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Dear Sir / Madam,

**KINVER NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION
BARRATT WEST MIDLANDS – DUNSLEY ROAD KINVER**

On behalf of Barratt West Midlands (hereafter referred to as 'Barratt'), we are writing to respond to the Kinver Neighbourhood Plan ('NP') Regulation 16 Consultation.

Barratt has interests in two parcels of land comprising circa 16.5 hectares (41 acres) to the north (Site A) and south (Site B) of Dunsley Road, Kinver (the 'Sites'). Barratt is promoting the land for around 255 dwellings, a potential community use and public open space through the South Staffordshire Local Plan process. A Site Location Plan has been submitted in support of this response and this can be found within the submitted Vision Document.

A range of technical work has been undertaken to support the promotion of both Sites and assess the impact of any future development on the landscape, local highways network, ecology, trees and adjacent heritage assets. This work has been used to inform the submitted Vision Document and development proposals on the Sites.

In the Regulation 14 version of the Plan, two parcels of land within Site A were proposed to be designated as Local Green Space ('LGS') (Sites K03 and K21). Following the comments made by Barratt in their responses to the LGS landowner consultation (March 2022), Regulation 14 consultation (October 2022) and the additional Regulation 14 consultation (November 2022), Site K21 has been removed as a proposed LGS designation in the Regulation 16 NP. Barratt strongly supports the removal of proposed LGS K21 and the Parish Council's acknowledgement that the designation of this land as LGS did not meet the National Planning Policy Framework's ('NPPF') criteria (paragraph 102).

Site K03 (Grass bend on Canal N of Hyde Lock – site reference 13 in LGS March 2022 consultation) is still proposed to be designated as LGS in the Regulation 16 NP. As previously set out in Barratt's responses to the Regulation 14 and LGS (March 2022) consultations, Site K03 is currently not publicly accessible. The Planning Practice Guidance ('PPG') recognises that LGS "*designation does not in itself confer any rights of public access over what exists at present*" (Reference ID: 37-017-20140306). However, the PPG encourages Parish Councils and landowners to engage on potential LGS access (Reference ID: 37-017-20140306) and management (Reference ID: 37-021-20140306). Barratt considers that development of their land interests to the south of K03, as shown in the submitted Vision Document, could potentially offer an opportunity to enhance Site K03 (which Barratt also controls) and provide public access and community benefits. Barratt welcomes further engagement with the Parish Council to discuss proposed LGS K03 further.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Consultation Response

Policy KN02 (Housing)

Part 2 of Policy KN02 states that 2 and 3 bedroom homes should be prioritised. The supporting text on page 25 of the NP also quotes percentages provided within the Housing Needs Assessment ('HNA') (76% for 3 beds and 21% of 2 beds). It is important to note that these percentages in the HNA are 'indicative' and should not be used as a basis for determining the housing mix on sites. The HNA is clear that other factors should be considered in determining the dwelling mix that is desirable in Kinver including the characteristics of the existing housing stock, the role of the site within the wider Black Country and South Staffordshire market area and site specific factors which may justify a particular dwelling mix (paragraphs 35 and 27 and page 81). We consider that Policy KN02 should be amended to reflect the HNA's acknowledgement that housing mix should be determined on a site by site basis and on market signals that prevail at the time of an application or development coming forward (NPPF paragraphs 31 and 61). Without this flexibility, we do not consider that the NP meets basic condition (d) (contributing to the achievement of sustainable development).

Barratt previously commented on the inconsistencies between part 4 of Policy KN02 and national and local guidance. In response to Barratt's comments, the Parish Council's NP Consultation Statement (December 2022) states that "*the NP does not seek to amend the [affordable housing] percentage in national policy and does not exclude Rent to Buy*". Although we support the flexibility in regards to the amount or type of affordable housing expected on a site, we still consider that this definition should be expanded to include all types of affordable housing included in the definition of affordable housing at Annex 2 – Glossary of the NPPF. This allows for a suitable level of flexibility in determining the appropriate type of affordable housing to be provided on development sites and for the NP to meet basic condition (a) (having regard to national policies and advice).

As no evidence has been provided to justify the requirement, we support the removal of reference to Nationally Described Space Standards ('NDSS') within Policy KN02. We note the additional wording added to the supporting text which states that compliance with the NDSS will be 'encouraged' and have no further comments.

