appropriate age restrictions on occupation; or specialist housing e.g. sheltered, extra care homes.

30% of all market and affordable homes to meet Building Regulations Standard Part M4(2) – Accessible and adaptable dwellings."

- 5.19 The above policy wording does not define 'older people', so it is unclear as to exactly who this Policy is targeting or who would be eligible to occupy such dwellings.
- 5.20 It also is also unclear as to the level of bungalows or other ground floor accommodation that development is expected to provide. This should be quantified to ensure less scope for unnecessary discussions between developers and SSDC at a later stage in the application process. It is not clear if this policy intends to continue to SSDC's current approach of requiring 10% of all homes to be delivered as bungalows or other ground floor accommodation. This clarification is particularly important now that affordable compact domestic lifts are increasingly becoming an alternative to ground floor accommodation. New builds can be designed so that these can be fitted to a property when required.
- 5.21 The policy also sets out that 30% of all market and affordable homes should meet Building Regulations Standard Part M4(2) Accessible and adaptable dwellings. These requirements are optional within Building Regulations and are described as making *"reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users."* It is recognised that the older person population is likely to increase over the plan period, however an ageing population affects the whole country and is not an issue specific to South Staffordshire. If the Government had intended that evidence of an ageing population alone

justified adoption of optional standards, then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.

- 5.22 Furthermore, the SHMA identifies a need for 1,783 accessible and adaptable general homes for those over 65 years and 1,235 for those under 65 years, across the Plan Period. This equates to less than 30% of the overall housing requirement to be delivered by this Plan (Table 8 of the LPR identifies a supply of 10,034 dwellings). It is therefore not clear how the 30% requirement within the Policy has been arrived at or how this is justified. The requirement to provide a proportion of dwellings to meet Part M4(2) may be justified but it would not be appropriate to include both this requirement and a requirement to provide bungalows or other ground floor accommodation.

Policy HC7 – Self & Custom Build Housing

- 5.23 Policy HC7 requires sites for major residential development to "*...have regard to any need identified on the self-build and custom housebuilding register, with provision to be agreed on a site-by-site basis.*"
- 5.24 The imposition of a District-wide percentage requirement would not be supported, as it would likely result in the over-provision of self-build and custom-build housing within the District. Whilst Richborough generally support the concept of self-build/custom housing, they do not consider providing them as part of a larger housing development is the most appropriate solution because self/custom builders are more likely to want a more bespoke location/setting. Smaller dedicated self/custom sites are therefore a more appropriate answer.
- 5.25 However, if there is a policy requiring self/custom build on major sites then it is nevertheless submitted that it should include a mechanism to allow for such plots to come forward for market housing if demand is subsequently found to be absent. For example, if serviced plots for self-build and custom housebuilding have been made available and marketed for a set period of

time and have not sold, plots can be used for delivery of general market housing.

Policy HC9 – Design Requirements

- 5.26 Richborough Estates supports the introduction of a new set of requirements to ensure high quality design and the creation of beautiful places in line with Government guidance.
- 5.27 However, the requirement to provide tree lined streets should only be in instances where the locations are agreed by the highway authority. Local highway authorities often do not want trees in immediate proximity of the street due to management concerns or liabilities.
- 5.28 The utilisation of design codes is supported, but only where they are commensurate with the scale of development proposed. In general, it is expected that they be limited to strategic level sites.

Policy HC11 – Space about dwellings and internal space standards

- 5.29 The continuity of existing external space and dwellings standards is generally supported although there should be a recognition that certain housetypes, for example Part M4(2) dwellings, should have smaller, more manageable gardens.
- 5.30 The requirement that all dwellings should meet Nationally Described Space Standards is not supported without being fully evidenced. National Planning Guidance Housing: optional technical standards (paragraph 020) clearly states that *"Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- *Need – evidence should be provided in the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- *Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- *Timing – there may need to be a reasonable transition period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.”*

5.31 It is clear that the introduction of the NDSS requires a Local Plan policy which has been fully evidenced, justified and viability tested. The Strategic Housing Market Assessment (SHMA) makes reference to the NDSS (paragraph 7.35) only in the context of assessing the need for accessible and adaptable homes. The SHMA does not provide any justification or evidence for requiring NDSS in the District.

