

South Staffordshire Local Plan Examination

Matter 7: Site Allocations

Define Planning and Design Ltd on behalf of Bloor Homes – Land North of Penkridge (Regulation 19 Representations Ref. AGT24-014-01)

The following hearing statements relate to Bloor Homes Limited's (BHL) land interests at Land to the East and West of the A449, Penkridge; which forms part of the proposed strategic allocation at "Land North of Penkridge" as identified by emerging Local Plan ("eLP") Policy SA2.

ISSUE 1: SITE ALLOCATIONS – WHETHER THE PREFERRED SITE ALLOCATIONS ARE POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY:

QUESTION 1: IN TERMS OF THE PROPOSED PLANNING HOUSING AND EMPLOYMENT DEVELOPMENTS:

Question 1a: Is the spatial distribution of the allocations across the South Staffordshire area justified and is it consistent with the spatial strategy?

See BHL's response to Issue 2, Question 1b.

Question 1d: What evidence is there that education provision can be secured in a sustainable manner to support each of the housing allocations?

See BHL's response to Issue 2, Questions 1l and 1m.

Question 1e: is the approach of the Plan to air quality matters relating to planned growth sound?

Evidence base documents EB10 and EB11 take a robust approach to considering potential impacts on European ecological designations in the region. They do so by identifying the scale/distribution of growth proposed, modelling increases to trips on key links, scoping in/out links adjacent to assets, considering pollutant increases, and assessing ecological impacts through an Appropriate Assessment.

That is a robust approach, with the Appropriate Assessment concluding that the eLP *"is in general conformity with the Habitats Regulations, and at a plan level a conclusion of no adverse effects on European site integrity, alone or in-combination with other plans or projects, can be drawn."*

Question 1f: For any site allocations with a known flood risk, how has that been considered, both in terms of assessing the capacity of the site and any measures necessary to manage the issue? Will the measures be effective and are they consistently applied across the relevant proposed allocations in the Plan?

SSC has undertaken a Strategic Flood Risk Assessment (SFRA) that considers potential flood risks within the allocation sites. The Stage 2 SFRA assessment of "Land North of Penkridge" makes recommendations for the planning application/detailed design stage and concludes that that *"despite the predicted generalised modelling flood extents on the site, flood depths are likely to be very low and the principle of development can be supported by implementing practical schemes based on an appropriate understanding of the flood hazards."*

Regarding the plan more widely, the SFRA and Sequential Test Topic Paper confirms that *"the Council's proposed approach is to locate the most vulnerable aspect of the development in areas of lowest flood*

risk within these allocations as recommended in the NPPG on flood risk and coastal change”, that “no other suitable sites which accorded with the Spatial Housing Strategy were considered suitable (other than those being allocated)” and that the Sequential Test is passed. It states that the Exception Test will be applied at the application stage.

QUESTION 2: IN TERMS OF POLICY MA1:

Question 2b: Is it clear how a Strategic Master Plan produced by an applicant will be agreed by the Council?

Regarding the approval of Strategic Masterplans (SMPs), Policy MA1 correctly allows SMPs to be approved as part of the grant of planning permissions where planning applications have been submitted prior to the eLP’s adoption; facilitating the timely approval of applications and much-needed delivery of housing and infrastructure.

Question 2c: Are the requirements of the policy contained in clauses a–j clear and justified?

Requirements a–j of Policy MA1 are generally clear and justified. However, requirement i states that site-wide design coding should formulate “*provably popular*” coding. That is unspecific terminology that is difficult to measure/enforce, and the focus should be on ensuring high-quality design. Clause I should be updated accordingly.

Question 2d: Are any amendments required to the Policy wording for soundness?

BHL’s response to Question 2c sets out that requirement i should be updated to refer to “high-quality” rather than “provably popular” design.

Furthermore, Policy MA1 should be clear that the eLP’s Concept Plans, by their nature, can only articulate a general vision for a site’s development. Unlike SMPs, they are not underpinned by site assessments, and therefore do not consider site constraints/sensitivities or delivery practicalities. Therefore, Policy MA1 must be appropriately worded to reflect that, whilst finalised SMPs may broadly **reflect** the high-level principles of the Concept Plans, the detailed masterplanning process must be given more weight.

