

Representations to South Staffordshire District Council's Local Plan Review Preferred Options

On Behalf of Trebor Developments LLP

Land South of White Hill, Kinver (Ref. 274)

Land North of White Hill, Kinver (Ref. 273)

December 2021

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Report title: Trebor Developments LLP

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For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 Avison Young is instructed by Trebor Developments LLP to make representations to South Staffordshire District Council's consultation on its 'Local Plan Review Preferred Options'.
- 1.2 Trebor is promoting land to the south of White Hill in Kinver for allocation within the Local Plan Review. The extent of the land being promoted by Trebor is identified on the location plan at **Appendix 1**.
- 1.3 Trebor also controls additional land to the north of White Hill in Kinver which is considered suitable for longer term needs of Kinver in the future. The extent of this land is identified on the location plan at **Appendix 2**.
- 1.4 The land is owned by Stayley Developments Ltd and is subject to a promotion agreement with Trebor.
- 1.5 Stayley Developments Ltd is a local landowner with an interest in delivering high quality developments which leave a positive legacy for the local area.
- 1.6 Trebor is an experienced land promoter and developer with an extensive track record of successfully promoting sites through the planning process to achieve high quality developments that improve the environment within which schemes are located.
- 1.7 Trebor has been promoting the land south of White Hill for housing development for several years. The northern part of the site, extending to c. 1.47 Hectares, is allocated for a minimum of 30 dwellings in the adopted Site Allocations DPD. Outline planning consent was granted for the construction up to 38 dwellings and associated access and open space on the allocated site in September 2021. Approximately 3.9 hectares of the land was released from the Green Belt and is currently designated as safeguarded land for longer term housing needs.
- 1.8 Trebor made detailed representations in respect of both sites in response to the Issues and Options and Spatial Strategy & Infrastructure Delivery consultations.
- 1.9 The purpose of these representations is to **support** the proposed allocation of the 'safeguarded land' to the south of White Hill, Kinver for a minimum of 82 dwellings and provide further information to demonstrate that the site is **deliverable**.
- 1.10 The representations also highlight the opportunity presented by the land north of White Hill for longer term development in Kinver, should there be a need for additional housing land to be allocated in the village in the future.
- 1.11 These representations also comment on a small number of the draft policies in the Preferred Options consultation document.

Structure of Representations

- 1.12 The remainder of this document is structured as follows:
 - Section 2 – provides comments on the Council's preferred approach to housing need and supply;
 - Section 3 – provides a description of the sites and provides an assessment of their deliverability for housing; and

- Section 4 – sets out Trebor’s comments on a small number of other policies in the Preferred Options consultation document.

