



Local Plan
Publication Stage
Representation Form

Ref:

**(For
official
use only)**

Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2023 - 2041**

Please return to South Staffordshire Council by 12 noon Friday 31 May 2024

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

| | | |
|------------------------------------|--|--|
| Title | Mr | |
| First Name | Andrew | |
| Last Name | Collis | |
| Job Title (where relevant) | Senior Planner | |
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Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

| | | | | | |
|-----------|--|--------|--|--------------|--|
| Paragraph | | Policy | | Policies Map | |
|-----------|--|--------|--|--------------|--|

4. Do you consider the Local Plan is :

| | | | | |
|--|-----|-------------------------------------|----|-------------------------------------|
| (1) Legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| (2) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| (3) Complies with the Duty to co-operate | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached detailed representation from Gladman Developments Ltd.

This representation provides Gladman’s view on Legal Compliance including Duty to Cooperate, Development Needs and Spatial Strategy, and Development Management policies.

The representation also confirms support for ‘Land at Weeping Cross’ to be allocated for housing in the Local Plan Review.

For reasons that we explain in the representation, several matters remain unresolved for which additional evidence needs to be provided or for which changes will be required in order for the Plan to be found sound at examination.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.



Please see attached representation.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Gladman formally request to participate at the examination in public to discuss the matters raised within the attached representation. Gladman would like to reserve the right to participate at any hearing session relating to '036c - Land at Weeping Cross', in addition to hearing sessions pertaining to the proposed development strategy and housing requirement.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at [Data Protection \(Strategic Planning\) | South Staffordshire District Council \(sstaffs.gov.uk\)](#)

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX



South Staffordshire District Council

Publication Plan (2024) (Pre-Submission) Regulation 19 Consultation

May 2024



[gladman.co.uk](https://www.gladman.co.uk)



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1 INTRODUCTION

1.1 Background

1.1.1 Gladman welcome the opportunity to comment on the Publication Plan (2024) (Pre-Submission) consultation of the Local Plan Review for South Staffordshire.

1.1.2 Gladman has fully engaged fully in the preparation of the Local Plan Review to date, making submissions at the Issues & Options stage in 2018, the Spatial Housing Strategy and Infrastructure Delivery stage in 2019, the Preferred Options stage in 2021 and the first Publication Plan stage in late 2022.

1.1.3 Gladman has also engaged with officers at South Staffordshire District Council ('the Council') to outline the opportunities for development at 'Land at Weeping Cross', a proposed residential allocation (036c) in the Publication Plan 2024. Gladman support the allocation but remain of the view that a greater quantum of development than currently proposed can be delivered at this sustainable, non-Green Belt location.

1.2 Plan-Making and the Test of Soundness

1.2.1 Annex 1 of the National Planning Policy Framework ('NPPF' or 'the Framework') (December 2023) sets out the implementation and transitional arrangements for the purposes of decision and plan-making.

1.2.2 Paragraph 230 of the Framework (December 2023) states:

"The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies

contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.”

1.2.3 Key dates in the preparation of Local Plan Review have been as follows:

- Issues & Options (Regulation 18): Oct-Nov 2018.
- Spatial Housing Strategy & Infrastructure Delivery (Regulation 18): Oct-Dec 2019.
- Preferred Options (Regulation 18): Nov-Dec 2021.
- Publication Plan (1) (Regulation 19): Nov-Dec 2022.
- Publication Plan (Pre-Submission) (Regulation 19): Apr – May 2024.

1.2.4 The Council began preparing its Local Plan Review in 2018 and the current Publication Plan (Pre-Submission) 2024 consultation marks the fifth public consultation on the emerging Plan. This follows the first Publication Plan (1) consultation in November 2022.

1.2.5 The new Publication Plan (Pre-Submission) 2024 sets out a revised spatial strategy and housing requirement for the authority area over the emerging plan period up to 2041. Gladman acknowledge that there are some notable differences between the Publication Plan (1) and Publication Plan (Pre-Submission) 2024, namely in terms of the proposed housing requirement and more protectionist approach to Green Belt release. There are, however, also many elements of the plan that remain the same between both iterations, for example most development management policies and site allocations.

1.2.6 While the Council has prepared its new Publication Plan (Pre-Submission 2024) it has not to date published a statement of fact on its website or taken a paper to Committee giving a resolution that the previous Publication Plan (1) has been formally withdrawn. In addition, the Council has not notified any persons who made representations to the previous version that it has been withdrawn.

1.2.7 In this context it is clear to Gladman that the Local Plan Review has not been withdrawn, rather it has been simply amended and updated. Consequently, it should be examined under the relevant previous version of the Framework (September 2023) as it reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage prior to 19 March 2024. This is in accordance with the ‘transitional arrangements’ of Annex 1, paragraph 229-230 of NPPF (December 2023) and Regulation 37 of The Town and Country Planning (Local Development) (England) Regulations 2004¹.

1.2.8 The NPPF (September 2023) paragraph 35 sets out four tests that must be met for Local Plans to be considered sound. In this regard, in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

¹ Regulation 37 states if a development plan document is withdrawn by the local authority at any time prior to adoption, it must publish a statement of that fact on the website and give notice by local advertisement as soon as is reasonably practicable after the plan is withdrawn. The local authority must also notify about the withdrawal anyone who was sent a copy of the proposed submission documents under new Regulation 27. There is also a duty to notify anyone who made a representation under new Regulation 28 and who had not subsequently withdrawn it. All documents, matters and statements relating to the development plan document must be removed from the website and from any locations where such material was made available under new Regulation 27

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- 1.2.9 This representation provides Gladman’s view on Legal Compliance including Duty to Cooperate, Development Needs and Spatial Strategy, and Development Management policies.
- 1.2.10 The representation also confirms support for ‘Land at Weeping Cross’ to be allocated for housing in the Local Plan Review. The site, which Gladman are promoting on behalf of the landowners, is available, suitable and deliverable as summarised within Section 3.2 of this representation.
- 1.2.11 For reasons that we explain in subsequent sections and commented upon in our previous representations, several matters remain unresolved for which additional evidence needs to be provided or for which changes will be required in order for the Plan to be found sound at examination.
- 1.2.12 Due to the nature of these representations, Gladman formally request to participate in the Examination in Public.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

2.1.1 Noting that the Government is proposing to replace the Duty to Cooperate (DtC) with an alignment test², until that is the case South Staffordshire District Council will need to work positively with neighbouring authorities and other bodies to share evidence and develop planning solutions across a range of topics.