ISSUE 2: WHETHER THE PREFERRED HOUSING SITES ARE JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY

QUESTION 1: FOR ALL PREFERRED HOUSING ALLOCATIONS PLEASE SET OUT:

The following responses relate to “**Land North of Penkridge**” (Allocation Policy SA2).

Question 1a: The background to the site allocation and how it was identified and Question 1b: How the site contributes to delivering the spatial strategy:

Allocation SA2 was identified following promotion by BHL and other promoters. As the eLP succinctly summarises, the site’s allocation “*recognises the recommendations for a large-scale extension north of Penkridge in the GBBCHMA Strategic Growth Study, the non-Green Belt land available in this area of the village and the greater level of services in Penkridge.*”

The spatial strategy identifies Penkridge as a Tier 1 village, reflecting the range of services, facilities and employment opportunities on offer. Focusing strategic development to Penkridge accords with the National Planning Policy Framework’s (NPPF) requirement to focus “*significant development [...] on locations which are or can be made sustainable*” (2023 NPPF paragraph 109). It also aligns with the NPPF’s approach to development in rural areas, which highlights that “*housing should be located where it will*

enhance or maintain the vitality of rural communities [...] especially where this will support local services” (2023 NPPF paragraph 83). Indeed, development in Penkridge will not only support existing services and facilities, but also deliver new infrastructure to support residents of the village and the surrounding rural hinterland.

The site’s allocation also maximises the efficient use of available non-Green Belt land, within a Borough that is 80% Green Belt; with Penkridge the only Tier 1 village that is not entirely surrounded by the Green Belt. That also aligns with 2023 NPPF paragraph 146, which requires authorities to examine all reasonable options for meeting identified development needs before releasing Green Belt land.

Question 1c: Are the boundaries and extent of the site correctly identified?

In relation to BHL’s land interests, the allocation boundaries are broadly correct. The allocation boundary includes a linear access track to the Severn Trent Water pumping station to the east of the A449 which does not form part of BHL’s site and is not relevant to the delivery of the allocation. This small strip of land could be excluded in the interests of accuracy.

Question 1e: The anticipated housing capacity of the site, how this was determined and is it justified:

The proposed minimum residential capacity (1,029 dwellings) has been informed in part by the extensive site assessment, masterplanning and consultation exercise that has been undertaken by BHL in collaboration with St Philips, SSC, SCC and other key stakeholders. The result of that is reflected in the Masterplan Report that was submitted alongside BHL’s Regulation 19 representations (and the documentation that supports BHL’s planning applications relating to the site).

The application documentation tests the delivery of up to 1,100 dwellings in the land controlled by BHL and St Philips. However, the final capacity will be determined at the detailed design stage, and ultimately informed by matters such as housing mix, accessibility standard requirements, and the specific opportunities/constraints associated with each development area. Therefore, it is expected that the capacity of the land controlled by BHL and St Philips will be in the order of 1,000 dwellings, including a minimum of 40 units of SOPH. The residual land controlled by Trine is understood to have a capacity of around 29 dwellings. Therefore, the proposed minimum 1,029 dwelling capacity is considered to be appropriate and robustly evidenced.

Question 1f: For any mixed-use proposals within it, the estimated floorspace of non-residential uses:

The SMP that has been developed by BHL in collaboration with St Philips, SSC, SCC and other key stakeholders has carefully considered the appropriate scale of non-residential uses. The SMP contained in the Masterplan Report will deliver:

- A site of c. 1.2ha for the delivery of a first school:

That reflects SCC’s recent confirmation that a school site of 1.2ha is required, rather than the 1.5ha that Policy SA2 suggest. Policy SA2 should, therefore, be modified.

- A Community Hub of c. 0.5ha, with a total floorspace of up to 1,000m², incorporating convenience retail (up to 500m²), commercial premises and / or work space, food takeaway / drinking establishment, community space (if required), a nursery site (if required), a mobility hub, public realm and residential uses (Use Classes E, F2, Sui Generis, and C3);

In absence of a defined total floorspace within Policy SA2, BHL considered the appropriate scale of the community hub relative to the size of the development and village, and feedback from residents through

public consultation. It was conveyed that the public sought some convenience retail, but that this should not undermine the current facilities in the village centre. Therefore, a 500m² limit to the convenience retail unit is proposed.

