



1 Springhill SHIFNAL Shropshire TF11 8FA

Tel: 07976 080813

Email: andy@advance-planning.co.uk

**SOUTH STAFFORDSHIRE LOCAL PLAN 2023-2041
PUBLICATION PLAN
Regulation 19**

**LAND OFF SAREDON ROAD, CHESLYN HAY
(SITES 119 (part); 119a and 119b)**

On behalf of Mr M. Stephens

May 2024

CONTENTS

1	INTRODUCTION	3
2	LAND OFF SAREDON ROAD (SITES 119 (PART); 119A & 119B)	3
3	REPRESENTATIONS	4

Policy DS5 – The Spatial Strategy to 2041

Settlement Hierarchy

Spatial Distribution of Housing Growth

Policy SA5 – Housing Allocations

Sites 119 and 119a

Omission Site 119b

Policy HC3 – Affordable Housing

Policy HC14 – Health (Integrated Care Board)

Policy HC17 – Open Space

Policy NB6a – Sustainable Construction

4	CONCLUSIONS	10
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APPENDIX 1 **Illustrative Development Concept (2241-100)**

APPENDIX 2 **Transport Assessment (Suggested Additional Site 119b)**

1.0 Introduction

1.1 This representation is submitted on behalf of Mark Stephens, who owns approximately 5.53 hectares of land on the north side of Saredon Road, Cheslyn Hay. The following comments are generally consistent with, but expand upon those we submitted in respect of the Housing Strategy and Infrastructure Delivery consultation in 2019; the Preferred Options consultation in December 2021 and the superseded Publication Plan November 2022.

2.0 Land off Saredon Road (Sites 119 (part)/119a/119b)

2.1 Our client's land comprises two fields that extend from a private track in the east (serving as a right of way to a former sewage works, currently operating as a sawmill and wood yard), up to a woodland belt with the M6 Toll Link Road, beyond, to the north-west.

2.2 The eastern field parcel is triangular in shape and measures approximately 2.6 hectares. It is flat and featureless and slopes very gently down to a watercourse in the north-west. The parcel is well-defined by Saredon Road to the south-west and mature hedgerow vegetation along the north-eastern boundary. Its northern boundary is defined by a broken hedge along the line of the watercourse, with a crossing into the western field parcel

2.3 The western parcel is roughly square shaped and measures approximately 2.93 hectares. It is similarly featureless, but with a gentle slope down to the watercourse in the east. It too fronts onto Saredon Road in the southwest; its north-western boundary adjoins a woodland belt; and its north-eastern boundary adjoins a large scale industrial building on the South Staffordshire Business Park. It therefore has well-defined boundaries and exhibits a strong sense of physical and visual enclosure.

2.4 In terms of land-use planning, the south-eastern tip of our client's land is already allocated for housing as part of SAD Site Allocation 119. This small residual element of the Site 119 allocation measures approximately 0.6 hectare and its western boundary is not defined by any physical features to separate it from the land immediately to the west (119a).

- 2.5 The remaining part of the eastern field parcel, measuring approximately 2 hectares, together with a former sewage works now used as a sawmill/wood yard to the north, in separate ownership (approximately 0.7 hectare), was also removed from the Green Belt and identified as Safeguarded Land (Site 119) in the adopted Site Allocations Document (2018). The safeguarded land is now proposed for housing (119a).
- 2.6 Because of access constraints, it is unlikely that the sawmill/wood yard could be redeveloped independently of our client's land and recent planning history suggests that the owner is more intent on seeking to establish and consolidate the commercial use, rather than to make the land available for residential development. In these circumstances, there must be a serious question-mark about the availability and deliverability of the wood yard.
- 2.7 Our client's western field parcel (119b) is currently in the Green Belt, it has employment development to its north-east and existing and proposed housing to its south-east (housing), with a highways depot to the north. It therefore, appears very much within the physical and visual confines of the settlement and distinct from the open countryside on the south-western side of Saredon Road.