5.32 If NDSS is subsequently justified and pursued, the policy should be sufficiently flexible to recognise that well-designed housetypes which fall slightly below will be acceptable, particularly on sites where the majority of the dwellings comply. The policy should also make provision for additional flexibility in relation to affordable housing as many registered providers have their own requirements.

Policy HC12 – Parking Standards

5.33 The continuity of existing parking standards is supported. The inclusion of EV charging standards is also supported and provides helpful clarity.

Policy HC14 - Health Infrastructure

- 5.34 The policy objective of ensuring development does not result in an unacceptable impact on health infrastructure is supported. It is suggested that SSDC should engage with the CCG now regarding proposed allocations to refine the approach to infrastructure contributions and include this as part of the IDP. Any infrastructure contributions will be required to meet the CIL tests. This approach ensures that all likely costs associated with the proposed allocations are known, thus allowing for an informed view as to their viability.

Policy HC15 – Education

- 5.35 The policy approach is generally supported although, again, it is suggested that SSDC should engage with SCC Education and include relevant infrastructure requirements as part of the IDP, to ensure that all costs associated with allocations are known.

Policy HC17 – Open Space

- 5.36 The policy requirement for on-site equipped play provision as default is not supported as it will not be appropriate for every site, for example where there is already high-quality equipped play provision in the locality it would not make sense to duplicate this provision. In addition, it is not appropriate to require open space to be centrally located on all sites. The policy should take a more flexible approach to achieve the right design solution for each site.
- 5.37 In addition, the exclusion of small incidental green infrastructure (GI) without a clear recreational purpose from on-site open space provision is not supported. The policy text cites landscape buffers as an example of incidental GI which may be excluded. This is not appropriate as landscape buffers can be of a significant size and clearly make a contribution towards open space provision on a site. They should therefore be included in these calculations.

- 5.38 Clarification should also be provided as to whether features such as attenuation basins are considered to be 'incidental'.

Policy HC18 – Sports Facilities and Playing Pitches

- 5.39 Policy HC18 requires major developments to determine required provision through use of the latest Playing Pitch Calculator and Sports Facilities Calculator provided by Sport England, informed by the recommendations of both the Indoor Sports Facilities Strategy 2020 and the Playing Pitch Strategy 2020. Further guidance on the procedure for determining provision required from new development will be set out in an Open Space, Sport and Recreation SPD.
- 5.40 This policy is noted, although it is submitted that it would be more appropriate for SSDC to define standards expected from development as part of policy (as per the open space standard defined by Policy HC17, for example). This approach provides greater certainty in respect of the infrastructure delivery requirements expected from sites, which ultimately impacts upon their viability. The level of provision expected, and the associated viability implications should be considered within both the IDP and viability assessment.

Policy EC3 – Inclusive Growth

- 5.41 The requirement for an Employment and Skills Plan to be prepared for all developments of 100 or more residential dwellings is not supported. Whilst the benefits of such plans are acknowledged, it is considered more appropriate to implement them on a site-by-site basis, dependent on local circumstances and the labour market. This is especially important in the context of modular methods of construction inevitably increasing in the coming years, probably sourced from outside South Staffordshire.

Policy EC9 – Infrastructure

- 5.42 Policy EC9 commits SSDC to work with and support infrastructure providers and also offer policy support for the delivery of infrastructure identified through the IDP. This is broadly supported, although this engagement with relevant providers should also be taking place as part of the Plan process.

Policy EC10 – Developer Contributions

- 5.43 Policy EC10 confirms that specific infrastructure requirements will be identified in relevant policy areas and site proformas.
- 5.44 Whilst this approach is supported, it is paramount that a detailed list of infrastructure requirements is included within the Publication (Regulation 19) version of the Plan, to allow for sufficient scrutiny and comment by the public and interested parties.

