

**SOUTH STAFFORDSHIRE LOCAL PLAN  
PUBLICATION PLAN NOVEMBER 2022  
REGULATION 19 CONSULTATION**

**LAND AT CHERRY BROOK, PENKRIDGE  
REPRESENTATION PREPARED ON BEHALF OF  
PERSIMMON HOMES**

P18-2532PL

LPA Local Plan Site Ref 0005

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## Document Management.

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# 1. Introduction

- 1.1. This representation responds to the South Staffordshire District Council's ('SSDC') Local Plan Review 'Publication Plan' ('the Plan') consultation held under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Representations are made with regard to the Plan itself and to the accompanying published evidence, having regard to the National Planning Policy Framework ('NPPF').
- 1.2. This representation is made by Pegasus Group on behalf of Persimmon Homes who have a specific land interest in the proposed housing allocation in the Tier 1 settlement of Penkridge, identified at Policy SA5 as 'Site Ref No. 0005 Land at Cherry Brook' with a minimum capacity of 88 dwellings ('the Site').
- 1.3. Persimmon Homes has previously submitted details of the Site through the Regulation 18 Preferred Options Plan, which included the production of a Vision Document to demonstrate how the site could be delivered; the Vision Document is attached to these representations at **Appendix 1**.
- 1.4. The site extends to some 4.2ha and is located in the highly sustainable settlement of Penkridge. It sits immediately north of the existing residential area and adjoining the current settlement boundary for Penkridge. The site was first removed from the Green Belt and safeguarded for future residential development in 1996 by SSDC. It is the last and only remaining of the 1996 safeguarded sites to be brought forward with a positive allocation, the others having all since been developed.
- 1.5. The representations are framed in the context of the requirements of the Local Plan to be legally compliant and sound. The tests of soundness are set out at NPPF ¶35. For a Plan to be sound it must be:
  - a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

## 2. Planning Policy Context

- 2.1. Persimmon Homes support SSDC's review of the adopted South Staffordshire District Development Plan as required by Policy SAD1 of the Site Allocations Document ('SAD') 2018. This provides the opportunity for the Council to comprehensively review the Vision, Strategic Objectives, development requirements, spatial development strategy and policies shaping detailed development proposals.
- 2.2. The Plan review also provides the opportunity for the Council to not only revisit its own objectively assessed housing need, but also the role of the District in meeting unmet cross boundary needs from the wider Greater Birmingham Housing Market Area ('GBHMA'), including from the Black Country.

### National Requirements for Plan-Making

- 2.3. NPPF ¶33 requires local planning authorities to keep policies in their Local Plans up to date by undertaking a review at least once every five years. The proposed timescales, as set out in the Local Development Scheme (October 2022), will ensure that an up-to-date Local Plan for South Staffordshire will be in place to support growth and meet future development needs.
- 2.4. The Publication Plan consultation follows previous consultations on the Local Plan review 'Preferred Options' which identified a spatial strategy with the identification of housing and employment delivery, whilst also identifying strategic objectives and priorities through numerous policies, including as affordable housing. Persimmon Homes have engaged at each stage of the plan making process.
- 2.5. The current consultation document represents SSDC's final version of the Plan and is being in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), having considered representations previously made to the Plan, as well as further evidence.
- 2.6. NPPF ¶24 also advises that local planning authorities "*...are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*" In the context of South Staffordshire, strategic matters include housing, employment, infrastructure and the Green Belt.
- 2.7. Persimmon Homes support SSDC's proactive approach in continuing with a review of the Local Plan to ensure that an up-to-date policy framework exists with the District to guide growth to 2039 and to ensure that development is genuinely plan-led.