2.1.2 In this regard, the Council must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues. This is not simply an issue of consultation but a question of effective cooperation. The DtC should be used to formulate policies and not simply agreed after.

2.1.3 The NPPF requires that strategic policy-making authorities should collaborate to identify strategic matters which they need to address in their plans. It also emphasises that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. Emphasis is placed on joint working to determine where additional infrastructure is required and to address unmet development needs.

2.1.4 The PPG sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG) throughout the plan-making process³. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with. The PPG is also clear that local authorities should make available a SoCG on their website by the time they publish

² Noting at the time of submission a General Election has been called for 4 July 2024 and Parliament dissolved on 30 May 2024. It is not yet known what the new parliament and next Government may do on this matter as such the Duty to Cooperate remains in place.

³ PPG Reference ID: 61-001-20180913

their draft plan, to provide communities and other stakeholders with a transparent picture of how they have collaborated⁴.

- 2.1.5 The Council has published an updated Duty to Cooperate Topic Paper (2024) alongside the Publication Plan (Pre-Submission) 2024 which provides an overview of the cross-boundary strategic issues that have been addressed to date through the preparation of the Local Plan Review.
- 2.1.6 Unsurprisingly, the fundamental strategic matter for discussion in relation to the Local Plan Review is unmet housing needs stemming from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). The Topic Paper details the formal cooperation arrangements that have been established and followed with neighbouring local planning authorities and other relevant bodies, to secure on-going cooperation on this critical matter.
- 2.1.7 The Topic Paper explains that the GBBCHMA authorities remain in the process of agreeing a SoCG across the entire geography and related authorities to deliver a review of the 2018 Strategic Growth Study to support the changing position on housing shortfalls across the housing market area. However to date it has only been signed by 9 of the 17 signatories sought. Furthermore, this SoCG is predicated on South Staffordshire accommodating a 4,000-home contribution to unmet needs, which the Council no longer proposes to fulfil.
- 2.1.8 Appendix E to the Topic Paper sets out a summary of key Duty to Cooperate events from July 2017 to March 2024 involving the matter of strategic housing and employment needs between the four Black Country authorities (Wolverhampton, Walsall, Dudley and Sandwell), Birmingham City Council and South Staffordshire District Council. Upon review it is currently unclear what the formal position of neighbouring authorities and authorities within the GBBCHMA is to the Council's about-turn in terms of accommodating unmet housing needs (which we return to in

⁴ PPG ID: 61-020-20190315

detail below). Gladman have been unable to locate any draft SoCG(s) that deal with the Council's revised approach to unmet housing needs.

- 2.1.9 Consequently, the absence of signed SoCG(s) particularly in the context of the Council's revised approach to accommodating a proportion of unmet housing needs, means it is not possible to confirm duty to cooperate partners views of the Local Plan Review. Following publication of signed SoCG(s), Gladman reserve the right to submit further comments on the Council's compliance with the Duty to Co-operate either orally or in writing as part of the examination hearing sessions.

3 PUBLICATION PLAN (PRE-SUBMISSION) 2024 CONSULTATION

3.1 Development Needs and Spatial Strategy to 2041

Policy DS4 - Development Needs

Housing Requirement and Unmet Housing Needs

- 3.1.1 Policy DS4 sets a housing requirement of 4,726 homes between 2023 and 2041. This is stated as being made up of:

| | |
|---|-------|
| South Staffordshire's LHN using the Standard Method (2023-2041) | 4,086 |
| Additional housing to contribute towards the unmet needs of the GBBCHMA | 640 |
| Total number of dwellings to be planned for | 4,726 |

Reproduction of South Staffordshire Publication Plan Table 7: Housing Target

- 3.1.2 The contribution of just 640 homes to unmet needs must be viewed in the context of the Council previously proposing to accommodate a considerable 4,000-home contribution towards unmet needs arising from the GBBCHMA.
- 3.1.3 The Council first established its 4,000-home contribution towards these unmet needs in its Issues and Options consultation in 2018. This contribution was based on findings of the Strategic Growth Study (2018) which concluded there was a 60,000-home shortfall up to 2036 across the Housing Market Area (HMA) generated primarily by both the Black Country authorities and Birmingham. Gladman do not agree with the Council's assertion that the study should now simply be abandoned, and its age means it can no longer be relied upon.
- 3.1.4 The 4,000-home contribution was the option that best balanced the need for additional housing and past delivery rates with the need to avoid a range of more negative sustainability impacts, as shown in the Sustainability Appraisal (2018). This level of contribution, which the Council clearly considered justified, proportionate and capable of being delivered sustainably within the District, was taken through the

various stages of the plan-making process up to and including the previous Publication Plan (1) consultation in November 2022. The contribution was broadly supported by all partner authorities and, in Gladman’s view, was of a reasonable scale and necessary to address acute housing needs that exist now.

3.1.5 However, following publication of the revised NPPF in December 2023 the Council have produced a revised capacity-led approach and now consider they can only deliver enough housing growth to provide a contribution of around 640 homes.

3.1.6 Simply put, this is a substantial 84% reduction in accommodating unmet housing needs in contrast to the Publication Plan (1). This backpedal will have significant real-life implications that will result in increasingly negative housing outcomes and only lead to the further exacerbation of the severe housing crisis felt in both South Staffordshire and the wider GBBCHMA within which the District sits. It must be remembered that these unmet needs ultimately represent real people who are in real need of a home, now.

3.1.7 In Gladman’s view there is no question that there remains a well-evidenced and substantial unmet need arising from the GBBCHMA:

- There is a remaining unmet need of **2,053 homes up to 2031** from the adopted Birmingham Development Plan (January 2017), as per the GBBCHMA Position Statement Addendum (October 2023).
- Sandwell published a Regulation 18 draft plan in November 2023 with a shortfall of **18,606 homes up to 2041**.
- Dudley’s Regulation 18 draft plan, also published in autumn 2023, identifies a shortfall of **1,078 homes up to 2041**.
- Wolverhampton’s Regulation 18 draft plan published in early 2024 identifies a shortfall of **11,078 homes up to 2041**.

- Birmingham has now also commenced a review of its plan. The Issues and Options consultation document indicates there is a substantial shortfall from the city of circa **78,000 homes up to 2042**.

3.1.8 Given the substantial shortfall arising in the GBBCHMA, and the strong functional relationship between South Staffordshire and the GBBCHMA (demonstrated by its travel to work patterns, and transport links with Birmingham and the Black Country), Gladman contend that the proposed contribution to unmet needs of just 640-homes is not positively prepared, justified or effective.

3.1.9 To remedy this, an entirely reasonable course of action for the Council to take is to plan for an increased housing requirement incorporating a 4,000-home contribution to GBBCHMA unmet needs, in alignment with the previous Publication Plan (1). A proactive approach of this nature would be proportionate to the significant scale of unmet needs arising and justified given South Staffordshire's clear functional relationship with the GBBCHMA.

3.1.10 If there is no intention to uplift the housing requirement now, then as an absolute minimum the Plan must contain a review policy which includes an effective and implementable trigger mechanism linked to the publication of a SoCG and/or new satisfactory evidence of unmet housing need informed by the latest sub-regional evidence base and Duty to Cooperate agreements.

3.1.11 The ongoing, unaddressed and increasing housing needs of the wider GBBCHMA necessitates that any time-period for review must be streamlined and made as short as is practicable.

Housing Land Buffer and Supply

3.1.12 Policy DS4 also states "... 4,726 homes over the period 2023-2041 to meet the district's housing target, whilst providing approximately 10% additional homes to ensure plan flexibility".

- 3.1.13 The buffer is set out in Table 8, which indicates that when factoring in existing completions, commitments, windfalls and allocations, the Council's supply is 5,199 homes up to 2041 (i.e. a 10% above the requirement of 4,726).
- 3.1.14 Whilst the approach to providing a flexibility allowance is supported in principle, Gladman at present do not consider that a 10% buffer is sufficient to ensure the Local Plan Review remains robust over the plan period.
- 3.1.15 It is noted that the future supply of housing in the District is largely reliant on the successful delivery of two large sustainable extensions allocated on the edge of Bilbrook (SA1: Land East of Bilbrook) and Penkridge (SA2: Land North of Penkridge). Together these sites are expected to deliver approximately 48% of housing growth from new allocations and safeguarded sites in the Plan. If these sites deliver at a slower rate than forecast there will be little prospect of the Districts housing needs being satisfied, even with the 10% cushion the Council has factored in.
- 3.1.16 Given the way the Plan's strategy is so heavily reliant on these two strategic sites, a larger flexibility percentage should be considered in the order of at least 15%. This can be achieved, in the first instance, by maximising development at non-Green Belt locations in accordance with national policy through extensions to existing site allocations
- 3.1.17 One such opportunity clearly exists at 'Land at Weeping Cross (036c)', a proposed allocation adjacent to the town of Stafford. The site and adjoining land lies outside of the Green-Belt and there is a strong rationale to deliver a greater scale of growth at this sustainable location than currently proposed.

Policy DS5 – The Spatial Strategy to 2041

- 3.1.18 Gladman broadly supports the spatial strategy to 2041 as detailed through Policy DS5. The pattern of development is focussed on locating the bulk of new development to the District's most accessible and sustainable locations, thereby avoiding a disproportionate level of growth in the less sustainable settlements, reflective of the requirements of the NPPF.

- 3.1.19 Encouragingly, the strategy expressly recognises that directing an element of growth adjacent to the southern edge of Stafford can facilitate sustainable growth at a non-Green Belt location. This clear commitment is supported by Gladman.
- 3.1.20 Policy DS5 confirms that there will be limited Green Belt release in the most sustainable Tier 1 settlements to accommodate the required amount of housing in the District up to 2041. Given that over 80% of South Staffordshire is designated as Green Belt, the principal of altering Green Belt boundaries to accommodate development needs is supported by Gladman.
- 3.1.21 Nonetheless, national policy is clear that all reasonable non-Green Belt options should first be considered for meeting identified needs for development. Gladman is of the view that the Council have not fulfilled this requirement of national policy.
- 3.1.22 As the Council are aware, Gladman are promoting additional land beyond the proposed site allocation boundary (036c: 'Land at Weeping Cross') for residential development.
- 3.1.23 This larger site represents one of if not the only remaining opportunity to deliver development in a non-Green Belt location in the authority, at a highly sustainable location on the edge of a main settlement. Thus, the potential for development here should be maximised, as to reduce the extent of Green Belt release required to meet the proposed housing requirement.
- 3.1.24 Indeed, a bigger site was previously identified as a draft allocation in the Preferred Options Plan (2021), for a minimum of 168 dwellings. Gladman remain of the view that this previous site allocation was commensurate to its non-Green Belt sustainable location adjacent to a main town.
- 3.1.25 The Council are encouraged to positively allocate the larger site for residential-led development in the Plan, particularly in the context of the higher housing requirement likely necessary to assist in meeting unmet housing needs and to boost the housing land supply flexibility allowance.