Policy NB1 - Protecting, Enhancing and Expanding Natural Assets

- 5.45 Policy NB1 is supported on the whole. However, the final sentence again refers to a requirement to provide tree lined streets. As set out above in respect of Policy HC9, tree lined streets should only be included following detailed engagement with the local highway authority, due to the practicalities of management, maintenance and liability.

Policy NB3 - Cannock Chase SAC

- 5.46 The Local Plan Review notes that a separate suite of joint studies are being updated with adjoining authorities in relation to Cannock Chase SAC. The findings of these studies should influence the policy approach to Cannock Chase SAC and determine appropriate mitigation measures.

Policy NB6 - Energy and Water Efficiency, Energy and Heat Hierarchies and Renewable Energy in New Development

-
- 5.47 The aspirations of this policy to reduce carbon emissions is generally supported. The policy should nevertheless confirm the threshold at which developments are expected to submit an energy statement as part of any application for planning permission.
- 5.48 The inclusion of the target to achieve a 31% carbon reduction improvement upon the requirements within Building Regulations Approved Document Part L 2013 are noted. It is understood that this requirement is reflective of anticipated changes to building regulations to deliver the Government's 'Future Homes Standard'. These changes mean that, from mid-2022, new homes will have a 31% reduction in CO₂ when compared to current standards. Further changes are due in 2025 that will mean a 75% reduction in CO₂ when compared to today, along with a new focus on rating primary energy efficiency as well as CO₂.

6.0 Sustainability Appraisal

6.1 The LPR Consultation is supported by a Sustainability Appraisal, prepared by Lepus Consulting⁶ ('the SA'). The purpose of the SA is stated as being to appraise the sustainability performance of all potential site allocations for development. The potential sites are assessed in relation to each of the stated objectives in the SA Framework as follows:

- **SA Objective 1. Climate change mitigation:** Minimise the Plan area's contribution to climate change;
- **SA Objective 2. Climate change adaptation:** Plan for the anticipated impacts of climate change;
- **SA Objective 3. Biodiversity and geodiversity:** Protect, enhance and manage the biodiversity and geodiversity assets of the Plan area, including flora and fauna;
- **SA Objective 4. Landscape:** Conserve, enhance and manage the character and appearance of the landscape and townscape, maintaining and strengthening its distinctiveness;
- **SA Objective 5. Pollution and waste:** Ensure sustainable management of waste whilst minimising the extent and impacts of water, air and noise pollution.
- **SA Objective 6. Natural resources:** Protect, enhance and ensure the efficient use of the Plan area's land, soils and water;
- **SA Objective 7. Housing:** Provide a range of housing to meet the needs of the community;
- **SA Objective 8. Health:** Safeguard and improve physical and mental health of residents;
- **SA Objective 9. Cultural heritage:** Conserve, enhance and manage sites, features and areas of historic and cultural importance;
- **SA Objective 10. Transport and accessibility:** Improve choice and efficiency of sustainable transport in the Plan area and reduce the need to travel;
- **SA Objective 11. Education:** Improve education, skills and

⁶ Sustainability Appraisal of the South Staffordshire Local Plan Review – Preferred Options Plan, Regulation 18 (III) SA Report, August 2021

qualifications in the Plan area; and

- **SA Objective 12. Economy and employment:** Support a strong, diverse, vibrant and sustainable local economy to foster balanced economic growth.