### 3. Vision, Strategic Objectives and Priorities

- 3.1. The Publication Plan (Regulation 19) identifies a number of 'Issues and Challenges' surrounding homes and communities, economic prosperity and the natural and built environment. The Document goes on to present a 'Vision' based upon these issues and challenges, and a number of 'Strategic Objectives' by which the Vision can be achieved.
- 3.2. It is noted that the Vision remains broadly the same as that presented in the adopted Core Strategy with regards to the aspirations to protect and enhance the districts rural character, communities, and landscape. It is considered that it remains relevant and is broadly supported.
- 3.3. Further to the Preferred Options consultation the Vision has been amended to reflect the Council's declared climate emergency, with greater emphasis placed on providing homes which accord with the NPPF ¶18c guidance that in order to achieve sustainable development, proposals should mitigate and adapt to climate change. It also seeks to '*protect and enhance*' the District as it currently exists, rather than thinking forward and considering how the growth proposed within the Plan can better the District as a whole.
- 3.4. Although the Vision is broadly supported it should be amended to reflect the need to meet both the present and future housing requirements, including those pressures arising through the Duty to Cooperate with neighbouring authorities, with specific reference to meeting the unmet housing needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). The delivery to meet the housing requirements of the GBBCHMA is discussed further in this representation, however Persimmon Homes considers that it should be included in the Vision to clearly demonstrate commitment to the statutory Duty to Cooperate.
- 3.5. The Vision seeks to create '*beautiful and thriving*' new places, however as stipulated in earlier representations to the Preferred Options Consultation, there also needs to be a greater emphasis placed on a Vision which is locally relevant. Whilst the Vision is succinct, as currently written it is not considered to be relevant locally and contains no spatially specific elements, and this should be reflected through further amendments to the Vision Statement.
- 3.6. Similarly to the Preferred Options document, it is recognised that the Strategic Objectives are refined versions of those presented in the adopted Core Strategy. This approach is broadly supported, and it is recognised that these remain relevant, particularly the recognition of the requirement to make a proportionate contribution towards the unmet needs of the GBBCHMA.
- 3.7. In relation to **Strategic Objective 2**, reference is made to meeting the housing and employment needs of the District. It is considered this could be strengthened to refer to meeting the needs of both existing and new residents of the District. The overarching thrust that new housing should be focussed on sustainable locations in the District, including the key villages, is supported.

## 4. Development Strategy

### Green Belt

- 4.1. **Policy DS2** (Green Belt Compensatory Improvements) is a new policy included within the Publication Plan. The Policy provides additional detail on expected compensatory improvements for Green Belt released sites when compared to the Preferred Options Document. However, the policy still leaves elements of ambiguity.
- 4.2. The policy should be clarified by identifying and naming which particular sites it is specifically intended to apply to, or alternatively, the individual site allocation proformas should identify when it is expected this policy would apply. For the avoidance of doubt, Persimmon Homes interest at Cherry Brook, Penkridge, is safeguarded land which was removed from the Green Belt in 1996, and it is not expected to be subject to this policy.

### Housing

- 4.3. Persimmon Homes support the recognition at Paragraph 5.8 of the Publication Plan that:  
  
*"A key part of the new Local Plan is to establish the role that South Staffordshire council can play in meeting both its own housing needs and those of the wider Greater Birmingham and Black Country Housing Market Area (GBBCHMA), which contains local authorities with significant unmet housing needs (Birmingham and the Black Country)."*
- 4.4. The recent collapse of the Black Country Plan process has led to further instability within the Black Country area regarding the delivery of unmet housing need. The pro-active approach taken to providing a contribution of homes as set out in Policy DS4 towards the GBBCHMA is welcomed along with providing approximately 13% additional homes to ensure plan flexibility.
- 4.5. The Council recognise at paragraph 5.10 that the two most significant sources of potential unmet needs are currently Birmingham City and the Black Country, with the adopted Birmingham Development Plan suggesting a significant unmet need is arising across the GBBCHMA, driven by limited housing in these urban areas.
- 4.6. Policy DS5 sets out that SSDC will deliver a minimum of 9,089 dwellings, comprising 5,089 dwellings to meet South Staffordshire's own housing need using the Government's standard method across the 18-year plan period 2021-2038 and a further 4,000 dwellings to contribute towards the unmet needs of the GBBCHMA.



- 4.7. Persimmon Homes support the Council's strategy of as set out in Policy DS5 to distribute growth to sustainable locations. The policy defines a settlement hierarchy of five 'tiers', across which the housing target will be distributed. The identification of Penkrige as a Tier 1 settlement to accommodate 17.8% of the Council's housing growth, and the recognition that the village has a greater level of services and facilities thus endorsing its sustainability credentials, is welcomed.





## 5. Site Allocations

### Housing Allocations

- 5.1. Policy SA5 establishes the allocations which deliver the Spatial Strategy set out at DS5. As noted above, Persimmon Homes support the inclusion of Penkridge within the Tier 1 Settlements, and which has facilitated the identification of land at Cherry Brook for allocation.

#### **Penkridge 005 – Residential – Land at Cherry Brook – Min 88 homes**

- 5.2. A Vision Document for Land at Cherrybrook Drive is submitted with this representation in support of the site, within **Appendix 1**.
- 5.3. A Tier 1 Settlement is categorised as providing a wide range of facilities, with access to employment and higher order services. It is agreed that Penkridge is a sustainable and accessible settlement within South Staffordshire District, capable of supporting housing growth to meet housing need. The merits of Penkridge are discussed below in the context of draft allocation of Land at Cherry Brook, Penkridge.
- 5.4. The recognition that Penkridge has sustainable qualities is long standing as evidenced in previous Local Plans. Core Strategy Policy 1 of the South Staffordshire Core Strategy (December 2012) categorised Penkridge as one of nine 'Main Service Villages' within the current settlement hierarchy.
- 5.5. Prior to that, the 1996 Local Plan (and the examining Inspector) recognised the role of Penkridge as a suitable location for new housing, with good services and access to public transport. The then allocation of land for the provision of 150 new dwellings at Penkridge was the largest residential allocation contained within that adopted 1996 Local Plan and Penkridge was the only settlement which included both a positive site allocation and an allocation for 'White Land' within the Plan (ie now Site 005).
- 5.6. It is recognised that Penkridge benefits from an excellent level of essential community services and access to a wide range of public transport and supporting infrastructure. Penkridge also benefits from the following community facilities:
- The Haling Dene Community Centre
  - Library (Open Monday to Saturday with varying opening times)
  - Two allotment sites (23 plots to the rear of Haling Dene Centre and 44 plots at Wolgarston Way)
  - Four play areas and one skate park
  - Burial ground
  - St Michael and All Angels Church
  - Leisure centre (with a swimming pool, gymnasium, 3G sports pitch and sports hall)
  - Medical Practice

- Numerous shops and services

- 5.7. Penkrige is also supported by three first schools, with a campus of Staffordshire College situated 2km to the south of the settlement. Additional First School provision is proposed through Policy SA4.
- 5.8. Policy DS5 seeks to direct growth to the most sustainable locations within the District, and Penkrige's identification at the top of this hierarchy rightfully recognises that the settlement has a wide range of services and is well connected, making it an ideal location for development.
- 5.9. Policy DS5 also details that this sustainable growth will be delivered through appropriate allocations made through the Local Plan. The allocation of Land at Cherry Brook is supported. The site has been identified for development since the 1996 Local Plan and has featured consistently in SSDC planning policy thereafter. This is continued recognition that Penkrige is a sustainable settlement and that development at the Site is both achievable and deliverable.

#### Residential Use of the Land

- 5.10. The Cherry Brook site is capable of early development in the first five years of the plan period and will complement the larger, strategic scale allocations within the Plan (including that at Policy SA4, North of Penkrige) which will take longer to deliver. In doing so, local housing needs can be met consistently throughout the plan period.
- 5.11. The use of this Site for residential purposes has been enshrined within local plan policy for over a quarter of a century since the adoption of the Local Plan in 1996. Within the Inspector's Report for that Plan, they assessed the Application Site's suitability for allocation as 'White Land', noting that it was within walking distance of facilities, as well as being well contained with the potential to create a strong northern boundary to the Site. That all remains the case today. It has, therefore, long been established in policy terms that the Site is sustainable, suitable, available and deliverable for residential development.
- 5.12. By its very nature, 'Safeguarded Land' is land located between the urban edge and the Green Belt which is also required to be well integrated with existing development. As part of the allocation process the 'Safeguarded Land' was rigorously assessed in terms of the impact of future development upon environmental and landscape quality. By virtue of its earlier identification as 'Safeguarded Land', the residential use of the Site was confirmed as acceptable in principle by SSDC, and that confirmation is now endorsed by this Plan's positive allocation.
- 5.13. Previously, Core Strategy (2012) Policy GB2 retained the allocation of the Site as 'Safeguarded Land', and the Site remained outside of the Green Belt for the purposes of meeting future development needs in the District. Policy SAD3 of the Site Allocations Document continued



to retain the Application Site as a 'Safeguarded Land' allocation, again strengthening the role of the Site in the future delivery of housing within the District.

- 5.14. The above historic context clearly evidences the Council's lengthy support of the Site's capabilities to meet the identified unmet housing need in a sustainable manner.

#### Sustainable Connectivity

- 5.15. Penkrudge is a highly sustainable and accessible settlement within South Staffordshire District, underpinned by its position as one of the nine 'Main Service Village' at the top of the Settlement Hierarchy in the adopted Core Strategy and within the proposed 'Tier 1 Settlement' of the new settlement hierarchy proposed within the Plan.

- 5.16. The Site is well located and connected within the settlement of Penkrudge itself and is approximately 800 metres from the village centre, with its range of supermarkets, convenience stores, specialist shops, cafes and restaurants. In terms of access to other main services and facilities in Penkrudge, the Site is:

- 600 metres from the nearest first school (Princefield First School)
- 500 metres from Wolgarston High School
- 500 metres from Penkrudge Leisure Centre
- 500 metres from Haling Dene Community Centre
- 1.5 kilometres from Penkrudge Medical Centre
- 800 metres from the nearest allotment site to the rear of the Haling Dene Centre
- 1.7 kilometres to Penkrudge Railway Station
- 200m from the nearest bus stop (located along Cannock Road)

- 5.17. Penkrudge is well served by frequent bus services running between Wolverhampton and Penkrudge along the A449. The bus stops nearest to the Site are located along Cannock Road and are served by bus numbers 813, 817, 875, and 878 which run between Cannock, Stafford and Coven.

- 5.18. Penkrudge also benefits from a mainline railway station on the Birmingham branch of the West Coast Mainline. The station is operated by West Midlands Trains, who also run the station's train services. There are two trains per hour southbound calling at stations to Birmingham New Street, including Wolverhampton. There are two trains per hour northbound to Stafford and Liverpool Lime Street Monday to Saturday peak times, and one train per hour at off peak times. On Sundays there is an hourly service each way.

- 5.19. When developed, the Site will encourage walking and cycling within the settlement, and also proposes to improve the connectivity to the east and west of the Canal. There is a footbridge across the Canal approximately 200 metres to the north of the northern boundary of the site. This footbridge provides a potential link to Penkrudge Middle School located to the north west of the site.

- 5.20. It is considered that a 'Tier 1 Settlement' such as Penkridge is a highly appropriate location for the release of a previously safeguarded site to meet the current shortfall in housing delivery. The scale of development proposed is proportionate to the size of Penkridge and the level of services and facilities available within the settlement, which is reflected in its long-standing allocation as a safeguarded residential site. The proposed development would accord with the three dimensions of sustainable development identified within paragraphs NPPF ¶7&8.

### **Technical Assessment**

- 5.21. The Cherry Brook site has previously been the subject of a planning application (ref: 18/00307/OUT) which was recommended for approval by planning officers at the Council. Members of the committee refused the application on grounds of prematurity only, the reason for refusal stating;

*"The proposed development is contrary to the policies for the control of the development on 'Safeguarded Land' within the adopted Core Strategy and Site Allocations Document and is contrary to Policies GB2, EQ1, EQ4 and SAD3. Also the proposed development is contrary to NPPF Paragraphs 139 d), 170 d) and Paragraphs 193-202."*

- 5.22. In preparing the application a suite of technical reports was prepared which illustrated that the site could be delivered without compromising those matters material to an application's determination. In summary, those consideration are addressed below.

### **Landscape and Visual Impact**

- 5.23. A Landscape and Visual Impact Assessment was prepared in support of the site. It confirmed that the site was not located within any national or local statutory landscape designations, with the Cannock Chase Area of Outstanding Natural Beauty over 3.5 kilometres to the east. Residential development at the site would not adversely affect any highly sensitive landscape.

- 5.24. It further noted that the site is generally well enclosed with views into the site predominantly screened or filtered by the site boundary hedgerows, woodland and scrub. The LVIA concluded that the proposed development would not significantly alter the characteristics of the wider landscape, by virtue of its containment with existing vegetation and the enclosed nature of the landscape. A residential development on the site would fit within the existing village and field pattern and would not be out of scale with the surrounding landscape.

### **Traffic and Transport**

- 5.25. Vehicular access to the site is proposed to be from taken from Kentmere Close, via Cherrybrook Drive, the Proforma sheet at page 193 of the Publication Plan, should be updated to reflect this for clarity, and not simply refer to Cherrybrook Drive. A significant and detailed assessment was undertaken as part of the earlier application to confirm the suitability of



Kentmere Close to provide access. That work confirmed that the proposed access would be of sufficient width to accommodate traffic and it further provided supporting evidence that access from Kentmere Road is safe, and that sufficient highway capacity exists, and there are no ransom strips or land ownership issues which would prevent delivery.

- 5.26. It is also confirmed in reference to application 18/00307/OUT that the County Highways Department raised no objection to the use of Kentmere Close as an access point to the site, confirming both its safety, capacity and suitability for residential development.

#### Heritage Matters

- 5.27. The supporting Heritage Assessment considered the implications of the development on the historic environment, and specifically the potential archaeological significance of the Site, the impact upon the adjacent Staffordshire and Worcestershire Canal Conservation Area and the setting of the closest listed building Wolgarston Farmhouse, which is Grade II listed. It found that the archaeological significance of the allocation site allocation site was not sufficient to constrain any further development and overall, a residential development of the site would not result in any identified harm to the significance of designated heritage assets.

#### Ecology and Biodiversity

- 5.28. An Ecological Assessment prepared for the site concluded there are no significant ecological constraints to site development. It also recommended biodiversity enhancements, such as the incorporation of new planting comprising native and wildlife friendly species, particularly within the proposed areas of open space adjacent to the Canal and attenuation basin. This would help achieve net biodiversity gain.

#### Flood Risk and Drainage

- 5.29. As the site exceeds 1 hectare, a Flood Risk Assessment was prepared. The site is identified on the Environment's Agency's online flood map as being fully located within Flood Zone 1. A drainage strategy developed for the site proposed an attenuation basin within the north western corner of the site, which would provide an opportunity for surface water treatment, having both ecological and amenity benefits. The FRA and Drainage Strategy confirmed that the site complies with the requirements of the NPPF to locate new development avoiding areas which are subject to flood risk (NPPF Paragraph 103) and would not have any adverse impact upon water quality.
- 5.30. A Sewage Capacity Assessment confirmed that both the existing foul water sewer running from east to west across the site and the Penkrudge sewage treatment works have sufficient capacity to accommodate flows from the site.

#### Noise

- 5.31. A noise assessment undertaken for the site demonstrated that suitable noise levels within habitable rooms could be achieved through appropriate glazing and ventilation systems. The



Acoustic Report concluded that prevailing noise could be adequately controlled to meet with the requirements of the NPPF.

#### Air Quality

- 5.32. The Air Quality Assessment confirmed that the site is not located within or in close proximity to an Air Quality Management Area. The proposed residential development would not be considered to have any significant air quality effects once operational, and mitigation would therefore not be required. The development operational traffic emissions were assessed, and it was concluded that this would have an insignificant effect on local air quality.

#### Conclusions

- 5.33. From the technical work previously undertaken which remains valid, it has been demonstrated that the site has both the capacity and qualities to be suitable for residential development. Persimmon Homes supports the principle of the proposed allocation of Land at Cherry Brook Drive for development and also the allocation of Penkridge as a Tier 1 settlement.

## 6. Development Management Policies

### Policy HC1 – Housing Mix

- 6.1. Housing mix should be guided by market signals as reflected in the most up-to-date assessment of needs. Such assessments will need to be updated over the course of the Plan period. The requirement that 70% of properties comprise of three-bedrooms or less is restrictive and does not afford the flexibility expected by NPPF ¶162 in order to meet the need to provide for a range of size, type, and tenure for different groups.
- 6.2. The use of the phrase ‘disproportionate’ in the penultimate paragraph, when describing the quantum of 4+ bedroom houses, lacks the precision and clarity needed for a Plan policy.
- 6.3. The policy should also comment that all is subject to viability assessment, thus allowing for flexibility in its application.
- 6.4. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

### Policy HC3 – Affordable Housing

- 6.5. The use of the phrase ‘*major residential development*’ in this context requires a definition to save confusion as to what size of development affordable housing becomes a requirement, it is presumed to be the same as that within the NPPF Glossary. The policy also needs to ensure that evidence is provided when considering viability, especially when looking at brownfield sites.
- 6.6. The frequent reference to further guidance being provided by the Affordable Housing SPD is noted. The SPD should do no more than clarify the Local Plan policy, and it is suggested that if the requirements for implementing the policy are known to need explanation now, then these should either be included within the Plan now or set out within the explanatory text. The SPD is not the appropriate vehicle for setting new policy and or burdens on delivery which may not have been included in the Plan’s Viability Appraisal, and the Plan should provide clarity at the point of adoption as to what it requires.
- 6.7. The policy is considered unsound, as it is neither justified nor consistent with national policy for the reasons set out above.

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

- 6.8. Policy HC4 notes major development should:

*‘...clearly contributes to meeting the needs of older and disabled people.’*

- 6.9. It stipulates that all major development should provide bungalows, age restricted single storey accommodation, sheltered/retirement living and extra care housing.
- 6.10. Such specialist housing, especially that related to extra care and retirement living, often needs a minimum critical mass to be viable (for example, extra care units typically require 60+ bedrooms to be viable). Taking the allocated site at Cherry Brook as an example, proposed for circa 88 homes, this is simply not at a size or scale which could support all these forms of specialist housing.
- 6.11. The policy needs to provide much greater clarity on when such housing will be required as part of a major development, and to make clear that some (possibly not all) housing types may be required on any given site.
- 6.12. It is further noted that since the preferred options consultation, the plan has moved from expecting 30% all homes to be Building Regulation M4(2) compliant, it now requires 100% of all housing to be M4(2) compliant. This brings with it significant additional issues of affordability, in a context where the access and affordability of housing is an area of wider concern. Whilst the principle of provision of a percentage of M4(2) accessible is agreed, it is not a requirement of the whole population to have such provision.
- 6.13. The Plan, therefore, is building in unnecessary cost and expense into the delivery of new housing, which ultimately will be paid for by the purchaser. It will be reflected in unnecessarily more expensive (ie less affordable) housing for all, and the necessity for the requirement is questioned. Moreover, the Council's **Viability Assessment** work is underpinned by an assumption that only 30% of the Housing delivered is to M4(2) standard (Draft Stage 1 Report ¶127. This is an error in the viability baseline work, and must be revisited to ensure robustness in the Plan's delivery assumptions.
- 6.14. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

#### **Policy HC8 – Self-build and Custom Housebuilding**

- 6.15. The second paragraph of the policy should be clear that in having regard to the Council's self-build register, it is only part 1 of the register which needs to be taken into account. The policy should also recognise, that delivery of self-build housing on new residential sites, successfully occurs when there is a distinct phasing or grouping of plots, secured for such delivery. On sites of limited scale, such as Cherry Brook, this is unlikely to be a feasible delivery option, especially where there is a much larger allocation opportunity at Penkridge, where such sub-division is more capable of delivery.
- 6.16. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.



### **Policy HC10 – Design Requirements**

- 6.17. The provision of tree lined streets (item c) should be identified within policy as being subject to highway authority agreement, and where appropriate, their adoption.
- 6.18. Item l) regarding house types and tenures is a repetition of policy material discussed in Policies HC1 – Housing Mix and HC3 – Affordable Housing and is therefore unnecessary.
- 6.19. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

### **Policy HC12 – Space around dwellings and internal space**

- 6.20. The Policy requirement to comply with the implementation of the Nationally Described Space Standards (NDSS) is generally supported. However, some flexibility must be allowed in its application as occasionally a small minority of dwellings on larger sites may require non-compliance with NDSS for sound urban design reasons. This flexibility should be applied to limited exceptions that are thoroughly reasoned, the policy should be amended to reflect this.
- 6.21. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

### **HC14 – Health Infrastructure**

- 6.22. This policy refers to proposed developments causing ‘*unacceptable impact*’ on existing healthcare facilities but fails to define what level of impact is deemed unacceptable or how that is to be measured. The policy should acknowledge that not all residents of a development will be new to a catchment area and may indeed already be registered by the local health care provider, thereby not creating a net additional burden.
- 6.23. Careful analysis is required therefore with regard to the capacity of existing infrastructure to accommodate new patients, before reaching a conclusion as to what any CIL Regulation 122 compliant financial request might be. The requirement for CIL Reg compliance of any request should be clearly specified within policy.
- 6.24. The policy is considered unsound without amendment, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

### **HC15 – Education**

- 6.25. The policy makes a blanket assumption that new education infrastructure will be required from all new development. However, any such provision to be delivered by a S106 agreement, must have regard to the tests of CIL Regulation 122. The policy should make this explicit. In this regard, the policy should also recognise new infrastructure will be required from new development, only where it can be demonstrated that existing capacity to accommodate growth does not currently exist.