2. Housing Need and Supply

- 2.1 Trebtor fully supports the proposed allocation of the land South of White Hill, Kinver (Ref. 274) for housing. Kinver is a sustainable settlement and the allocation makes effective use of non-Green Belt 'Safeguarded land' that has previously been assessed by the Council, and Inspector examining the adopted Site Allocations DPD, as suitable for housing and identified to meet longer term development needs. The allocation of all existing safeguarded land is necessary for the Council to demonstrate compliance with paragraph 141 of the NPPF and that "*all other reasonable options*" have been examined fully before making amendments to Green Belt boundaries as proposed.
- 2.2 The Preferred Options consultation document confirms that the Council's minimum local housing need, calculated using the standard method, is 243 dwellings per annum from 2021 to 2038. This results in a minimum local requirement, over the plan period, of 4,131 dwellings (plus 750 dwellings from existing delivery between 2018 and 2021).
- 2.3 In accordance with national policy and guidance local housing need should be considered the "*minimum*" as well as "*any needs that cannot be met within neighbouring areas*" as established through Statements of Common Ground.
- 2.4 Whilst there is no Statement of Common Ground in place the Council proposes to make a contribution of 4,000 dwellings towards the unmet needs arising from the wider Greater Birmingham and the Black Country Housing Market Area (GBHMA) resulting in a total **housing target of 8,881 dwellings between 2018 and 2028**.
- 2.5 The Council states that this scale of contribution reflects the scale of 'strategic growth locations' identified in the GBHMA Strategic Growth Study (SGS) in 2018. The Council suggests that key Duty to Cooperate partners have not raised any concerns about the District's proposed contribution and that it considers the 4,000 contribution to be "*proportionate*" and "*justified*". However, it notes that the SGS has not been updated to reflect recent changes in the wider GBHMA position including confirmation that the Black Country is facing a potential shortfall of c. 28,000 dwellings in the period to 2029. The SGS also does not consider the potential impact of the recent 35% 'urban uplift' in the calculation of local housing need in Birmingham which could further increase the shortfall in the HMA.
- 2.6 The Council's proposed approach would make a significant contribution towards the unmet needs of the wider HMA. This is welcomed, in the absence of any more up to date evidence and a completed Statement of Common Ground with the other GBHMA authorities. However, the shortfall from the HMA is only likely to increase going forwards once the 'urban uplift' in Birmingham's local housing need is factored in as part of the review of the Birmingham Development Plan. On this basis, the Council should be building greater flexibility into its Local Plan to ensure needs can be met in the future.
- 2.7 Table 8 of the Preferred Options suggests that the Council is planning for a **total supply of 10,034 dwellings** (taking into account commitments and windfall development) against its proposed 8,881 requirement. This equates to a 'buffer' of approximately 13%. Whilst this might be sufficient to demonstrate that there is some degree of flexibility built into the emerging Local Plan, to take account of changing circumstances, the Council is yet to publish a trajectory to show that the proposed allocations will enable it to demonstrate a 5 year housing land supply on adoption and provide sufficient flexibility and ensure that it will be able to maintain a five year rolling supply of housing land throughout the plan period.
- 2.8 The Council's longer term aspiration for a new settlement in the District could potentially assist in addressing longer term housing needs, including future unmet needs arising from the wider HMA

beyond the plan period. However, given the very early stage of consideration and the long lead in times associated with new settlements, in order to plan positively and build in sufficient flexibility, particularly in absence of clarity over the scale of any increase in the wider HMA shortfall going forwards and given that urban capacity has already been maximised, the Council should, as a minimum, consider the designation of additional safeguarded land for longer-term needs, in accordance with Paragraph 143 of the NPPF, that could be allocated through a subsequent review of the Local Plan in future, if needed.

- 2.9 This would also provide the Council and residents confidence over where future development needs could be met in the District, should the need arise, particularly given that the Council's existing supply of safeguarded land is set to be used up, in full, by the proposed allocations in the Local Plan. Trebtor's land to the north of White Hill would represent a suitable opportunity to contribute towards any longer term needs in the future.

3. Site Specific Assessment

Land South of White Hill Kinver (Ref. 274)

- 3.1 Trebor controls land to the south of White Hill in Kinver. Approximately 1.47 hectares of the site was released from the Green Belt and allocated for housing (for a minimum of 30 dwellings) in the adopted Site Allocations DPD. Approximately 3.9 hectares was released from the Green Belt and is designated as safeguarded land and is proposed for allocation for a minimum of 82 dwellings in the 'Preferred Options' consultation.
- 3.2 We note that Draft Policy SA5 confirms that the site, as a whole, is expected to deliver a minimum of 120 dwellings with the appendix confirming that up to 38 dwellings are expected to come forward on the existing allocation plus a minimum of 82 dwellings on the safeguarded land. *However*, the diagram at Paragraph 4.41 of the 'Preferred Options' document shows a minimum of 118 dwellings. We assume that this is a minor drawing error to be corrected ahead of Reg 19 Publication Draft stage.

Council's Site Assessment

- 3.3 The suitability of the land for housing was assessed in detail during the preparation and examination of the SADPD and the site was designated as 'safeguarded land' for longer term development needs or to be allocated through the Local Plan Review. It is, therefore, suitable for housing as recognised by the proposed allocation of the site for housing in the Local Plan Review.
- 3.4 The Council's Site Selection Topic Paper (2021) confirms that the site results in no major negative scores in the Sustainability Appraisal and recognises that it is non-Green Belt land that is preferred to the release of further land from the Green Belt. Overall the site is assessed as performing better than other site options considered in Kinver.
- 3.5 We note that the Site Selection Topic Paper suggests that the part of the site with the existing allocation is yet to secure outline planning permission pending completion of the Section 106 legal agreement. However, the decision was issued following completion of the S106 legal agreement on 14th September 2021.