6.2 The SA also appraises the draft development management policies and their likely outcomes.

6.3 The significance of effects is scored as follows:

Significance	Definition (Not Necessarily Exhaustive)
Major Negative --	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Permanently degrade, diminish or destroy the integrity of a quality receptor, such as a feature of international, national or regional importance; • Cause a very high-quality receptor to be permanently diminished; • Be unable to be entirely mitigated; • Be discordant with the existing setting; and/or • Contribute to a cumulative significant effect.
Minor Negative -	The size, nature and location of development proposals would be likely to: <ul style="list-style-type: none"> • Not quite fit into the existing location or with existing receptor qualities; and/or • Affect undesignated yet recognised local receptors.
Negligible 0	Either no impacts are anticipated, or any impacts are anticipated to be negligible
Uncertain +/-	It is entirely uncertain whether impacts would be positive or adverse
Minor Positive +	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Improve undesignated yet recognised receptor qualities at the local scale; • Fit into, or with, the existing location and existing receptor qualities; and/or • Enable the restoration of valued characteristic features.
Major Positive ++	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Enhance and redefine the location in a positive manner, making a contribution at a national or international scale; • Restore valued receptors which were degraded through previous uses; and/or • Improve one or more key

	elements/features/characteristics of a receptor with recognised quality such as a specific international, national or regional designation.
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Table 6.1: Guide to scoring significance of effects

6.4 The SA represents an update to previous iterations of the SA which have supported previous consultation versions of the LPR.

Land off Marston Road Fenton House Lane – Site Ref: 610

6.5 Land to the West of Fenton House Lane is assessed within the SA as '*Land off Marston Road Fenton House Lane*' under site reference: 610. This includes an assessment of the nature and magnitude of the impact of the development, both pre- and post-mitigation. These assessments are reproduced in Figures 6.1 and 6.2 below.

Site Reference	1 Climate Change Mitigation	2 Climate Change Adaptation	3 Biodiversity & Geodiversity	4 Landscape & Townscape	5 Pollution & Waste	6 Natural Resources	7 Housing	8 Health & Wellbeing	9 Cultural Heritage	10 Transport & Accessibility	11 Education	12 Economy & Employment
610	+/-	--	-	--	0	-	+	-	-	-	-	-

Figure 6.1: Significance of effects pre-mitigation, Site Ref: 006

Site Reference	1 Climate Change Mitigation	2 Climate Change Adaptation	3 Biodiversity & Geodiversity	4 Landscape & Townscape	5 Pollution & Waste	6 Natural Resources	7 Housing	8 Health & Wellbeing	9 Cultural Heritage	10 Transport & Accessibility	11 Education	12 Economy & Employment
610	+/-	+	+/-	--	0	-	+	-	0	-	-	-

Figure 6.2: Significance of effects post-mitigation, Site Ref: 006

- 6.6 Richborough Estates supports the above scoring overall but disputes the finding that developing the Site would result in a Major Negative impact upon landscape and townscape.
- 6.7 The SA sets out that *"...sites within the Wheaton Aston cluster were not assessed by the Green Belt Study [due to Wheaton Aston not falling within the Green Belt]. Therefore, development of these sites are assessed as having a negligible impact [upon the Green Belt]"*.
- 6.8 Having reviewed numerous other sites within the SA, the importance of the Green Belt is apparent when considering the impact of a development upon Landscape and Townscape, with many sites receiving Major Negative ('--') scores due to their Green Belt impact, often at the expense of all other considerations.
- 6.9 In respect of other aspects pertaining to Landscape and Townscape, the site was only found to have 'moderate-high' landscape sensitivity (as opposed to 'high') and a 'minor negative' impact on Cannock Chase Area of Outstanding Natural Beauty, landscape character, views from the public right of way network, views for local residents, urbanisation of the countryside and coalescence.
- 6.10 Given Land to the West of Fenton House Lane is not located within the Green Belt, it is considered that it should perform better than other Green Belt sites by default, notwithstanding any considerations that may be made regarding landscape sensitivity.
- 6.11 It is therefore considered that the SA impact score of Major Negative ('--') should be reduced to a Minor Negative ('-') score in respect of Landscape and Townscape.