- 6.26. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

#### **Policy EC11 – Infrastructure**

- 6.27. We note that the policy commits the Council to work with and support infrastructure providers and also offers policy support for this. Any assessment of cumulative impact and mitigation requested must be proportionate and CIL Regulation 122 compliant. The policy should be explicit that this is the case.
- 6.28. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

#### **NB2 – Biodiversity**

- 6.29. Persimmon Homes are generally supportive of the need to address net losses to Biodiversity, through the provision of enhancement to deliver and overall net gain. The Council's policy requirement to deliver 10% Biodiversity Net Gain, reflects that of the Environment Act and is not objected to.
- 6.30. In delivering net gain, however, the policy needs to provide as much flexibility as possible. The key test of policy is whether the 10% BNG is being delivered, not necessarily the specific method by which it is delivered.
- 6.31. In this regard, certain aspects of the policy would benefit from clarification. Subsection a) for example, discusses '*maintaining and enhance existing habitats*' on development sites as a priority. It has to be questioned, however, that where sites are allocated for delivery, whether such a goal is achievable. Certainly, it is good practice to retain where possible, hedgerows, mature trees and other key ecological assets. However, for the policy to indicate that habitat protection on site is a priority, over matters such as high-quality urban design, or delivery of any of a raft of other local plan policies, gives this specific element of policy delivery an undue prominence.
- 6.32. The policy would benefit from some limited re-wording (replace '*as a priority*' with '*where possible*' for example) to provide a more balanced and practical response to achieving the necessary 10% BNG delivery.
- 6.33. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

#### **NB6 – Sustainable Construction**

- 6.34. Concern is raised with some of the technical detail raised in Policy NB6. Clause 3 regarding embodied carbon, includes the statement;

*Developers must ensure that a recognised monitoring regime is put in place to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed*



*dwellings (of the council's choosing) for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority.*

- 6.35. Whilst Persimmon fully appreciate the value of Whole Life–Cycle Carbon assessments and the need for some form of post construction, pre–occupation assessment, there is concern raised about this policy. Firstly, once sold the properties will be owned by the purchasers and their mortgagees. There are issues of data protection and consent surrounding the recording and sharing of energy use, air quality an overheating risk data by Persimmon, with a third party, in respect of properties that they will not own.
- 6.36. Secondly, a question arises as to the purpose of such widespread collation of such data. It will not be possible to *post factum* make alterations to the constructed buildings, so what is the benefit or purpose of such a significant amount of data collation? If the purpose is to inform and advise as to future construction methods, then this could be equally achieved by an informed and targeted research exercise by organisations such as the BRE in advising Governments and through amendments to building regulations. Extracting, what is in effect lifestyle data, from private individuals, is neither considered desirable nor practical in this regard.
- 6.37. There is no evidence to suggest that the Council have considered or addressed the GDPR implications of this requirement, its effect on 'mortgage–ability', or indeed its effect on sales values. Presumably properties which are wired to share private individual's lifestyle data, would be less attractive in the market place, and that would be reflected in reduced sales values. This element of the policy is not practical to be delivered in the form proposed, and is therefore considered unsound, on the grounds of being neither *justified* nor *consistent with national policy* for the reasons set out above.



## 7. Conclusion

- 7.1. This representation is made by Pegasus Group on behalf of Persimmon Homes to the South Staffordshire Local Plan Publication Plan (Regulation 19) consultation. The representation relates to their promotion for residential development of the draft allocation 005 site at Cherry Brook, Penkridge.
- 7.2. Persimmon Homes is supportive of the Local Plan overall, including the decision to include land at Cherry Brook as an allocation.
- 7.3. The information contained within this representation, read in conjunction with the appended Vision Document, demonstrates that the Site is a suitable and deliverable site for residential development, subject to its allocation.
- 7.4. Subject to concerns on soundness relating to the clarification of Strategic Objective 2 and Policy DS2 and the objections on grounds of soundness to specific detail within Policies, HC1, HC3, HC4, HC8, HC10, HC12, HC14, HC15, EC11, NB2, NB6, and an update to reference Kentmere Close, as the immediate point of access on the pro-forma at Local Plan page 193, Persimmon Homes are broadly supportive of the Plan, and specifically they support the draft allocation of their site at Cherry Brook, Penkridge.



## **APPENDIX 1**

### **VISION DOCUMENT**

See Separately attached document

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