3.0 Representations

Policy DS5 (and Table 8) The Spatial Strategy to 2041

Spatial Strategy for Housing

- 3.1 We generally support the text that is highlighted at paragraph 5.14 of the Plan which confirms that *"the council's preferred approach is Spatial Option 1 - a capacity-led approach focusing growth to sustainable non-Green Belt sites and limited Green Belt development in Tier 1 settlements well served by public transport."* (emphasis added)

Settlement Hierarchy

- 3.2 Great Wyrley and Cheslyn Hay are conjoined Tier 1 settlements that independently and jointly offer a wide range of community services and facilities and also are close to significant employment areas. They are in a highly accessible location between Cannock to the north and the West Midlands conurbation less than 2km to the south at its closest point. They also benefit from excellent links to the local, regional and national road networks and also a rail link. Consequently, these two settlements represent a logical and sustainable location for housing growth.

- 3.3 We therefore support the settlement hierarchy approach that has been devised, supposedly to reflect the level of service provision at each settlement (paragraphs 2.7 and 2.8 and Map 1). More particularly, **we support the Spatial Strategy set out in Policy DS5**, which states:...*“Throughout the district, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy set out below”* and, *“An integral part of the Strategy will be to ensure that growth is distributed to the district’s most sustainable locations, avoiding a disproportionate level of growth in the district’s less sustainable settlements.....”*. The Policy also states that: *“It will also seek to maintain and enhance the natural and historic environment and the local distinctiveness of the district and retain and reinforce the current settlement pattern.”* (emphasis added)

Spatial Distribution of Housing Growth

- 3.4 Whilst we support the general spatial strategy and the release of suitable (free from significant constraints) Green Belt sites in Tier 1 settlements, we suggest that factors other than walking distance of railway stations (paragraph 5.19) should be taken into account, and suggest that accessibility to employment opportunities and more particularly the proximity to schools and other community services, are just as important when assessing ‘sustainability’.
- 3.5 Furthermore, we **object** to the proposal to only allow to what is tantamount to limited further growth at Cheslyn Hay/Great Wyrley beyond the existing allocated/safeguarded land, equating to just 11.3% of the total proportion of housing delivery, as compared with almost 25% in the other two Tier 1 settlements. (Table 8).
- 3.6 We suggest that there is scope to allocate additional land adjacent to the proposed allocation Site 119a, at Saredon Road Cheslyn Hay, which is no less sustainable than many other of the allocations in Great Wyrley and Cheslyn Hay and other settlements.

Policy SA5 (and Appendix C Page 183) Housing Allocations

Sites 119 and 119a – Saredon Road, Cheslyn Hay

- 3.7 We agree with the Council that land at Saredon Road, Cheslyn Hay represents an excellent location for new housing development on the former SAD Site 119 and also the proposed new allocation of Site 119a. This location is immediately opposite both Cheslyn Hay Primary School and also Cheslyn Hay Academy (Secondary), as well as the Leisure Centre.

- 3.8 We can confirm that the residual element of SAD allocation Site 119 (0.6 ha) remains available for development, in conjunction with our client's adjoining land (119a and omission Site 119b).
- 3.9 Site 119 was scrutinised and endorsed by the Council and the Inspector through the SAD plan-making process and it was subsequently removed from the Green Belt, placed within the Inset boundary for Great Wyrley and allocated for housing. Our client has delayed bringing forward this small parcel, so as to await the allocation of the safeguarded land for housing and allow it to be developed comprehensively along with our client's adjoining land. **Accordingly, we suggest that this residual element of Site 119 should be identified as a housing allocation along with Site 119a.**
- 3.10 **We also support the Council's Proposed Housing Allocation of our client's (southern) part of Site 119a for housing (2 ha).**
- 3.11 In a District such as South Staffordshire, which is predominantly Green Belt, it is important to make best use of land that is not in the Green Belt. The proposal to remove Site 119a from the Green Belt and 'Safeguard' it to meet future development needs, was scrutinised and endorsed by the Inspector through the SAD process. Residential development on the majority of the SAD allocation Site 119 has been implemented and it so makes sound planning sense to now bring forward our client's portion of Site 119a for development, along with the residual element of Site 119. Together, we estimate that these two areas (excluding the wood yard to the north) could accommodate around 60 dwellings.
- 3.12 We do not object to the future residential redevelopment of the northern part of the proposed housing allocation Site 119a (which is currently used by the owner as a sawmill/wood yard), however, given that over recent years, the owner has submitted several applications and appeals to secure the use of the land as a sawmill/wood yard (0.7 ha) and to date has shown no inclination of wanting to develop the land for housing, we have to question whether this separate, land-locked property is genuinely available and so whether it is unsound include it within the site allocation 119a. **We suggest that it might be prudent to simply include it within the Development Boundary of Cheslyn Hay, but without notation, so that it can come forward as an acceptable modest windfall, if and when circumstances allow.**

Omission Site 119b

- 3.13 **We strongly maintain that there is compelling policy-based evidence to support the deletion of Site 119b (2.93 hectares) from the Green Belt and its allocation for housing (circa 40-50 dwellings), with a green/open space buffer around the north-western and north-eastern edges. We suggest that Site 119b represents one of the less constrained site options for development and so it should have been allocated to better fulfil the spatial development strategy. Such a proposal would allow for the delivery of an attractive and well-planned comprehensive development in conjunction with Sites 119 and 119a.**
- 3.14 The Illustrative Development Concept Plan (2241-100) included as **Appendix 1**, demonstrates how the residual part of the original allocation Site 119; the proposed allocation Site 119a and also the suggested additional Site 119b (5.53 hectares) could be comprehensively developed for housing (minimum 100 dwellings), whilst providing a substantial green/open space buffer around the north-western and north-eastern boundaries, which could potentially remain in the Green Belt, if considered appropriate.
- 3.15 We note that the Council commissioned a Green Belt Study (2019) and a Green Belt Study Addendum in 2022, that assess the harm that would result to the Green Belt if land were to be released in various locations. We also note that a Landscape Sensitivity Assessment was published in 2019 with an Addendum in 2022. These Studies, represent two of the most important elements of the evidence base that ought to have influenced the Plan more than they appear to have done so.
- 3.16 **It is particularly worthy of note that Site 119b is assessed as having a rating of 'low/moderate' harm to the Green Belt (parcel S6A) and in point of fact, the majority of its ratings against the five green belt purposes are assessed as 'weak/no contribution'. The parcel is also assessed as having 'low landscape sensitivity' in the Landscape Study (parcel SL68).**
- 3.17 Furthermore, the land is in flood zone 1; it holds no known heritage or significant biodiversity value and its development would not compromise the continued working of the nearby clay pit further to the east. Development in this location would sensibly round-off and consolidate the built-up area in this highly sustainable location close to schools and employment opportunities.

- 3.18 As stated above, we have strong concerns about the strategy of limiting housing growth in Cheslyn Hay and Great Wyrley, which could be overcome by allocating more land for development. There is compelling evidence to justify the allocation of Site 119b. Indeed, we suggest that when considered against alternative sites and locations, there are compelling policy and practical reasons for removing this land from the Green Belt for development in conjunction with the adjacent allocations (119 and 119a), in a manner that would consolidate the current settlement pattern, as sought by Policy DS5.
- 3.19 The Sustainability Assessment (Appendix H page H19) confirms that development of Site 119b would have lower Green Belt harm and the site also has lesser Landscape sensitivity, which are both major advantages. The only reason we can identify from the published evidence, for rejecting the site, appears to be because the *“highways authority raise initial concerns with impact on surrounding junctions”*.
- 3.20 From correspondence with the County Council, it is understood that these ‘initial concerns’ were not based upon a detailed technical assessment of the potential additional impact the allocation of site 119b might have on the road network, presumably over and above the acceptable proposed sites (119 and 119a). Instead they represented an initial, informal opinion that was expressed by the County Highways Officer to the Local Planning Authority.
- 3.21 Consequently, a Transportation Assessment has been undertaken and is included as **Appendix 2** to this representation. It concludes that the local highway network does, indeed, have the capacity to accommodate the development of Site 119b and that there are no overriding highway concerns that cannot be appropriately addressed and mitigated.

Policy HC3 – Affordable Housing

- 3.22 **We note that the latest SHMA (2024) identifies an affordable housing requirement of around 28% in the North-Eastern Locality 3, nevertheless, we support the proposed affordable housing target of 30%.**

Policy HC14 Health Infrastructure

- 3.23 Health Infrastructure is properly funded through the NHS and we are concerned that the requirements for potential financial contributions to the Integrated Care Board represents nothing more than another ‘roof tax’ on new housing.

- 3.24 The premise seems to imply that the provision of new homes will inevitably add to demands on Health Infrastructure that are not, or cannot otherwise be funded. It should be noted, however, that the Local Plan allocation is primarily to meet local housing needs. The requirement implies that all the future residents will be new to the area and not already 'in the system', but in reality, the opposite will be true – the majority of occupiers, especially first time buyers and the elderly, are already likely to be living in the area and therefore the new homes will not necessarily create additional pressures on health infrastructure.
- 3.25 In any event, the NHS already has responsibility to fund and provide care for residents of the development, whether they are already local to the area or not. It is therefore unclear how a developer can legally be required to contribute to the funding of NHS care that is entirely unrelated to the development. This view is supported by recent case law (*R. (on the application of University Hospitals of Leicester NHS Trust v Harborough DC) [2023] EWHC 263 (Admin)*)
- 3.26 In the circumstances, **we are compelled to object to Policy HC14.**

Policy HC17 Open Space

- 3.27 **We support the proposed open space requirement of 0.006ha per dwelling, although we consider that there should be some flexibility as to whether on-site open space on of 33 dwellings or above, should include equipped play provision, especially where good quality provision is accessible nearby.**

Policy NB6A Sustainable Construction

- 3.28 We do not consider that there is a clear and compelling evidence base to require carbon reduction measures over and above those introduced by the Government's recent changes to Building Regulations Part L (mid-2022) and its proposals for the Future Homes Standard (2025). Indeed, a Written Ministerial Statement by the Minister for Housing Planning and Building Safety on 13 December 2023 made it clear that *"the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale"*.

3.29 **We strongly object to Policy NB6A (A1-A5), which we consider is not justified and which will detrimentally impact on the viability and deliverability of new housing development in the District.**

4.0 Conclusions

4.1 We support the proposed spatial strategy which focuses growth to Tier 1 and to a lesser extent, Tier 2 settlements identified in Policy DS5.

4.2 We consider that it is unsound for the Plan to 'limit' housing growth in Cheslyn Hay and Great Wyrley to just 11.3% of the total proportion of housing delivery, as compared with almost 25% in the other two Tier 1 settlements. (Table 8). Housing provision should be more comparable with the two other Tier 1 settlements.

4.3 We confirm that the residual element of the SAD allocation Site 119 (0.6 ha) remains available for development in conjunction with our client's adjoining land (proposed allocation site 119a and omission site 119b). Accordingly, it should remain as a housing allocation.

4.4 We also support the Council's proposed housing allocation of our client's part of Site 119a (2 ha).

4.5 We suggest that our client's land (119 and the southern part of 119a) could reasonably accommodate around 60 dwellings.

4.6 We do not object to the future residential redevelopment of the northern part of the proposed housing allocation Site 119a, which is currently used as a sawmill/wood yard. However, we must seriously question whether it is genuinely available and can be relied as part of the housing allocation. In the circumstances, we suggest that it might be prudent to include the property within the Development Boundary of Cheslyn Hay, albeit without notation, so that it could potentially come forward for housing, as an acceptable modest windfall, if and when circumstances allow.

- 4.7 We also strongly maintain that there is compelling policy-based evidence (Green Belt and Landscape Assessments and its close location to local primary, secondary schools and leisure facilities) to support the deletion of Site 119b (2.93 hectares) from the Green Belt and its allocation for housing (circa 40-50 dwellings), with a green/open space buffer around the north-western and north-eastern edges. Such a proposal would allow for the delivery of an attractive and well-planned comprehensive sustainable development in conjunction with Sites 119 and 119a.
- 4.8 Our submitted Transport Assessment (**Appendix 2**) demonstrates that the local highway network does, indeed, have the capacity to accommodate the development of Site 119b and that there are no overriding highway concerns that cannot be appropriately addressed and mitigated.
- 4.9 We support Policy HC3 and offer qualified support for Policy HC17, but we are compelled to object to Policy HC14 and also Policy NB6A.