7.0 Land to the West of Fenton House Lane, Wheaton Aston

Site Description

- 7.1 Richborough Estates has land interests in Land to the West of Fenton House Lane, Wheaton Aston, which is identified within the LPR as draft site allocation reference: 610. However, it should be noted that Richborough Estates' land interest actually extends beyond the land allocated within the LPR, to include land identified within the SHLAA as site ref: 608.
- 7.2 Richborough Estates has designed which encompasses both land parcels, demonstrating how development can be sensitively delivered to the wester edge of Wheaton Aston.
- 7.3 However, the proposed Illustrative Masterplan included at **Appendix 1** to this Representation includes only an additional 0.4ha of land beyond the allocation (site area totalling approx. 1.4ha). The difference in these two land areas is delineated by orange and red lines on the Plan.
- 7.4 Justification for this proposal is provided later within this Chapter.
- 7.5 The site is located to the north-west of Wheaton Aston, adjacent to Marston Road and Fenton House Lane. The site is located immediately opposite St Mary's C of E First school and public open space (including skate park) to the north of Marston Road.
- 7.6 The site is located within Flood Zone 1; the area at least risk from flooding. There are no heritage assets in the immediate proximity of the site. The site is located approximately 400m from both the Canal Conservation Area and the Wheaton Aston Conservation Area.
- 7.7 The site has no statutory ecological or environmental designations. The site is not located within the Green Belt.

- 7.8 Motty Meadows is located approximately 800m to the west of the site, which is a designated Site of Special Scientific Interest, a National Nature Reserve and Special Area of Conservation.

Sustainability

- 7.9 South Staffordshire District Council has prepared a Rural Services and Facilities Audit (2021) ('the RSFA') which presents evidence on the relative level of services and facilities present in settlements within South Staffordshire.

- 7.10 The RSFA identifies five key indicators to compare the relative sustainability of settlements within the District as follows:

- Access to food stores;
- Diversity of accessible community facilities/services;
- Access to employment locations;
- Access to education facilities; and
- Public transport access to higher order services outside of the village.

- 7.11 Wheaton Aston is identified as falling within 'Tier 3 Settlements' which are described as:

"Settlements within this tier typically have a small food store but generally have far fewer educational facilities in comparison to Tier 1 and 2 villages and generally have less of a range of services and facilities within the village compared to Tier 1 and 2 villages. These villages still have a degree of access to services and facilities outside the village via public transport."

- 7.12 The overall settlement hierarchy scoring for Wheaton Aston is presented below.

Access to convenience stores/ supermarkets	Orange
Diversity of other accessible community facilities/ services	Orange
Retail Centres Study	Orange
Access to employment locations	Orange
Access to primary/ first school within settlement	Light Green
Access to secondary/ high school within settlement	Red
Access to 6th form/college within settlement	Red
Public transport access to higher order services outside of the village	Yellow

Table 7.4: Settlement Hierarchy Scoring for Wheaton Aston, RSFA (2021)

7.13 Richborough Estates supports the findings of the RSFA in relation to Wheaton Aston.

Landscape

7.14 The site is located within landscape parcel ref: SL79 as identified within South Staffordshire Landscape Sensitivity Assessment (July 2019), which suggests that land around the north-western edge of Wheaton Aston has a 'moderate-high' sensitivity to development.