Policy KN04 (Sustainable Design)

Following the comments Barratt made to part 5 of Policy KN04, we support the amendments proposed to state that landscaping schemes should 'take opportunities' to include street trees etc.

The supporting text to Policy KN04 still makes reference to local materials that including redbrick, clay tiles, dreadnought tiles and grey slate. Whilst we note these are some of the local materials, it is anticipated that the Design and Access Statements and masterplans associated with any future application for development would take account of local context and materials and that a wider mix of materials may also be considered, providing they are complementary to the local vernacular. The Design Codes 1D.01 (page 56) includes a more varied analysis of materials used in the local area and it does not state that certain materials should not be used at all. In the NP Planning Policy Assessment and Review of Evidence Base document that supported the Regulation 14 NP, section 4.9 provides a list of materials used in Kinver: tiles: red, blue black clay, bricks: red/orange, some painted, facing: render/painted, doors and windows: timber. This provides a wider range of materials that are '*typically and frequently used in Kinver*'. Barratt therefore considers that the NP should take a flexible approach when it comes to determining the suitability of materials on a development site in Kinver.

The NPPF (paragraph 16b) states that: "*Plans should be prepared positively, in a way that is aspirational but deliverable*". Therefore in order to meet basic condition (a), we request that in Policy KN04, language such as 'must' and 'should' should be amended to 'where possible' to enable more flexibility. Additionally, part 3 of the policy should be amended to say: "*where possible layouts must create permeable environments for pedestrians and connections to surrounding paths, designed for people with varying levels of mobility*". It is also requested that part 6 is amended to state '*where possible, development should present active frontages to streets and spaces, to create overlooking and natural surveillance*".

Kinver Design Codes (March 2022)

No amendments have been made to the Kinver Design Code, therefore the comments Barratt made in response to the Regulation 14 NP consultations still remain relevant and are repeated below.

- 1) Barratt object to the proposed densities in the Design Codes. Character area F (new development) is applicable to the Site. Page 52 of the Design Code states that new development should have a maximum residential density of 20 dwellings per hectare and *'in every case, density measures over 20dw/ha should be strongly justified'*. As a whole, the densities appear very low and we consider that this is not in accordance with the NPPF. Paragraph 125, section (a) of the NPPF states that *'plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible'*. Sections (a) and (b) of paragraph 125 also encourage the use of minimum density standards. We consider that the densities should be amended to provide a larger range, particularly for the new development identified place area (area F). No evidence has been provided which supports a lower than average density requirement, We consider that if such a density was required then even more land would need to be released in the future to meet housing needs.
- 2) Barratt objects to pages 54 and 66 of the Design Codes, which state that the maximum building height should be 2 storeys. This is too restrictive and we request that the option for at least 2.5 storeys is retained. We do not consider that any evidence has been provided to justify such a blanket policy approach.
- 3) Barratt object to the proposed space standards in the Design Codes (pages 80/81). In comparison to the NDSS these are slightly more prescriptive than those of CAT 3/NDSS. The Kinver Design Codes shows a list of rooms and their minimum sizes however the NDSS looks at minimum overall internal areas based on occupancy, minimum room widths and areas just for bedrooms. The Design Codes also notes minimum widths for other rooms including the living room, kitchen and bathrooms. The storage requirements are however less than the NDSS requirements. The proposed space standards are therefore not in accordance with basic condition (a) in the PPG.
- 4) The Design Codes also seems to show one modular house type arrangement. We would like clarification on whether this is fixed or can be designed differently. If the latter than the Neighbourhood Plan should be amended to state as much. We would also like to highlight that, as referenced on page 82 Lifetime Homes is now not applicable, with CAT 2, CAT 3 and NDSS taking precedent. This reference should therefore be removed.

Policy KN05 (Climate Change)

Only minor amendments have been made to Policy KN05 from the Regulation 14 version. The supporting text of this policy still states that there should be an aim for development to achieve: *"At least 10% energy use reduction relative to current Regulations."* We still consider that this requirement goes beyond current Building Regulations. In the Adopted South Staffordshire Core Strategy (page 79) there is no percentage requirement for energy reduction, there is only a requirement to reduce energy consumption. Therefore, it is considered that the requirement stated in Policy KN05 is onerous and unjustified. There is no evidence provided to support the this proposed requirement and therefore, it does not meet basic conditions (a) or (e) (general conformity with the strategic policies contained in the development plan).