Availability

- 3.6 The site is available for development now. It is owned by Stayley Developments Ltd and is subject to a promotion agreement with Trebor. The site along with allocated land to the north is currently being marketed and there has been substantial interest in both parts of the site from a number of local, regional and national house builders. Therefore, the landowner is a willing seller and there have already been strong expressions of interest from potential house builders in the site.

Suitability

- 3.7 The selection of the site as a proposed allocation confirms that it is in a sustainable location and that the scale of development proposed can be accommodated within the village. It is immediately adjacent and very well-related to the existing built-up area of Kinver. It is within walking distance of a range of amenities in the village centre and is accessible to public transport.
- 3.8 An illustrative masterplan has been prepared by Townscape Solutions on behalf of Trebor. This masterplan shows how the 'safeguarded land' could be developed as an extension to the masterplan which was submitted as part of the approved outline planning application on the allocated site. With development on the safeguarded land accessed via the approved scheme and point of access from White Hill and the masterplan responding to the site's opportunities and constraints.

- 3.9 It shows how a scheme could be developed at an average net density of 35 dwellings per hectare for approximately 90 dwellings, in accordance with draft Policy HC2. The Illustrative Masterplan allows for a mix of housing types and sizes in accordance with draft Policy HC1, HC3 & HC4 - including 30% affordable housing, over 75% of the market dwellings as 3 bedroom or less, and 30% dwellings Part M4(2) compliant (i.e. accessible and adaptable). Additionally, the masterplan allows for c. 10% provision of bungalows/ single storey accommodation and also identifies opportunities for self-build/custom build plots in accordance with draft policy HC7.
- 3.10 The Illustrative Masterplan has also been designed based on dwellings which comply with the Nationally Described Space Standards. However, in accordance with footnote 49 of the NPPF, if the Council is minded to pursue the Nationally Described Space Standards in draft Policy HC11 it should provide evidence that there is a justifiable need for the application of internal space standards to all new housing development in the District.
- 3.11 The scheme includes for approximately 0.9 hectares of public open space including a multi-functional central green space designed around an existing knoll and mature tree within the site. A community orchard and green corridor along the route of the Staffordshire Way is also included within the masterplan. This amount of public open space exceeds the proposed policy requirement (0.006Ha per dwellings - i.e. 0.54 Ha for 90 dwellings) and has been designed with the aim of achieving net gains for biodiversity on site, where possible, in accordance with emerging draft Policy NB2.
- 3.12 The Council's Historic Environment Site Assessment (2019) assesses the site as 'amber' noting that whilst there is potential for indirect effects on the historic environment no significant effects that cannot be mitigated are anticipated. A Heritage Impact Assessment of the site has been undertaken by Richard K Morriss & Associates. This confirms that heritage impacts of residential development on the site will be very limited and confined to a minor change in the wider views from the north-eastern tip of Kinver Camp scheduled monument but that the setting will not be significantly altered and no other designated or non-designated heritage assets would be affected, such that any harm would be very limited and significantly "*less than substantial*". Nonetheless, in the light of the existing requirements in Policy SAD2, the illustrative masterplan shows how a view corridor from the site access on White Hill, through the scheme, towards Kinver Edge and Holy Austin Road, could be maintained through the careful location and design of public open space and incorporation of single storey development.
- 3.13 The draft Infrastructure Delivery Plan (2021) that accompanies the 'Preferred Options' consultation suggests that potential junction improvements at the Potters Cross junction, alongside measures to increase sustainable travel to school, be considered by the developers of identified housing sites in Kinver. Initial highways work undertaken by Hub Transport Planning, on behalf of Trebor, indicates that that the development of the site, as a whole, for c. 130 dwellings (i.e. up to 38 dwellings on the existing allocation and approximately 90 dwellings on the proposed allocation) could be delivered without unacceptable adverse impacts on the capacity of the local highway network.
- 3.14 The Local Highway Authority has also not raised any concerns in relation to the allocation of site 274 in terms of highways and access. Nonetheless, Trebor is aware of the concerns about the operation of the junction locally, particularly at school drop-off and pick up times, and is willing to work with the County Council and Parish Council to explore options to improve the operation of the junction and/or to increase sustainable travel to the school to assist in addressing local concerns and to deliver such improvements where these meet the relevant planning tests.
- 3.15 On this basis, the 'minimum of 82 dwellings' identified in the Preferred Options draft Local Plan Review is clearly suitable.