Landscape Sensitivity Rating

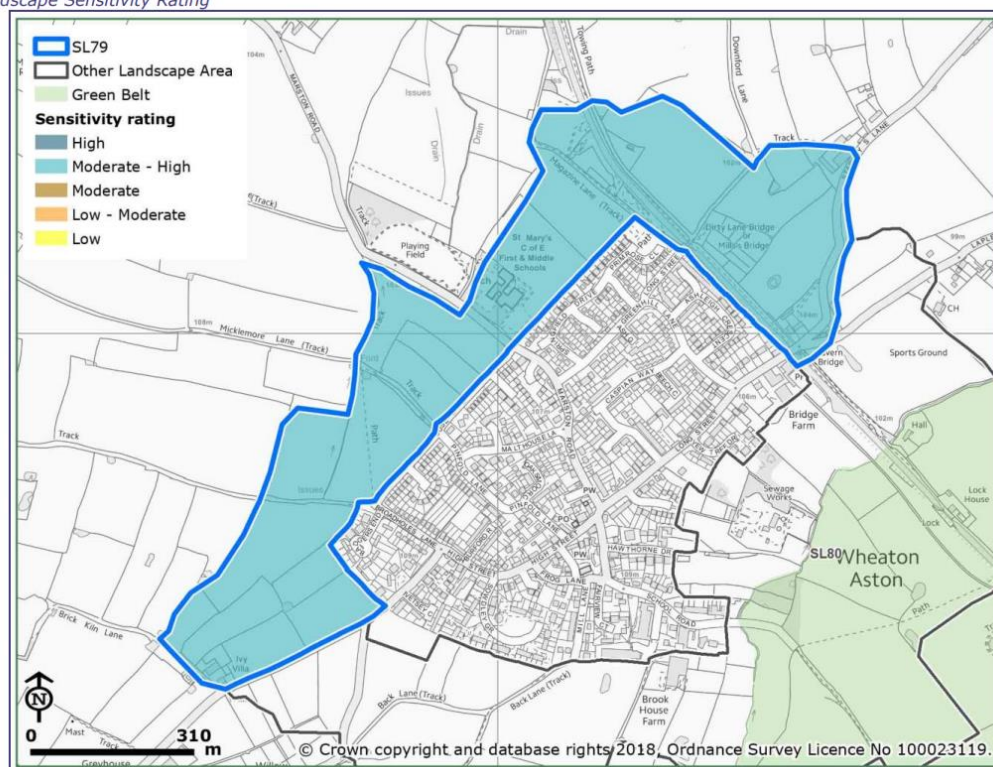


Figure 7.1: Landscape Sensitivity Rating for Land Area Ref: SL79.

7.15 Landscape Sensitivity Judgement concludes that the "overall sensitivity of this landscape area to residential development is judged to be moderate-high, due to the combination of small-scale historic field patterns which are important to landscape character, and natural character with strong rural perceptual qualities, and the visual relationship with the edge of Wheaton Aston".

7.16 It is nonetheless considered that the site can be developed in a manner sensitive to the local landscape, including providing screening and buffer planting to the north-western boundary to restrict views of the site from the surrounding landscape.

Ecology

7.17 While there are no statutory designations within the site, it is close to Motty Meadows which is located approximately 0.8km to the west. Motty Meadows

SSSI is described as an '*outstanding floristically-diverse mesotrophic grassland where traditional late hay cutting and aftermath grazing has been perpetuated, largely unaffected by modern agricultural practices. The site is important because of its large size, variety of grassland community types and presence of rare species. Furthermore, it contains an extensive example of an alluvial flood meadow.*'

- 7.18 Nevertheless, the modest scale of the development proposed at Land to the West of Fenton House Lane, coupled with the intervening separation distance, is considered to be a significant mitigating factor to the development having any detrimental impact upon Motty Meadows.
- 7.19 This impact and any necessary site-specific mitigation will be considered as part of any application for planning permission.

Heritage

- 7.20 Wheaton Aston is a conservation village, with a Conservation Area identified within the historic village centre within the south east of the settlement and a further Conservation Area to the north focused upon the Shropshire Union Canal. There are no listed buildings identified within or within the vicinity of the site. There is unlikely to be any significant intervisibility between the appraisal site and heritage assets.

Proposed Development

- 7.21 The Illustrative Masterplan included at Appendix 1 to this Representation illustrates how the site is capable of accommodating up to 25 new homes (32dph net), with associated public open space and landscaping.
- 7.22 This development would be delivered across a slightly larger land area than is included within the LPR as draft allocated (ref: 610). However, the built element of the development would be retained within the allocation boundary

(shown orange on the Illustrative Masterplan). The proposed public open space and attention feature would be delivered beyond the allocation boundary.