Policy KN07 (Natural Environment)

Following the comments Barratt made in their Regulation 14 response, Barratt supports the following amendments within the Regulation 16 NP: the removal of the 'Coalescence Gaps' from Map 4.7-1 in the Regulation 16 version; the inclusion of additional supporting text to state that part 1 of Policy KN07 *"could take account of mitigation as a part of a development scheme"* (page 42); and, the removal of the requirement for developments within Nature Recovery Areas to achieve 20% biodiversity net gain.

Policy KN07 still refers to developments achieving 10% biodiversity net gain. As stated in our response to the Regulation 14 consultations, secondary legislation to support the 10% net gain requirement will not be published until late 2023. The adopted Core Strategy does not have a set requirement for net gain and the South Staffordshire Preferred Options Local Plan Review (2021) proposes a policy (Policy NB2 – Biodiversity) seeking a 10% net gain for major developments. The Consultation Statement states that “*BNG of at least 10% will be a requirement by 2023 and the emerging Local Plan is also making a BNG requirement*”. This NP is likely to be adopted before the emerging Local Plan and secondary legislation is published, yet there is no guidance within the NP which sets out how biodiversity net gain will be delivered and managed in practice ahead of this national and local guidance. The Government announced on the 21 February 2023 that 10% net gain will initially not be a requirement for all developments. Small sites (less than 0.5ha) will also be subject to a phased introduction and will be given until April 2024 to meet the requirements. The NP should ensure it is flexible enough to adapt to the changing national guidance especially given we do not know what will be required as part of the secondary legislation. Without this flexibility, we do not consider that the NP meets basic condition (a).

In Barratt’s Regulation 14 response, we objected to the supporting text of Policy KN07 which stated that development adjacent to a designated wildlife site should include a natural habitat buffer of a minimum of 20m and Barratt requested for it to be removed. The Regulation 16 NP has been slightly amended so that it states a ‘recommended minimum 20m’. Although this adds a degree of flexibility, we continue to object to the requirement as it does not meet basic condition (d). Evidence has still not been provided to justify the requirement and the NP has had no regard to the potential implications on net developable areas of sites. We continue to request that this buffer requirement is removed.

Policy KN10 (Flooding and Surface Water)

As previously requested at the Regulation 14 stage, Barratt consider that Part 3 of Policy KN10 should be amended to state: ‘where possible hard surfacing within development should be kept to a minimum area and be water permeable’ to provide more flexibility.

Policy KN11 (Local Green Space)

As stated at the start of this response, we support the removal of proposed LGS K21 and Barratt welcome engagement with the Parish Council to discuss proposed LGS K03.

Policy KN12: Movement and Transport

Barratt supports the amendments made to Part 9 of the policy to refer to specific developments that impact Potter’s Cross junction.

Only minor amendments have been made to the remainder of Policy KN12, therefore Barratt’s comments from the Regulation 14 consultation still remain. Parts 5 and 8 of Policy KN12 are considered to be repetitive in terms of the requirement for charging points. We consider that one of these points should be removed to avoid repetition. Part 8 also states that ‘*parking facilities must include electric car and mobility scooter charging points*’ [Savills Emphasis], we would request that the wording is changed from ‘must’ to ‘where possible’ particularly in relation to mobility scooter charging points as we do not consider that all houses will require mobility scooter charging points.

We also consider that part 6 of Policy KN12 should be amended to be in line with the adopted Core Strategy. The policy states that: ‘*Parking provision within the plots of new housing should be adequate to avoid excessive parking on the road*’, it is not clear what ‘adequate’ means and the policy should refer to adopted policy standards. The Parking Standards for South Staffordshire are outlined in Appendix 5 of the adopted Core Strategy and we consider that Part 6 should refer to these standards to make it clear what the policy requirements are. Therefore, this point in the policy does not satisfy condition (e) of the basic conditions.

We trust the above is helpful. Please contact me should you have any queries.

Yours faithfully



Jessica Graham
Associate Director

Enc. Vision Document