Achievability

- 3.16 Development on the safeguarded part of the site would form a logical and sensible extension to development on the already allocated part. The design of the access as part of the existing outline planning application is future proofed and designed to accommodate the overall scale of development envisaged on the safeguarded land. The site's drainage strategy has also been designed to accommodate the overall scale of development.
- 3.17 The site is already being actively marketed by Trebor and multiple offers have been received from house builders. This ought to provide the Council with confidence about 'deliverability' against the terms set out in the NPPF.
- 3.18 The Council has already scrutinised the entire site and concluded that it is suitable for housing. Trebor has also assessed the whole site, with a team of technical consultants, and concluded that there are no constraints that might prevent development or make development unviable.

Other Benefits

- 3.19 The land would provide a valuable source of housing in the District on non-Green Belt land and its allocation in the Local Plan Review would generate a wide range of benefits including:
- the delivery of open market and affordable dwellings, boosting the supply in an area where there is a significant housing need;
 - the provision of additional new housing in a sustainable location accessible to a range of local services in the village;
 - the provision of housing, including accessible and adaptable housing and single storey living accommodation, suitable for the elderly;
 - views to Kinver Edge and Holy Austin Rock being appropriately maintained within a high quality design;
 - green infrastructure, including creation of formal and informal open spaces in excess of emerging minimum policy requirements, wildlife habitats and the retention of the existing public right of way in a green corridor;
 - a commitment to achieving net gains for biodiversity on site;
 - a commitment to exploring opportunities to improve the operation of the Potters Cross junction and/or increase sustainable travel to school in the village;
 - job creation (on site, during the construction period);
 - the generation of additional population in the village resulting in:
 - increased local spend which would support the vitality and viability of local services and facilities in the village;
 - a more sustainable, vital and cohesive community in accordance with paragraph 78 of the NPPF;
 - additions to the local employment pool, assisting with economic growth;

- the generation of additional Council Tax and new homes bonus; and
 - greater contributions to local infrastructure through appropriate site specific planning obligations.
- 3.20 In the light of the above, Trebtor fully supports the allocation of the land south of White Hill, Kinver for housing development.

Land North of White Hill, Kinver (Ref. 273)

Site Description

- 3.21 The land extends to approximately 4 hectares and is located adjacent to the north western settlement boundary for Kinver. A small part of the site (including the existing farm access and an adjoining residential property) is located within the settlement boundary.
- 3.22 The site is located to the north of White Hill. It is bordered to the south and east by the rear of properties fronting White Hill and Edge View Walk. To the north the site is bounded by a belt of thick woodland. The site is bordered to the west by a hedgerow and mature trees. To the north and west is further agricultural land beyond which is a further area of dense woodland.
- 3.23 The site comprises a single agricultural field used for permanent pasture and a residential property which fronts White Hill. Trees and hedgerows are confined to the site boundaries.
- 3.24 The site is located approximately 700m from Potters Cross Neighbourhood Centre and 1.3km from the extensive range of services and facilities available in the centre of the village. In addition to the facilities identified above, the site is approximately 900m from Kinver High School, 700m from Brindley Heath Junior School and 1.4 kilometres from Foley Infants School. Bus stops are available within 400m of the site.