- 7.23 Whilst 25 dwellings would slightly exceed the minimum number homes identified within the LPR (22 homes), this approach would still serve to limit the built envelope of Wheaton Aston in line with the north-western edge of St Mary's School, whilst maximising the efficiency of the allocation site. This approach would also allow for the proposed public open space to be significantly larger than would have otherwise been possible, had the proposal was restricted to within the allocation boundary.
- 7.24 The layout depicts a small number of homes fronting onto Fenton House Lane, accessed via a newly created private drive. The remainder of the properties will be accessed from a newly created access onto Marston Road, towards the western edge of the site.
- 7.25 The provision of dwellings fronting onto Fenton House Lane will serve to create a strong street scene to the eastern frontage of the site, whilst the eastern access leads to a hierarchy of roads within the site.
- 7.26 The scheme also includes approximately 0.6ha of public open space, which is well in excess of the standard required by the LPR (0.006ha per dwelling x 25 dwellings = 0.15ha). This is considered to be a significant benefit of the scheme.

8.0 Conclusion

- 8.1 This representation is made by Pegasus Group on behalf of Richborough Estates Limited to the South Staffordshire Local Plan Review, Preferred Options (Regulation 18) consultation. This representation relates to Land to the West of Fenton House Lane, Wheaton Aston, which Richborough Estates is promoting for residential development.
- 8.2 Richborough Estates is supportive of the Local Plan Review overall, including the decision to include Land to the West of Fenton House Lane, Wheaton Aston, as an allocation.
- 8.3 The information contained within this representation, read in conjunction with the appended illustrative masterplan, demonstrates that Land to the West of Fenton House Lane, Wheaton Aston is a suitable and deliverable site for residential development.
- 8.4 There are no existing uses that would require relocation and no issues of contamination that would require remediation. Many of the potential impacts of the development of the site can be mitigated through design and in many cases a positive outcome can be achieved.

APPENDIX 1

The contractor is responsible to ensure that no products are to be utilised that do not comply with relevant British and/or European Standards and/or Codes of Practice, COSHH Regulations, Construction Regulations, or which are known or suspected at the time of product selection and/or construction to be deleterious to health and safety or to the durability of the work or not in accordance with good building practices.

The contractor is responsible for checking dimensions, tolerances, levels and references. This drawing is to be read in conjunction with all relevant consultants or specialists drawings. Any discrepancy to be notified to Baily Garner LLP and rectified before proceeding with the works on site or shop drawings. Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to.

Do not scale drawings. Figured dimensions to be worked to in all cases. This drawing and the copyrights and patents therein are the property of Baily Garner LLP and may not be used or reproduced without consent or attribution.

Baily Garner LLP, 55 Charlotte Street, Birmingham, B3 1PX. 0121 236 2236. birmingham@bailygarner.co.uk



Notes:
 This drawing is for illustrative purposes only and subject to detailed design and site survey.
 In accordance with Richborough Estates constraints plan: RE/WHAS/CONS/01C

LEGEND

Site location 3.50 Acres 1.41 Hectares	Residential development 25 dwellings@ 32dph NDA: 1.94 Ac/ 0.78 Ha	Proposed landscape	Sustainable drainage (indicative)	Principal pedestrian routes
Draft allocation boundary (Site 610)	Public open space 1.56 Acres 0.63 Hectares	Existing trees & hedgerows (indicative)	Mown footpath and wildflower planting	Existing public footpaths

DESIGN NOTES

- Proposed vehicular and pedestrian accesses via Marston Road;
- New private drive access;
- Outward facing edges;
- Indicative offsets to existing trees and hedgerows/hedgerows; and Landscaped edge, retaining existing hedgerow and trees.

02A2

CLIENT:
 RICHBOROUGH ESTATES LTD

PROJECT:
**LAND OFF FENTON HOUSE LANE
 WHEATON ASTON**

DRAWING TITLE: PROPOSED ILLUSTRATIVE MASTERPLAN	D CJL	C CJL	DATE: 06.12.2021
JOB NUMBER: 33743	DRAWING NUMBER: 4	REVISION: -	SCALE: 1:1250GA2



REVISION: D: C: DATE: