



# South Staffordshire Local Plan Review

## **Regulation 19 Publication Plan Consultation**

December 2022



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



01260 288888

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# 1 INTRODUCTION

## 1.1 Background

1.1.1 These representations are submitted by Gladman Developments Ltd. (Gladman) in response to the Regulation 19 consultation on the Publication Plan stage 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, and the Preferred Options stage in 2021. Gladman has also engaged with officers at South Staffordshire District Council (SSDC) to outline the opportunities for development at 'Land at Weeping Cross', a proposed residential allocation (036c) in the Plan.

1.1.3 At the outset, Gladman wishes to express support for the preparation of the Local Plan Review for South Staffordshire. The current Core Strategy was adopted in 2012 and pre-dates substantive changes in national planning policy and guidance. Changes in local circumstances and priorities further justify the need for a new Local Plan. It is fundamental to the operation of the plan-led system that South Staffordshire adopts an up-to-date Local Plan that can meet the development needs of the area.

## 1.2 Plan Making and the Test of Soundness

1.2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. It requires plans to set out a vision and a framework for future development, which should address the strategic priorities for the area. Local plans should be prepared in line with procedural and legal requirements and will be assessed on whether they are considered 'sound'.

1.2.2 The NPPF (2021) reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for. The presumption in favour of sustainable development applies to plan making and plans should positively seek opportunities to meet the development needs of their area, and that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

1.2.3 In particular, Paragraph 16 of the Framework states that Plans should:

**"a) Be prepared with the objective of contributing to the achievement of sustainable development;**

**b) Be prepared positively, in a way that is aspirational but deliverable;**

**c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;**

**d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;**

**e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and**

**f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."**

1.2.4 The NPPF sets out four tests that must be met for Local Plans to be considered sound. These are:

- **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.

1.2.5 For reasons that we explain in subsequent sections of this representation, we consider that the Publication Plan is not sound as currently prepared but is capable of being found sound with modifications. Our concerns regarding issues with policies as currently proposed are noted below. It is expected that these policies may evolve during the examination process. As such, Gladman formally request that we are afforded the opportunity to discuss the issues raised at the Local Plan examination public hearing sessions.

## 2 LEGAL COMPLIANCE

### 2.1 Duty to Cooperate

2.1.1 Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act, places a 'Duty to Co-operate' on local authorities and other specified organisations. The local planning framework for South Staffordshire must therefore be based on joint working and co-operation with neighbouring authorities to address cross-boundary strategic issues. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the plan.

2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is intended to produce effective policies on cross-boundary strategic matters. In this regard, South Staffordshire 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.

2.1.3 The PPG sets out that local planning authorities should produce, maintain, and update one or more Statement of Common Ground (SoCG) throughout the plan making process<sup>1</sup>. 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

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<sup>1</sup> PPG Reference ID: 61-001-20180913

their draft plan, to provide communities and other stakeholders with a transparent picture of how they have collaborated<sup>2</sup>.

- 2.1.4 The November 2022 Duty to Cooperate Topic Paper provides an overview of the cross-boundary strategic issues that have been addressed to date through the preparation of the Local Plan Review. The principal strategic matter for discussion in relation to the Local Plan Review is unmet housing needs emanating from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). It is well documented that there is a significant shortfall in housing across the GBBCHMA. Although the Black Country Plan has now been abandoned, the most recent version of that plan established a shortfall of c.28,000 homes up to 2039. This shortfall is robustly evidenced through the four councils' Urban Capacity Study Update and tested through the West Midlands Combined Authority Brownfield Land Study. In the case of Birmingham City, there is a remaining unmet need of 6,302 homes up to 2031 from the adopted Birmingham Development Plan. Furthermore its' recent Issues & Options consultation on the plan review identified a substantial shortfall of c.78,415 homes and 73.6ha employment land up to 2042.
- 2.1.5 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 matter. It details that the GBBCHMA authorities are now 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.
- 2.1.6 Gladman note that this SocG has been agreed in draft and is currently being circulated for formal signing across all participant authorities. Quantifying and accommodating the unmet housing needs of the GBBCHMA is undoubtedly a

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<sup>2</sup> PPG ID: 61-020-20190315



complex and long-standing issue and thus it is vital that the authorities continue to work collaboratively to devise a suitable and sustainable solution to this matter.

- 2.1.7 Appendix D of the Topic Paper contains several individual draft SoCG with each GBBCHMA authority and adjoining authorities. These are intended to address cross boundary matters not directly addressed by the draft housing and employment statements currently under preparation. It is noted that these SoCG are also yet to be formally agreed, albeit agreements have been reached at officer level with most authorities.
- 2.1.8 In our view, it is evident that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and key stakeholders in preparing the Local Plan Review to its current form. Nonetheless, in the absence of signed SoCG 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 REGULATION 19 CONSULTATION

### 3.1 Development Needs and Spatial Strategy to 2039

#### **Policy DS4 - Development Needs**

- 3.1.1 Policy DS4 sets a housing requirement of 9,089 dwellings between 2018 and 2039, which equates to 433 dwellings per annum (dpa). The housing requirement is informed by SSDCs local housing need (LHN) of 241dpa; which is based on the standard methodology as set out in the PPG, and a contribution of 4,000 dwellings towards meeting unmet housing needs arising from the GBBCHMA (arising from other local authorities in the HMA who cannot deliver their objectively assessed housing needs).
- 3.1.2 NPPF paragraph 11 requires authorities to meet their LHN *"as a minimum"*, *"as well as any needs that cannot be met in neighbouring areas."* Given that the district forms an integral part of the GBBCHMA and is therefore subject to the duty to cooperate with its partner authorities, that requirement is relevant to this Local Plan Review.
- 3.1.3 It is noted that the current position in relation to the exact quantity of unmet needs arising from the GBBCHMA is somewhat uncertain, however, evidence prepared to date clearly demonstrates that a very significant housing land supply shortfall exists across the GBBCHMA now. Viewed in this context, Gladman support Policy DS4 commitment to a 4,000-dwelling contribution towards unmet housing needs of neighbouring authorities.
- 3.1.4 In all likelihood the precise scale of unmet needs across the GBBCHMA will only increase over the coming years, and correspondingly South Staffordshire's contribution to this need may also proportionally increase. The extent of any further contribution will likely be borne out of the ongoing work on the Joint SoCG and review of the 2018 Strategic Growth Study.
- 3.1.5 Gladman consider that waiting for further detail on future unmet needs would inevitably lead to significant delays to the examination and adoption of this Plan. There is an unmet need now and subsequent delivery of much needed new homes

from the sites proposed to be allocated should come forward as soon as possible. Any delays would only serve to exacerbate the already acute housing position across the HMA. Accordingly, the Council's approach to accommodate a meaningful proportion of unmet needs through this Plan is pragmatic, justified and necessary to address needs that exist now.

- 3.1.6 The potential for significant changes to the scale of unmet need that the Council is required to accommodate could be best addressed through a partial/focused review of the Plan. Such an approach will enable the Council to adopt an up-to-date Local Plan, whilst at the same time being pro-active to the possibility of accommodating further unmet need from neighbouring authorities in the future. Reviews at least every 5 years are legal requirement for all local plans in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and set out in policy in the NPPF (paragraph 33).
- 3.1.7 Through a combination of extant planning permissions and allocations, land safeguarded in the Site Allocations Document (SAD) (2018) and proposed allocations, sufficient housing land is provided to deliver a 13% buffer above the housing requirement to provide flexibility in the authority's land supply.
- 3.1.8 Whilst the approach to providing a buffer in the housing land supply above the overall requirement is eminently sensible, Gladman at present do not consider that a 13% buffer is sufficient to ensure the Local Plan Review remains robust over the plan period.
- 3.1.9 It is noted that the future supply of housing in the district is heavily predicated on the successful delivery of the two large sustainable extensions allocated on the edge of the Black Country (SA2: Land at Cross Green and SA3: Land North of Linthouse Lane). Together, these sites are anticipated to deliver approximately 46% of housing growth from new allocations in the Plan. If these sites deliver at a slower rate than forecast there will be little prospect of the District's housing needs being satisfied, even with the 13% cushion the Council is proposing to build in.

- 3.1.10 Given the way the Plan's strategy is so heavily reliant on two strategic sites, Gladman contend that the uplift in flexibility should be increased to 20%. Gladman consider 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.
- 3.1.11 In Gladman's view, one such opportunity clearly exists at 'Land at Weeping Cross (036c)', a proposed allocation adjacent to Stafford. Gladman consider that the proposed allocation boundary does not reflect the full, natural, and logical extent of the available development site. To boost the housing land supply and to ensure the Plan remains robust over the plan period, the Council should explore the opportunity to deliver further housing growth at this sustainable, non-Green Belt location.
- 3.1.12 The merits of that proposed allocation site are discussed in more detail in our response to Policy SA5 (036c) below.

#### **Policy DS5 – The Spatial Strategy to 2039**

- 3.1.13 Gladman broadly supports the spatial strategy to 2039 as detailed through Policy DS5. The pattern of development is focussed on locating the bulk of new development at the district's most accessible and sustainable locations. This approach focuses most of the new growth at the most sustainable settlements in the District; the Tier 1 and Tier 2 settlements in addition to areas adjacent to neighbouring towns and cities. Encouragingly, the strategy recognises that growth adjacent to the southern edge of Stafford can facilitate sustainable growth at a non-Green Belt location. This commitment is welcome by Gladman.
- 3.1.14 Given that over 80% of South Staffordshire is designated as Green Belt, the need to alter Green Belt boundaries to accommodate the proposed housing requirement is a rational solution to meeting development needs in a sustainable manner. Nonetheless, whilst national policy accepts Green Belt boundaries should change where required to accommodate identified needs, preference should be given to meeting needs on outside of the Green Belt first.

- 3.1.15 Paragraph 141 of the Framework requires *'the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development'*.
- 3.1.16 In this context, Gladman query the decision of the Council to reduce the scale of growth at 'Land at Weeping Cross' from a minimum of 168 dwellings in the Preferred Options Plan to a minimum of 81 dwellings as detailed in the Publication Plan. Set out in more detail below in response to Policy SA5 (036c) is a response to this reduction in proposed development area.
- 3.1.17 As mentioned above, Gladman supports authorities undertaking necessary Green Belt release to meet development needs. However, paragraph 141 of the NPPF is explicit that all reasonable non-Green Belt options should be first considered for meeting identified needs for development.
- 3.1.18 'Land at Weeping Cross' represents one of the few opportunities to deliver development in a non-Green Belt location in the authority at a sustainable location on the existing 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.
- 3.1.19 Gladman therefore supports development at this non-Green Belt location but consider that to make effective use of land, in accordance with the Framework, the area identified for a minimum of 168 dwellings, as set out in the Preferred Options Plan, is therefore included in the Local Plan Review to be submitted for examination.

### **Policy DS6 – Longer Term Growth Aspirations for a New Settlement**

- 3.1.20 Policy DS6 sets out a longer-term aspiration of the Council to explore potential options for a sustainable independent settlement, which has the capacity to accommodate the future housing and economic needs of the district. The new settlement will not contribute to housing growth during the current plan period but will address housing growth required post 2039.

- 3.1.21 It is noted that policy DS6 and the supporting text identify the transport corridor formed by the A449 and West Coast Mainline between Wolverhampton and Stafford as an area of search for such a settlement. Gladman agree with the justification for the chosen area of search, as it is clearly the most sustainable location in the district for a strategic site of this scale (recognising the potential of the strategic road network and rail links to support new development in this area).
- 3.1.22 Gladman however consider that there is merit in expanding Policy DS6 further to consider a more focussed 'broad location for growth' to deliver the NPPF's aspiration and make this policy effective. By identifying such a location within the district, the Council can help plan the development through the plan period (through, for example, supplementary planning documents or a site-specific development brief) then see it delivered beyond the plan period in line with NPPF paragraph 22, with a potential mechanism to allow it to come forward sooner if required.
- 3.1.23 Furthermore, Gladman welcome the recognition that the long-term growth aspirations of the district need to be considered within this plan period, even if they don't directly contribute to housing growth.
- 3.1.24 Given the Council's clear longer term growth aspiration and the current stage of plan-making, this approach would give greater certainty for the next plan period, without necessitating significant changes to the Plan. It would also give a developer the confidence and time to invest in the site to ensure that it can be delivered within the next local plan cycle.

## 3.2 Site Allocations

### **Policy SA5 (036c) - Land at Weeping Cross**

- 3.2.1 Gladman recognises the commitment to making housing provision in accordance with the spatial strategy set out in Policy DS5. In particular, Gladman welcome SSDCs recognition that Land at Weeping Cross (Site 036c) (the 'Site') is a suitable site to contribute to the Council's overall spatial strategy for growth. 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. It is adjoining an already established community in the town of Stafford, 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.

- 3.2.2 For the avoidance of doubt, Gladman consider Policy SA5(036c) as proposed in the Plan to be sound. That said, Gladman do not consider the decision to reduce the allocation boundary from 8ha in the preceding Preferred Options Plan (which proposed to allocate the site for a minimum of 168 dwellings) to 3.85ha in the Publication Plan (which allocates the site for a minimum of 81 dwellings) is entirely appropriate.
- 3.2.3 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 low-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.
- 3.2.4 It is acknowledged that the site is located within the historic extent of Acton Hill Park, the heritage interest of which principally derives from it being the designed grounds to Acton Hill House, itself a non-designated heritage asset. 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. Acton Hill Park does not display a notable level of preservation, or notable design features. As a small 19th-century park, the extant area of Acton Hill Park south of the site is of a significance commensurate to a non-designated heritage asset.
- 3.2.5 Whilst it is accepted in accordance with paragraph 203 of the NPPF, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of a non-designated heritage asset. Gladman question whether the interest of the historic park warrants this proposed level of mitigation and consider

that a smaller set-back would be more proportionate. The agricultural land within the site, which appears to have been a later addition to the park and which subsequently reverted to arable use, does not display sufficient survival to be of heritage interest.

- 3.2.6 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 8ha 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.
- 3.2.7 As noted above, the Site is currently one intensively agriculturally farmed field. Should 3.85ha of the site be allocated, this would leave approximately 4ha of adjacent land. On its own, this may well not become commercially viable to farm. The sensitive design measures noted above can be more effectively deployed with an increased allocated area and will ensure that any harm the significance of non-designated is minimal and makes use of existing defensible boundaries which currently contain the site effectively.
- 3.2.8 The Council's decision to reduce the allocation boundary also needs to be viewed in the context of the proposed Green Belt release in the district. To be clear, Gladman do not object to South Staffordshire undertaking Green Belt release to meet development needs. However, as paragraph 141 of the NPPF highlights, all reasonable non-Green Belt options should be first considered for meeting identified needs for development.
- 3.2.9 The Site represents one of the few opportunities to deliver development in a non-Green Belt location in the authority and 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. Gladman contend that the new allocation boundary does not reflect the full, natural and logical extent of the available development site and suggest to make effective use of land, that the allocation for a minimum of 168 dwellings, as set out in the preceding Preferred Options Plan, is reinstated.



3.2.10 Gladman would like to reserve the right to participate at any hearing session relating to the Site, to discuss the Site's suitability, the Site's allocation, the emerging development proposals, and the delivery of the Site.

3.2.11 The remainder of this section describes the Site's suitability for residential development in further detail, taking account of the technical studies that have been undertaken to support the delivery of the Site to date.

#### New Homes

3.2.12 Whilst Gladman are supportive of the current allocation, as detailed above Gladman consider that the allocation of the Site for a minimum of 168 dwellings would best reflect the evidence-based constraints and opportunities of the site and the wider area, and its capacity to absorb growth.

3.2.13 The Site can deliver a wide range of market and affordable homes to meet the district's general and specialist housing needs and would be able to deliver quickly, without the need for significant infrastructure, within the early part of the plan period.

3.2.14 Gladman can confirm that the Site can deliver 30% Affordable Housing in accordance with emerging Policy HC3.

#### Community Facilities and Viability

3.2.15 Proportionate developer contributions towards the delivery of new community infrastructure would be provided alongside any proposals.

3.2.16 Gladman will agree requests for developer contributions which meet the relevant requirements of paragraph 57 of the NPPF and CIL regulations 122 and 123. Gladman would be pleased to agree an initial set of Heads of Terms with the Council.

#### Open Space and Green Infrastructure

3.2.17 Generous areas of informal and formal open space will underpin the proposals for the site. This would include the provision of areas of play for children. The total area

of open space provided as part of the site's development would meet SSDCs requirements.

- 3.2.18 As noted above, this could be provided in greater quantum with increased benefits for landscaping and net gains in biodiversity if a larger area within the site boundary is considered for allocation.

#### Flood Risk Mitigation

- 3.2.19 Technical work undertaken to date has confirmed that the Site is located within Flood Zone 1 (the area at the lowest risk of flooding). The Site, therefore, can be developed safely in relation to flood risk and flooding would not pose a constrain to the development of the site.

- 3.2.20 A comprehensive Flood Risk Assessment (FRA) has previously been prepared for the site which demonstrated that the development of the Site would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, can reduce flood risk overall. A new FRA will be prepared to support any future planning application in accordance with the latest guidance/policy.

#### Highways and Sustainable Transport

- 3.2.21 Vehicular access to the site will be taken from Cannock Road A34, via a simple priority junction, as required by the policy. Consultee responses to previous applications on the Site<sup>3</sup> raised no in principle highways objections (which proposed access from Cannock Road), 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*".

- 3.2.22 The Site benefits from good pedestrian connectivity to the town of Stafford and the suburb of Weeping Cross. There are a wide range of local amenities and facilities which can be accessed on foot, by cycle or by public transport within nationally

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<sup>3</sup> South Staffordshire Planning Reference: 17/00505/OUT & 18/01031/OUT

recognised acceptable walking and cycling distances. Facilities such as convenience shops, a pharmacy, public houses, primary schools, a high school, and business park are within the CIHT 'preferred maximum walking distance' guidance.

- 3.2.23 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 within the CIHT recommended maximum walking distance of 400m and can be reached from the site within 5 minutes' walk. Cannock road offers regular bus services into Stafford Town Centre and Cannock, which offers several higher-level services and employment opportunities.
- 3.2.24 It may be possible to deliver additional and upgraded bus facilities on the Site's frontage which can be discussed with the Council and Local Highway Authority during the development management process.

### 3.3 Development Management Policies

#### **Policy HC1: Housing Mix**

- 3.3.1 Policy HC1 states that the Council will support development that creates mixed, sustainable and inclusive communities and contributes to the objectives of the adopted Housing and Homelessness Strategy. It goes on to state that all new housing developments should provide a mixture of property sizes, types and tenures and that proposals must contribute to better balancing the districts housing market, particularly by increasing the supply of two- and three-bedroom homes in all areas.
- 3.3.2 On major development sites, Policy HC1 sets out that market housing must include a minimum of 70% of properties with 3 bedrooms or less, with the specific mix to be determined on a site-by-site basis but reflective of the Council's latest Housing Market Assessment.
- 3.3.3 Gladman recognise the importance of new development opportunities to provide appropriate mixes of housing types, sizes and tenures to meet housing needs as identified in the Council's Housing Market Assessment. It is important to note,

nevertheless, that the housing mix as identified in the Council's latest evidence base will only provide a snapshot in time in relation to the current housing needs.

3.3.4 It is essential that Policy HC1 recognises that need will vary from area to area and site to site. As such, the policy should provide for flexibility going forward so that the Plan is able to respond to changes in circumstances at the time of an application being submitted to the local planning authority so that development opportunities can make better use of the land available whilst responding to the housing needs at that time. Due regard should also be given to demand rather than housing need alone, to reflect the characteristics of the housing market.

3.3.5 Therefore, for Policy HC1 to be considered sound, Gladman state that the requirement for 70% of market housing to have 3 bedrooms or less should be removed as it is overly prescriptive. Furthermore, the policy should also refer to other evidence, not just the latest Housing Market Assessment, and should include consideration of elements such as the demand/need at the time of the application.

3.3.6 This proposed amendment is an entirely appropriate approach and allows for sufficient flexibility to ensure that final housing mixes respond to changing circumstances within the district and allow for development at different locations in the district to respond to local characteristics and need in particular areas.

#### **Policy HC4: Homes for older people and others with special housing requirements**

3.3.7 Policy HC4 requires all major housing developments to demonstrate how the proposal clearly contributes to meeting the needs of older and disabled people. It states that it will expect bungalows, other age restricted single storey accommodation, sheltered / retirement living, and extra care / housing with care and other supported living to be provided as part of the wider mix on site. It also states that all major development will be required to ensure 100% of both the market and affordable housing meets M4(2).

3.3.1 Whilst Gladman are supportive of the Council in seeking to provide homes that are suitable to meet the needs of older people and disabled people, if the Council wishes to adopt the higher optional technical standards, it should only do so by applying the criteria set out in the PPG. This criterion includes the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability<sup>4</sup>.

3.3.2 In order for the policy to be considered sound, further evidence is required to justify the approach taken in relation to the requirement for 100% of both the market and affordable housing to meet M4(2). If appropriate evidence cannot demonstrate a need for this level of M4(2) dwellings this policy requirement should be removed.

#### **Policy HC8: Self and Custom Build Housing**

3.3.3 Policy HC8 policy requires major development to have regard to the need on the Council's Self-build Register and make provision of self and custom build plots to reflect this. Gladman broadly support the inclusion of Policy HC8 relating to self-build and custom-build housing in line with current government objectives.

3.3.4 That said, Gladman do not consider that a blanket requirement for major developments to provide self and custom build plots is justified, and thus consider that element of the policy should be deleted as there may not be necessary demand in all locations.

#### **Policy HC10: Design Requirements**

3.3.5 Gladman recognise the intentions of Policy HC10 and notes the importance of ensuring high-quality design. However, this should be considered at the most appropriate stage of the planning process, either through full applications or reserved matter stages. Without this being referenced in the policy, design matters may be the cause of unnecessary delay at outline stage.

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<sup>4</sup> PPG ID: 56-007-20150327

3.3.6 To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals.

3.3.7 As proposed the policy requires all developments to meet the eighteen listed criteria. Given the Council is allocating a range of different site sizes and types, it may not be possible for all forthcoming proposals to meet all the listed criteria. Therefore, the policy needs an additional layer of flexibility which recognises that good design measures will vary from site to site.

3.3.8 **Policy HC12: Space about dwellings and internal space standards**

3.3.9 Policy HC12 requires all new homes to as a minimum meet the Nationally Described Space Standards (NDSS). If the Council wishes to apply the optional NDSS to all dwellings, then this should only be done in accordance with paragraph 130f and footnote 49 of the NPPF. Footnote 49 confirms:

*"49. Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified."*

3.3.10 Furthermore, with reference to the NDSS, the PPG<sup>5</sup> confirms:

*"Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies"*.

3.3.11 If the Government had expected all properties to be built to NDSS then they would have made these standards mandatory not optional. Therefore, if the Council wishes to adopt this optional standard, it should be justified by meeting the criteria set out in the national policy, including need, viability and impact on affordability. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Gladman do not consider that the requirement for all

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<sup>5</sup> PPG ID: 56-020-20150327

dwellings to be built to at least NDSS has been robustly justified by the Council at this stage.

### **Policy NB6: Sustainable Construction**

- 3.3.12 Policy NB6 states that new development of one or more new dwellings must achieve net zero regulated carbon emissions. It also states that development must demonstrate through an energy statement a minimum 63% reduction in carbon emissions, in achieving this each dwelling must demonstrate at least 10% improvement on the Part L 2021 Target for Fabric Energy Efficiency and must not include fossil fuel-based heating systems or be connected to the gas grid.
- 3.3.13 It goes on to state once minimum improvements in fabric efficiency and carbon reduction are delivered, additional on-site renewable energy generation must be provided, or connections made to on or near site renewable / low carbon community energy generation and storage networks. Any such measure must be sufficient to achieve at least zero regulated carbon across the scheme. Any remaining residual regulated carbon emissions must be offset.
- 3.3.14 The Council's proposed policy approach is an unnecessary repetition of 2021 Part L Interim Uplift and the Future Homes Standard. It is the Government's intention to set standards for energy efficiency through the Building Regulations. The key to decarbonising Staffordshire's energy demand is to recognise the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable.
- 3.3.15 Therefore, the Council does not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift (which requires at least a 31% reduction in emissions compared to current standards) and proposals for the 2025 Future Homes Standard (which should ensure that all new homes built from 2025 will produce 75-80% less carbon emissions).

- 3.3.16 In addition to that, it is also noted that the policy elects to require the optional standards in relation to water efficiency, of 110 litres per person per day. Under current Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock.
- 3.3.17 Whilst the aim of Policy NB6 is understood, it is instead suggested that development requirements relating to sustainable construction be left to the Government's Building Regulations. The policy should not require a betterment above the requirements in the latest Building Regulations and should instead refer directly to proposals adhering to the latest Building Regulations. That approach would ensure that this policy does not quickly become outdated.
- 3.3.18 Should the Council seek to continue with Policy NB6 in its current form, Gladman also hold several significant concerns in respect of the third element of the policy which states that all major development must demonstrate how the embodied carbon of the proposed materials to be used in the development has been considered and reduced where possible. Proposals of 50 dwellings or more are required to be accompanied by a nationally recognised Whole Life Carbon Assessment and demonstrate actions to reduce life-cycle carbon emissions. It also goes on to state that for all major residential developments applicants must also implement a recognised quality regime that ensure the 'as built' performance matches the calculated design performance, and that a monitoring regime is put in place to allow the assessment of energy use for 10% of the proposed dwellings for the first five years of their occupancy, and ensure that the information is provided to the applicable occupiers and the planning authority.
- 3.3.19 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 seeking to secure the principle of development it will likely not be possible for a robust Whole Life Carbon Assessment to be prepared given that information on detailed design measures such as building



materials will not yet be known. For this aspect to be effective, the policy needs to clearly differentiate between what type of information is required for different types of applications.

- 3.3.20 Secondly, in relation to the performance and monitoring aspect of the third element of the policy, it is not clear what the Council would do with the information in relation to performance information or the monitoring information once the development is completed and is a home. Gladman do not consider it is likely 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.
- 3.3.21 The requirements are 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 down to the individual household. Gladman contends at least that this aspect of the policy is deleted, and the policy is reviewed as a whole as to what is appropriate to be required in all criteria.

## 4 CONCLUSIONS

### 4.1 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 consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (2021) and Planning Practice Guidance.

4.1.2 For the emerging Plan to be found sound at examination it must be able to meet the four tests of soundness as required by paragraph 35 of the Framework. This will require the Local Plan to be positively prepared, justified, effective and consistent with national planning policy.

### 4.2 Key Conclusions

4.2.1 Gladman support the proposed allocation of its land interests at 'Land at Weeping Cross' which is allocated in the Plan under Policy SA5(036c). Gladman can confirm the availability and deliverability of the site for housing and consider it to represent a suitable and sustainable location for residential development. Notwithstanding, for reasons set out at Section 3.2 of this representation, Gladman respectfully request consideration of a modification to Policy SA5(036c) to support the delivery of a minimum of 168 dwellings on the larger 8ha site that was provisionally allocated in the preceding Preferred Options Plan.

4.2.2 Overall, the Plan sets out an appropriate development strategy through Policies DS4 and DS5. The Plan seeks to meet the standard methodology, provides a significant contribution to the unmet housing needs of neighbouring authorities, and sets out an appropriate spatial strategy which generally distributes growth appropriately through the district by way of a range of sites, including those which are smaller and likely to contribute to a deliverable supply of land. The Plan also provides for a degree of flexibility in the amount of housing land released however, in our view, greater contingency should also be planned for to ensure that the housing requirement will be met.

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- 4.2.3 In addition, we have highlighted areas where the Local Plan's development management policies require further clarity or justification in order to be found sound at Examination. This is in order to ensure that the Local Plan is positively prepared, effective, justified and consistent with national planning policy and to reduce the potential for delay to its future adoption.
- 4.2.4 Gladman formally request to participate at the examination in public to discuss the issues raised.

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**Gladman Developments Ltd.**

policy@gladman.co.uk