Availability

- 3.25 The site is owned by Stayley Developments Ltd who is a longstanding landowner in the area based locally at Enville. It is subject to a promotion agreement with Trebtor who is actively promoting the site for residential development. Therefore, the landowner is a willing seller and Trebtor is a very experienced and successful promoter and developer, who is capable of securing planning permission and bringing the site to market quickly. There are no legal or ownership impediments. Accordingly, the site is available now.

Suitability and Achievability

- 3.26 The Council's site assessment suggests that the site would have 'major negative' effects on the landscape due to the site's landscape sensitivity as 'Moderate-high'. This is consistent with all other sites in Kinver that have been identified for proposed allocation. The Landscape Study (2019) is very strategic assessing large parcels around settlements. The Council's Landscape Sensitivity Study Update (2017) assesses the site's landscape sensitivity as part of a smaller parcel – KV13. In that Study, the part of the site which is being promoted for residential development by Trebtor is assessed as of 'low' landscape sensitivity. The Study confirms that woodland to the north west constrains views across the wider landscape. It confirms that the land is well contained and its flat topography makes it conducive to development. It also states that the existing hedgerows which separate the fields provide a strong settlement edge. Therefore, it is not anticipated that landscape and visual impact will represent a significant constraint to development of the land.

- 3.27 The Council's latest Green Belt Assessment (July 2019) notes a wider 34.56 hectare area as having a "moderate" rating in terms of harm to green belt if lost. However, a previous assessment (January 2014) by the same consultant considered individual parcels at a more local level, and concluded that this site makes a "*more limited contribution to Green Belt purposes*" and had a lower impact than other Kinver sites (for example site references 271 and 576, which were assessed as having "a considerable contribution"). The site is also of a scale that could facilitate compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
- 3.28 The site was ruled out during the preparation of the Site Allocations DPD due to a 'lack of suitable access'. However, since this time, a residential dwelling adjacent to the existing access has been acquired by Stayley Developments. This will allow a suitable access, including appropriate visibility splays, to be created to serve the residential development of the site. Trebor is also exploring options to improve pedestrian accessibility from the site to facilities and services in Kinver due to the lack of footway along a section of the route into the centre of the village.
- 3.29 At this stage, it is considered that there are no technical constraints that would prevent the development of the site for approximately 90 dwellings in the longer-term should a need for additional housing in Kinver be identified in future.

4. Other Development Management Policies

- 4.1 Policy HC14, HC15 and HC18 should make specific reference to the CIL Regulation 122 tests for planning obligations to ensure that any requests for financial contributions towards health, education and sports infrastructure are appropriately justified, lawful and comply with national policy.
- 4.2 Policy HC17 should allow for equipped play provision off site in circumstances where there is existing public open space or play facilities available on public open space within walking distance of the site that would benefit from either: i) new equipped play provision; or ii) the expansion and/or improvement of existing play equipment through financial contributions.