3.2 Site Allocations

Policy SA3 (036c) - Land at Weeping Cross

- 3.2.1 To support the delivery of the spatial strategy at Policy DS5, Policy SA3 proposes the allocation of some 27 housing sites in addition to the identified urban extensions, with land at Weeping Cross (Site 036c) identified as a proposed allocation for a minimum of 81 dwellings. An Indicative Development Framework Plan is contained at Appendix 1 which demonstrates how the site could be delivered in accordance with Policy SA3 (036c).
- 3.2.2 The proposed allocation is supported by Gladman and soundly responds to the emerging spatial strategy which directs growth to the most sustainable locations in the District. The explicit reference to minimum capacity of 81 dwellings is supported as this ensures the actual yield from the site can be explored through up-to-date technical evidence at the time of a planning application.
- 3.2.3 The site's proposed allocation reflects its clear credentials for future development. The site is in an entirely suitable and sustainable location to accommodate growth adjoining an already established community in the town of Stafford. It has good access to social and community infrastructure that would be expected of an edge of settlement/urban location, is not subject to any insurmountable technical or environmental constraints and can accommodate a high-quality residential development that will address identified market and affordable housing needs.
- 3.2.4 The site's suitability for residential development is explored in further detail below, taking account of the technical studies that have been undertaken to support the delivery of the site to date. This confirms that it represents a suitable and deliverable site for allocation in the Plan.

New Homes

- 3.2.5 As demonstrated on the Indicative Development Framework Plan contained at Appendix 1, the site can deliver approximately 100 high-quality new homes within the proposed allocation boundary. This is based on a potential developable area of

2.59ha at a density of 39dph, which is considered entirely suitable for this sustainable location on the edge of a large town.

- 3.2.6 The site will include a range of dwelling types and sizes from first time buyer homes to family housing and will deliver 30% affordable housing in accordance with emerging Policy HC3.

Open Space and Green Infrastructure

- 3.2.7 The proposed development of the site will provide significant areas of formal and informal open space, including a children's play area. The total area of open space provided will conform with 0.006 hectares of multi-functional publicly accessible open space per dwelling, as is required by emerging policy HC17.

- 3.2.8 The site's southern and western boundary will be strengthened with a new species rich hedgerow and tree planting, which will help soften the edge of the proposed development, filtering views from the surrounding countryside and supporting new habitats to achieve a net-gain in biodiversity.

Flood Risk and Sustainable Urban Drainage

- 3.2.9 The site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river and sea flooding) and therefore is located in a preferable location for residential development when considered in the context of the NPPF Sequential Test.

- 3.2.10 Any future planning application will be accompanied by a Flood Risk Assessment, which will demonstrate that following the construction of the development of the site, the risk of flooding elsewhere will not increase.

- 3.2.11 Surface water management within the proposed development has been designed to provide delivery of Sustainable Drainage System (SuDs) for the site. The drainage solution will provide sufficient storage to enable surface water discharge from the development to be regulated. The Development Framework Plan shows an indicative location for a basin within its western area, the lowest part of the site.

Highways and Sustainable Transport

- 3.2.12 Vehicular access into the site is proposed in the form of a priority controlled single access junction from Cannock Road. Consultee responses to previous planning applications raised no in principle highway objections, and the Highway Authority have confirmed in the Housing Site Selection Topic Paper – Appendix 2 Highways Comments that the site allocation is “*ok in principle*”.
- 3.2.13 As part of the access proposals, there is the opportunity to provide a pedestrian crossing point on Cannock Road, which will connect into the existing footway network to the local services and facilities within Weeping Cross and beyond. These local services and facilities, such as convenience shops, a pharmacy, public houses, primary schools, a high school, and business park, can be accessed on foot, by cycle, or by public transport within nationally recognised preferred walking and cycling distances.
- 3.2.14 The nearest bus stop is located on Wildwood Drive with a further two bus stops on Cannock Road. All bus stops in proximity to the site are located with the CIHT recommended walking distance of 400m and can be reached from the site within a 5-minute walk. The bus stops on Cannock Road offer regular bus services into Stafford Town Centre and Cannock, both which offer several higher-level services, employment opportunities and main line railway services.

Delivery

- 3.2.15 With the involvement of a national land promoter and the strong market interest in the locality, the proposed allocation provides a deliverable opportunity with no overriding technical constraints.
- 3.2.16 The site is capable of contributing to the delivery of housing in the early part of the plan period, to boost the Council’s supply of housing upon adoption of the plan.

Additional Land Available for Development

- 3.2.17 For clarity, we consider Policy SA5(036c) as proposed in the Plan to be sound. That said, Gladman are promoting further land beyond the proposed allocation boundary

which represents one of the few remaining opportunities to deliver sustainable development in a non-Green Belt location. Consequently, the potential for development should be maximised at this location, and thus we are of the view the allocation for a minimum of 168 dwellings, as set out in the Preferred Options Plan, should be reinstated.

- 3.2.18 The delivery of additional new housing at this non-Green Belt site is a logical opportunity to boost the housing land supply buffer in the Plan, thereby providing greater resilience in the face of potential delivery issues.
- 3.2.19 The decision to reduce the capacity of the site stems from the findings of the 2022 Historic Environment Site Assessment (HESA) which indicated that development should be limited to the northern lower-lying part of the site, reflecting the potential for setting and character impacts on the non-designated designed landscape which surrounds the locally listed buildings at Acton Hill.
- 3.2.20 Gladman have prepared a Technical Note (Appendix 2) which responds to the points raised within the HESA. This report considers whether the interest of the historic park warrants the proposed reduced site capacity and demonstrates that through sensitive design measures such as new tree planting at the southern edge of the site to screen/soften the appearance of new built form, commensurate development within the larger site boundary would still preserve the extant setting of Acton Hill House and any harm to the non-designated heritage asset would be minimal at most.
- 3.2.21 An alternative Indicative Development Framework Plan (Appendix 3) has been developed which shows how a carefully coordinated and sensitively designed new neighbourhood for up to 185 new homes can be delivered at this non-Green Belt location.

3.3 Development Management Policies

Policy HC1: Housing Mix

- 3.3.1 Housing requirements constantly evolve and as such Policy HC1 could benefit from a further degree of flexibility to ensure it remains a sound policy over the lifetime of

the Plan. In addition to evidence such as the latest Housing Market Assessment, it would be appropriate for the policy to include consideration of elements such as the demand/need at the time of a planning application.

- 3.3.2 In addition, the requirement for 70% of market housing to have 3-bedrooms or less should be removed from the policy wording as it is overly prescriptive and could frustrate planning applications from being able to respond positively to local needs at the time of the application/discharge of a relevant planning condition.

Policy HC12: Space about dwellings and internal space standards

- 3.3.3 Gladman do not consider that the requirement for all residential development to meet or exceed Nationally Described Space Standard (NDSS) has been robustly justified by the Council at this stage. As set out in the Planning Practice Guidance to implement this policy, local planning authorities need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans⁵. As such robust evidence is required to demonstrate why this is necessary and evidence that delivery of these requirements will not impact the viability or delivery of much needed market and affordable homes in South Staffordshire.

Policy NB6a: Net Zero New-Build Residential Development.

- 3.3.4 Policy NB6A sets out the requirements for new homes' carbon performance with seven different policy elements. Whilst the overarching intentions of the policy are understood, and it is acknowledged that the planning system has an important role to play in tackling the effects of climate change, we are nonetheless concerned that the policy seek to go further and faster than national legislation and policy changes.
- 3.3.5 Gladman highlight that there is already a national approach being taken forward, the Future Homes Standard, to support the transition to a low carbon economy. Delivering these improvements through building regulations has a distinct advantage

⁵ Paragraph: 002 Reference ID: 56-002-20160519 Revision date: 19 05 2016

over delivering a variety of different approach across the country in that it provides a single approach that all developers understand and can be rolled out at scale.

- 3.3.6 The Government has also recently provided further advice for local authorities through a Written Ministerial Statement which states *"the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale⁶."*
- 3.3.7 There is a lack of clarity, justification and robust evidence for the many facets of the policy as detailed, and as a consequence we consider that Policy NB6a is 'unsound'. The Council can rely on the Building Regulations process as the way to manage improving energy efficiency standards in the District and as such Gladman consider that a policy of this nature is not be required in the Plan.
- 3.3.8 If the Policy were to be maintained, we have two specific concerns as follows. Firstly, the policy fails to differentiate between the levels of detail required between Full, Outline and Reserved Matter applications which could seriously undermine the overarching aims. For example, where a proposal is submitted on an outline basis, the level of detail within any supporting Energy Statement will likely fall short of the current requirements as drafted, as detailed design measures such as building materials, design and layout etc will not yet be established. If the policy is to remain in the Plan, it must clearly differentiate between what type of information is required for different types of applications.
- 3.3.9 Secondly, Criteria A7 as drafted sets out that development proposals of more than 50 dwellings should monitor and report total energy use and renewable energy generation values on an annual basis for 5 years from first occupation. In our view this requirement is exceptionally excessive and would appear to intrude into people's privacy, given that how they choose to live in their home once purchased is surely

⁶ UK Parliament: Planning - Local Energy Efficiency Standards Update Statement made on 13 December 2023

down to the individual household. Gladman consider it highly unlikely that any household would wish to share their personal energy usage information with the developer of the site or the Council. Furthermore, it quite clearly not enforceable in any respect and would fail to meet any tests of national policy regarding conditions and matters that can be secured in a legal agreement/planning obligation.

4 CONCLUSIONS

4.1 Summary and Assessment Against the Tests of Soundness

4.1.1 Gladman welcomes the opportunity to comment on the South Staffordshire District Council Local Plan Review Regulation 19 (2) consultation.

4.1.2 These representations have set out our support for the proposed allocation of 'Land at Weeping Cross' (036c) for a minimum of 81 dwellings residential development. The site is a highly sustainable and logical choice for an allocation in order to meet the identified development needs of the District. The site is available, suitable, and deliverable for housing, and can be completed in the first 5 years of the plan-period.

4.1.3 Overall, whilst the Plan sets out an appropriate spatial strategy through Policy DS5, the following matters remain unresolved for which additional evidence needs to be provided or for which changes to the Plan will be required:

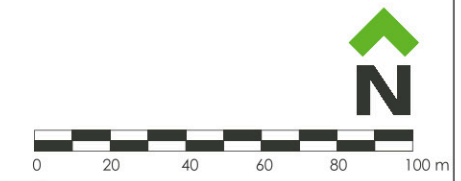
- The housing requirement should be increased to make provision for a 4000-dwelling contribution (as previously assessed) to acute, well-evidenced unmet housing need arising from within the GBBCHMA.
- If our above recommendation is not implemented, as a minimum the Plan must contain a review policy which includes an effective and implementable trigger mechanism linked to the publication of a SoCG and/or new satisfactory evidence of unmet housing need.
- A higher flexibility allowance would provide increased robustness against under delivery if it exceeded the 10% allowance identified by the Council as needed. This can, in the first instance, be done by maximising development at non-Green Belt locations through extensions to existing site allocations.
- Several of the Plan's development management policies require further clarity or justification in order to be found sound at Examination.
- Furthermore, at this time it has not been possible to tell if the Council has discharged its Duty to Cooperate.

4.1.4 Gladman formally request to participate at the examination in public to discuss the matters raised within this representation. Gladman would like to reserve the right to participate at any hearing session relating to '036c - Land at Weeping Cross', in addition to hearing sessions pertaining to the proposed development strategy and housing requirement.

Gladman Developments Ltd.

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Appendix 1



- Site Boundary: **Aprx. 4.68ha**
 - Other Land within Control of Applicant: **Aprx. 3.35ha**
- CIRCULATION & DEVELOPMENT**
- ↔ Primary vehicular/pedestrian/cycle access point
 - Potential developable area: **Aprx.2.59ha (Up to 100 units @ 39dph)**
 - Tree lined spine street and verges
 - Raised shared surface/ pedestrian priority areas
 - Lanes and private drives
 - Recreational routes
- GREEN INFRASTRUCTURE & RECREATION**
- 🌳 Existing vegetation
 - 🌿 Proposed green infrastructure including retained wildlife corridors containing new landscaping and habitat creation
 - 🌳 Proposed new structural/thicket planting
 - 🌿 Proposed new native hedgerow to frontage and along south eastern boundary
 - 🎮 Children's play space - **0.01ha (100sqm)** (1 x LAP - Local Area for Play)
 - 💧 Sustainable Drainage Systems (SuDS) Basin with permanently wet area
- CONTEXT**
- Other route with public access

| Rev | Date | By | Description |
|-----|----------|----|--|
| C | 16.03.23 | JC | Minor text amends |
| B | 13.03.23 | JC | BNG Updates |
| A | 31.01.23 | KP | Updated with revised drainage strategy, access detail and ecology and landscape advice |

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Project Land West of Cannock Road, STAFFORD

Title Development Framework Plan

Client Gladman Developments

| | | | |
|--------------------|--------------|----------------|-------|
| Scale | 1:2000 @ A3 | Drawn | SM/KP |
| Date | DEC 2022 | Checked | JC |
| Drawing No. | CSA/5887/107 | Rev | C |

Appendix 2

Heritage Note: Acton Hill Park

Land west of Cannock Road, Stafford, August 2022

This Heritage Note has been prepared by CSA Environmental on behalf of Gladman Developments, in relation to land west of Cannock Road, Stafford (hereafter the 'Site'). It provides an initial review of potential heritage constraints and opportunities in relation to Acton Hill Park.

1.0 Introduction

1.1 The Site is situated across an agricultural field, located to the south-east of Stafford. It is bounded to the north-east by Cannock Road, and to the east by Acton Hill Road. Buildings at Acton Hill are located to the south-west/south of the Site.



Plate 1: Site Location

2.0 Methodology

2.1 This note has been informed by the following sources:

- The National Heritage List for England (NHLE), maintained by Historic England, for records of designated heritage assets
- The Staffordshire Historic Environment Record for details of recorded heritage and previous archaeological works
- The Local Authority website for information on locally listed buildings
- Historic Tithe and Ordnance Survey mapping available online
- A site visit undertaken 17 August 2022.

3.0 Legislation and Guidance

- 3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) sets out legislation relating to listed buildings and conservation areas. With regards to listed buildings, Section 66 (1) of the 1990 Act states that

"in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 3.2 With regards to potential impacts to heritage assets key relevant paragraphs of the NPPF comprise:

"199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset...should require clear and convincing justification...

201. Where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefit...

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"

4.0 Acton Hill Park

Acton Hill Park

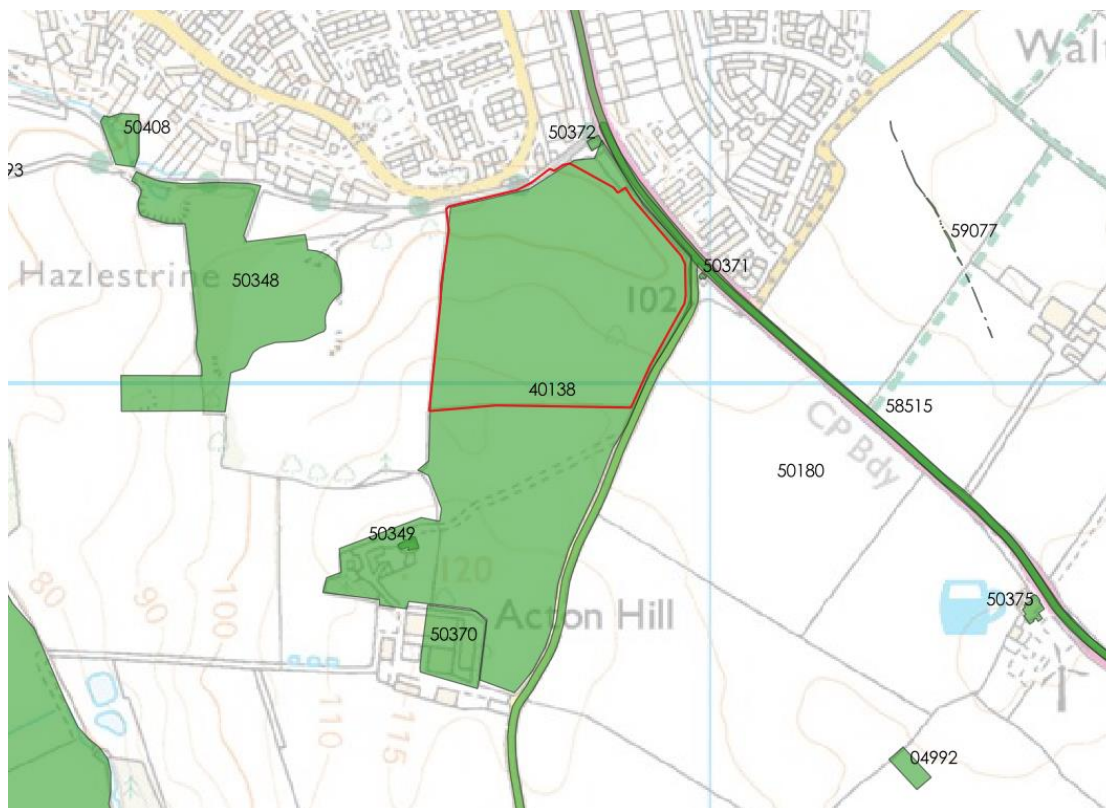


Plate 2: HER 'monument' polygon records

- 4.1 The Site is within the historic extent of Acton Hill Park as recorded on the HER (Plate 2; HER ref. 40138). Acton Hill Park formed the grounds to Acton Hill House (HER ref. 50349). An associated model farm complex, Acton Hill Farm, was located to the south (HER ref. 50370).
- 4.2 Review of historic maps indicates that the area of the Site was perhaps not part of the original extent of Acton Hill Park, but was incorporated into the park in the later-19th century. The 1849 Tithe map of Acton Trussell and Bednall, and accompanying apportionment register, identify the Site as an arable field. While arable use does not preclude an area being part of parkland, the Site appears to have been distinct from lawn to the south and was separated from it by plantation woodland, although it did include a drive or track leading to the house (Plate 3). The Site does appear as park on later-19th century mapping, and is shaded as such on the 1903 Ordnance Survey mapping (Plate 4). The Site subsequently reverted back to arable use and, with the exception of two trees in the south-eastern area, no longer retains a park character (Plate 5). Land to the south, comprising grass and scattered trees, retains a park-character and includes a historic drive, although the form of historic plantations has largely been lost (Plate 6).



Plate 3: Extract from the 1849 Tithe Map (© The Genealogist © Crown copyright Images reproduced courtesy of The National Archives, London, England)

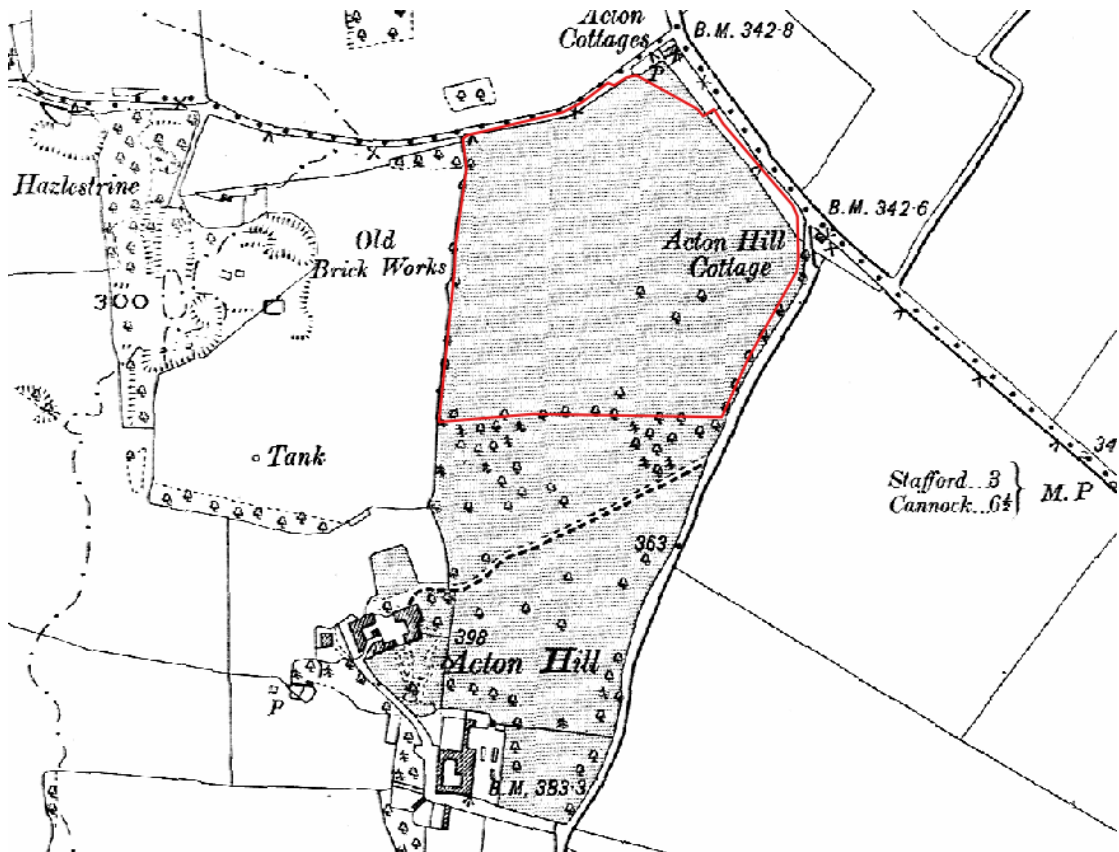


Plate 4: Extract from the 1903 Ordnance Survey mapping



Plate 5: The Site, view from south-western corner looking north-east



Plate 6: Extract from recent satellite imagery

Acton Hill Buildings

- 4.3 Acton Hill House is recorded on the HER as a late-18th/early-19th century country house, with ancillary buildings to the west converted to residential (HER ref. 50349).
- 4.4 South Staffordshire Council publish a list of Locally Listed Buildings¹. These are non-designated heritage assets. The list includes 'Acton Farm Cottages' on Acton Hill Road. There is no accompanying map but the HER records 'Acton Hill Farm / Acton Farm Cottage' locally listed building c. 160m to the south of the Site, in the location of Acton Hill House (HER ref. DST8298; Plate 7). Acton Hill Farm, to the South (HER ref, DST8297), is the Site of the model farm complex but buildings have been largely, if not wholly, demolished. The HER notes that Acton Hill Farm was included on a 2011 local list, but is not included on the 2015 list.



Plate 7: HER Locally Listed Building records

- 4.5 The HER record for the locally listed 'Acton Hill Farm / Acton Farm Cottage' identifies this as "A former country house set within a small landscape park" (HER ref. DST8298), i.e. Acton Hill House. It also notes that "The 2015 Local Lists from South Staffordshire District Council seem to indicate that this building at Local Grade B, however the most recent version of the list (2017) has it recorded at Local Grade A. Please verify with South Staffordshire District". The list published online is dated 03 March 2015¹. South Staffordshire Council describe 'Grade LLA' as "buildings and structures we consider to be of such interest that they should be on the national list" and also states that "If there is a threat to a Grade LLA building or structure, we will consider [points including] making an application to Historic England for Spot Listing"².

¹ <https://www.sstaffs.gov.uk/doc/173944/name/The%20South%20Staffordshire%20Local%20List.pdf/>
[Accessed 19.08.2022]

² <https://www.sstaffs.gov.uk/planning/criteria.cfm>

- 4.6 Government guidance states that for buildings dating from 1700 to 1850, “most buildings that retain a significant proportion of their original fabric are likely to be regarded of special interest, though some selection is necessary”³. While Acton Hill House pre-dates 1850 review of historic mapping indicates that the southern part of the building has been demolished, meaning preservation is limited. Currently a non-designated heritage asset, formal assessment by Historic England would be required to confirm whether or not Acton Hill House meets the criteria for listing.



Plate 8; Acton Hill House, view to west

Intervisibility

- 4.7 From within the Site views into park to the south are generally screened by a rise in slope, except at the southern boundary of the Site (Plate 9, Plate 10). There are glimpsed views to Acton Hill House from the south-western corner of the Site (Plate 11). Looking towards the Site from within the park, ground level within the Site is screened by the drop in slope (Plate 12), except at the northern edge of the extant park.

³ Department for Digital, Culture, Media & Sport 2018. *Principles of Selection for Listed Buildings*, pdf. document available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised_Principles_of_Selection_2018.pdf [Accessed 19.08.2022]



Plate 9: View looking south from within the eastern area of the Site



Plate 10: View along the southern Site boundary, view to south-west



Plate 11: View north from the south-western corner of the Site, including a glimpsed view of Acton Hill House



Plate 12: View towards the Site from park immediately east of Acton Hill House

5.0 Conclusions

Significance

- 5.1 The Site is located within the historic extent of Acton Hill Park, which formed the landscaped grounds to Acton Hill House. Land to the south of the Site retains a park character although the layout of historic planting, including plantation adjacent to the Site, has largely been lost. Of itself, Acton Hill Park does not display a notable level of preservation, or notable design features. Its interest is principally as the grounds to Acton Hill House. However, as a small 19th-century park, the extant area of Acton Hill Park, south of the Site, can be considered to be of a significance commensurate to a non-designated heritage asset. Agricultural land within the Site, which appears to have been a later addition to the park and which subsequently reverted to arable use, arguably does not display sufficient survival to be of heritage interest.
- 5.2 The heritage interest of Acton Hill Park principally derives from it being the designed grounds to Acton Hill House (referred to in the local list as 'Acton Farm Cottages'). There is a suggestion that Acton Hill House might be considered of sufficient interest to meet the national criteria for listing (see above). However, this is by no means certain. While Acton Hill House pre-dates 1850 a large part has been demolished, limiting its integrity. A formal assessment by Historic England would be required to confirm whether or not Acton Hill House meets the criteria for listing, although the local authority might be approached in the first instance for their confirmation on its grading on the local list. Currently, Acton Hill House is a non-designated heritage asset.

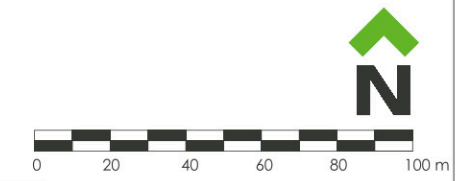
Extent of built form and potential impacts

- 5.3 With regards to the local authority's requirement to limit built form to the northern area of the Site due to the presence of Acton Hill Park: treating the extant area of Acton Hill Park (south of the Site) as a non-designated heritage asset, development within the Site will result in some adverse impact through the alteration to its adjacent agricultural setting and development within the historic extent of the park. This is irrespective of whether built form is across the majority of the Site, or in the northern area only. While setting back development to the northern area of the Site would reduce harm, it can be questioned whether the interest of the historic park warrants the proposed level of mitigation. A smaller set-back would seem more proportionate. There is perhaps an opportunity to introduce new tree planting at the southern edge of the scheme, mirroring historic areas of plantation. In either case, harm would be minimal.
- 5.4 Development has the potential to result in some adverse impact to the Acton Hill House through the alteration of its wider agricultural setting and land which was historically associated park. However, intervisibility with Acton Hill House is limited and development would be outside the extant park. Views looking towards the Site from the vicinity of the house include existing residential development. Setting back development to the northern area of the Site only would potentially avoid the introduction of additional new built form in views from the house/ areas of the park

adjacent to the house, and as such would minimise, and potentially remove, an adverse impact to the house. However, as with Acton Hill Park, it can be questioned whether the interest of the building warrants the proposed level of mitigation; development across the whole of the Site would still preserve the extant park setting of Acton Hill House. Again, a smaller set-back would seem more proportionate, with appropriate new planting to screen/soften the appearance of new built form. Harm to Acton Hill House would be minimal at most.

- 5.5 Under paragraph 203 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be 'taken into account', and a 'balanced judgement' should be applied with regards to the scale of harm and the significance of the heritage asset. However, in the event that Acton Hill House was further assessed and considered to meet the criteria for listing, paragraph 202 of the NPPF would apply, which requires less than substantial harm to be weighed against the public benefit in decision making, and Section 66 (1) of the 1990 Act would also apply.

Appendix 3



- Site Boundary: Aprx. 9.78ha
- CIRCULATION & DEVELOPMENT**
- ↔ Primary vehicular/pedestrian/cycle access point
- Potential Gross developable area: Aprx 4.64ha (Up to 185 units @ 40dph)
- Tree lined spine street and verges
- Raised shared surface/ pedestrian priority areas
- Lanes and private drives
- Recreational routes
- ✱ Proposed pedestrian crossing on A34
- GREEN INFRASTRUCTURE & RECREATION**
- ✱ Existing vegetation
- ✱ Proposed green infrastructure including retained wildlife corridors containing new landscaping and habitat creation
- Proposed new structural/thicket planting
- Proposed new native hedgerow to frontage and along south eastern boundary
- ✱ Children's play space - 0.04ha (400sqm) (1 x LEAP - Local Area for Play)
- Sustainable Drainage Systems (SuDS) Basin with permanently wet area
- PS SW Pump Station (15m Offset)
- CONTEXT**
- Other route with public access
- B Bus Stop
- NOTES**
Subject to final BNG & Landscape Assessments

| | | | |
|---|------------|----|--|
| D | 10.08.2023 | IP | Amended with client comments |
| C | 01.08.2023 | JC | Amended with updated drainage solution |
| B | 18.07.2023 | JC | Amended with client comments |
| A | 21.06.2023 | JC | Amended with client comments |

| Rev | Date | By | Description |
|-----|------|----|-------------|
|-----|------|----|-------------|

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Project Land West of Cannock Road, STAFFORD

Title Development Framework Plan Option 2

Client Gladman Developments

| | | | |
|--------------------|--------------|----------------|----|
| Scale | 1:2000 @ A3 | Drawn | JC |
| Date | June 2023 | Checked | RR |
| Drawing No. | CSA/5887/108 | Rev | D |