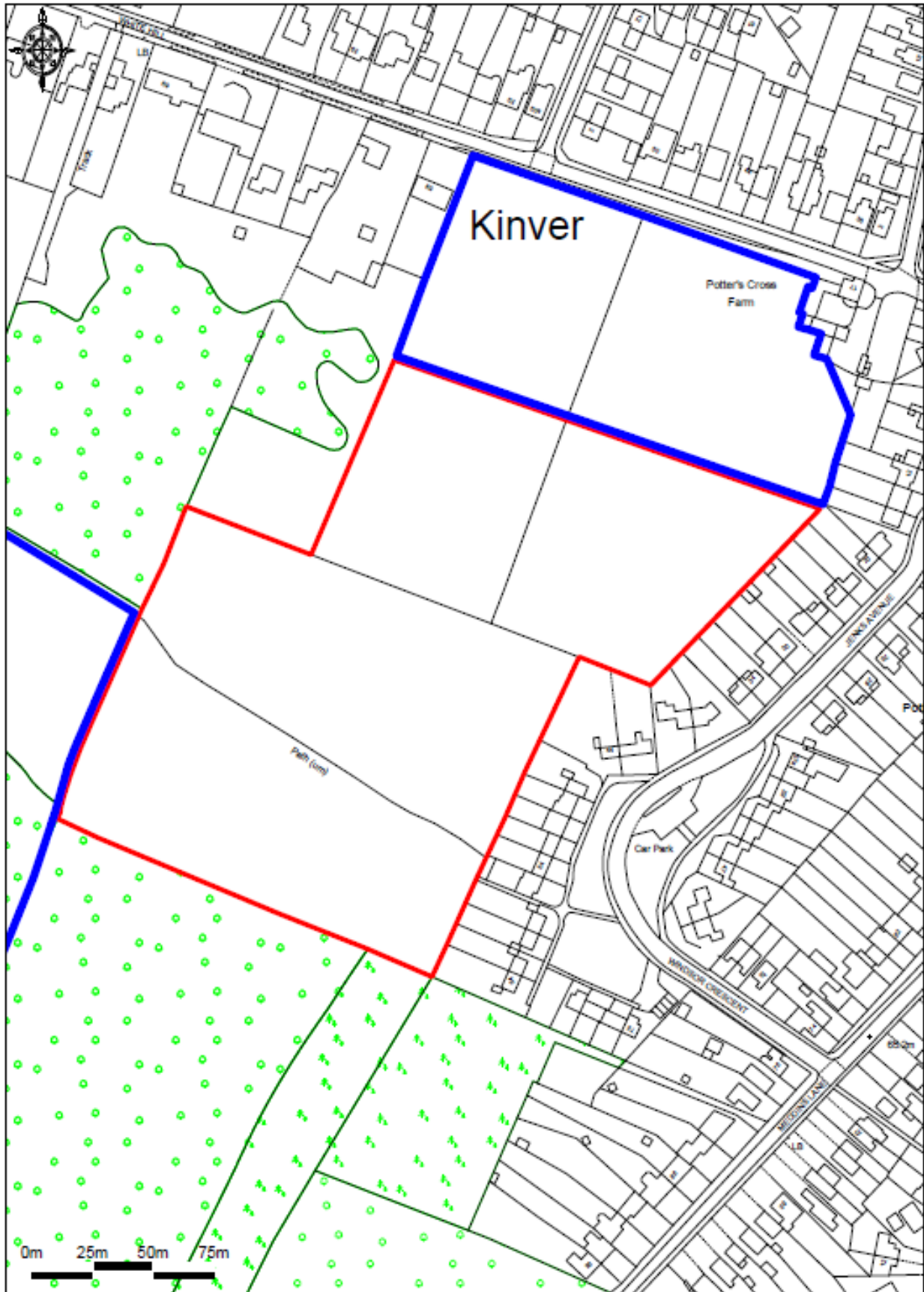
Avison Young

December 2021

Appendix I

Site Location Plan – Land South of White Hill, Kinver
(Ref. 274)

Land South of White Hill, Kinver, Stourbridge, DY7 6AS

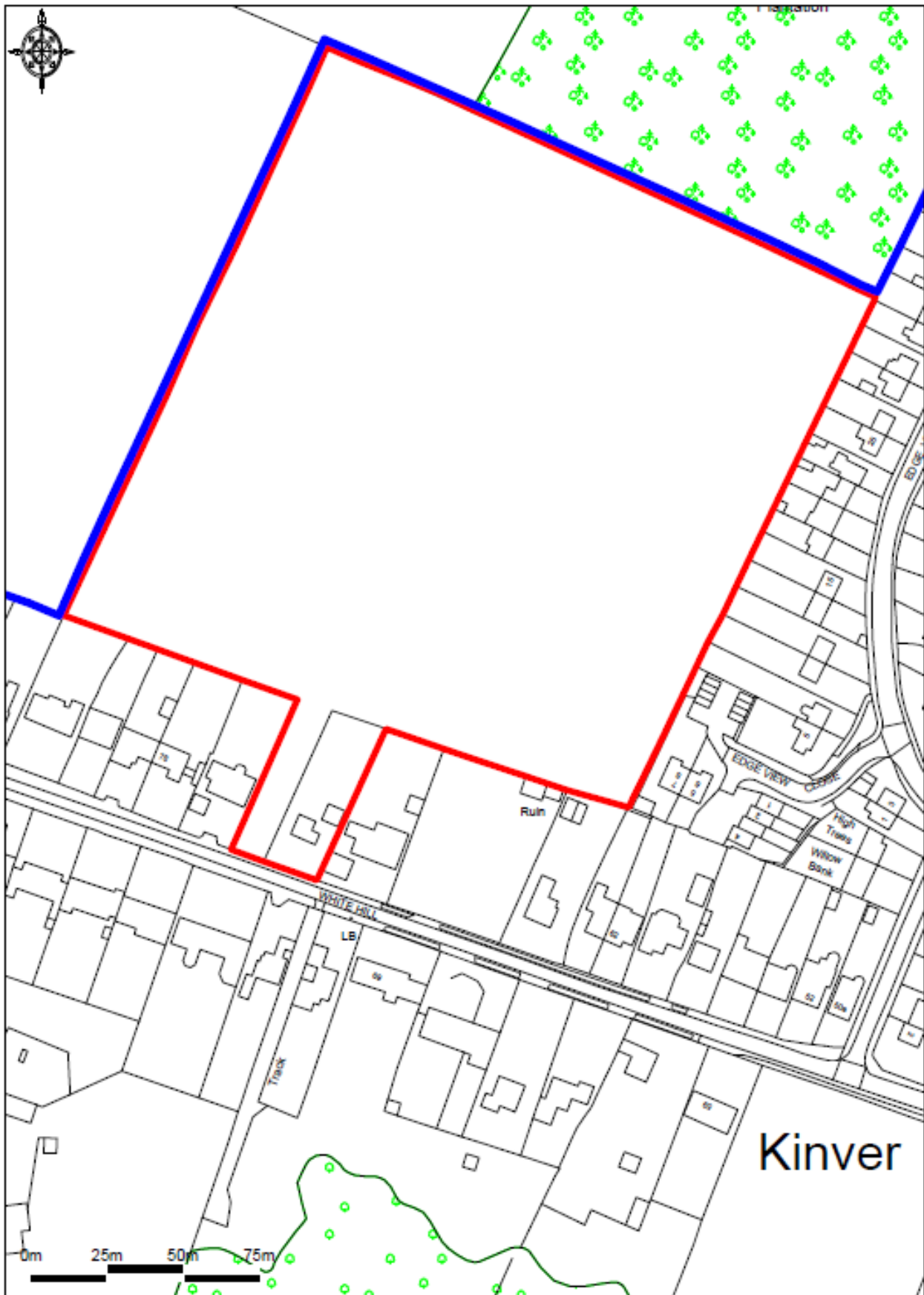


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Geospatial job: 2018. Printed Scale: 1:2500

Appendix II

Site Location Plan - Land North of White Hill, Kinver
(Ref. 273)

Land North of White Hill, Potters Cross Farm, Kinver



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Geosetting job: 2015_Plotting Scale - 1:2000

Appendix III

Illustrative Masterplan – Land South of White Hill,
Kinver



Up to 38 dwellings consented on allocated site (20/00621/OUT)

Safeguarded land with potential to deliver minimum 82 dwellings and benefits including landscaped open space and central green. Total area of southern phase: 3.96 Ha inc. Green corridor alongside Staffordshire Way and SUDS area: 0.29 Ha
 Central open space 0.61 ha including community orchard (0.26 Ha)
 Housing and roads: 3.06 Ha

Primary route and access via consented scheme
 Secondary Routes
 Private drives
 Existing pedestrian right of way incorporated (The Staffordshire Way)
 View corridor to rock houses

Indicative housing
 Retained trees
 TPO Trees

Potential sustainable drainage to include wetland planting
 Contours



NB The site shape/size varies slightly from the SAD 2 allocation due to ownership boundaries, access formation and open space design.
 The Masterplan boundary is also based on surveyed boundary features rather than the OS map boundaries.

Drawing Number	DF-02
Rev.	C2
Date	13-12-21

DEVELOPMENT FRAMEWORK

PROJECT	Land South of White Hill, Kirner
CLIENT	Trebor Developments

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