The exact scope of the remainder of the uses in the community hub should be considered at the detailed design stage, providing flexibility to respond to market demands/local priorities at that point in time. In that regard, the SMP provides flexibility in the suggested uses/floorspaces, though it is noted that the community space and nursery site are included only if they are required. That reflects that the public stated that a dedicated community space would **not** be required (in favour of investing into existing community buildings), and that a nursery site is not necessarily a “hard” requirement.

With that said, the overall floorspace of up to 1,000m² (inclusive of the 500m² convenience retail) is an appropriate scale to provide a mix of uses to create an attractive heart of the development that will meet the needs of residents and be viable/attractive to the market, whilst not undermining existing uses.

Question 1g: How any relevant technical constraints have been addressed and whether any necessary effective mitigation is necessary:

The Allocation Site has been assessed extensively through the eLP process, under site references 584 (controlled by BHL), O10 (controlled by St Philips) and 420 (controlled by Trine Developments).

The Housing Site Selection Paper (HSSP) compiles the findings of the evidence base studies, including the Sustainability Appraisal (SA), SFRA, Landscape Sensitivity Assessment and the Historic Environment Site Assessment (HESA), and also considers the compliance of promoted sites with the spatial strategy, and other known constraints.

The HSSP concludes in relation to sites 584, 420 and O10 that *“having regard to all site assessment factors set out in the proforma, the site is considered to perform better than other site options and could deliver the Council’s preferred spatial strategy”* if delivered together. The HSSP recognises that the sites are not within the Green Belt unlike many other options, and that major negative impacts in relation to education can be remedied through on-site infrastructure delivery. Whilst it suggests that the sites are sensitive from a landscape perspective, (i) the HSSP recognises that the sites should be allocated in any case, (ii) BHL do not consider the sites to be particularly sensitive and (iii) the evidence that supports the planning applications (including an Environmental Statement (ES)) confirms that there will not be significant impacts on landscape or visual receptors in Year 15, once the proposed vegetation is mature; with impacts being at worst moderate adverse (at closer viewpoint groups), often negligible/neutral, and in some cases beneficial.

The ES provides evidence, in addition to the eLP’s evidence base, that there are no insurmountable constraints to the site’s delivery, and that effective mitigation can be delivered to avoid or moderate environmental impacts.

Question 1h: Whether the site-specific requirements are necessary and whether they are proportionate, justified and appropriately address any technical constraints or requirements of other policies in the Plan:

Policy SA2’s site-specific requirements are largely appropriate aside from the following clauses, where some modifications are required for soundness:

- As per the response to Question 1f, Clause B should refer to a 1.2ha first school site and seek “small-scale, flexible community space (either on-site or contributions, as appropriate)”.

- Clause E: the requirement for *"the provision of full-size sports pitches to national standard along with associated facilities to meet identified need"* is not specific, and there has been no consensus from SCC's Playing Pitch Strategy, public engagement, or the masterplanning workshops regarding the exact types of pitches required. However, there appeared to be a general preference for adult and youth football pitches; which the SMP proposes. Clause E should be amended to seek *"provision of sports pitches of a type and size justified by up-to-date evidence and engagement with the local community."*
- Clause G:
 - The reference to delivery of an *"green and blue infrastructure consistent with the indicative layout on the Concept Plan"* should be removed as the Concept Plan is not based on technical assessments.
 - There is no justification for a *"large central green space at the heart of the development"* and its delivery would limit the site's capacity. Rather, open space provision should be driven by the relevant standards and evidence regarding existing supply.
- Clause H: the requirement to deliver *"any necessary historic environment mitigation"* in the HESA is not necessary, as the HESA only identifies that limited mitigation is required.
- Clause I: Should be amended to refer to how necessary contributions should be provided towards *"offsite infrastructure, including highways and active travel mitigation measures, education, leisure, health and potentially community facilities (if not provided on-site)."*
- The policy should also refer to the Infrastructure Delivery Plan (IDP) and clarify that contributions must be CIL Regulation 122 compliant.
- The IDP should be amended to reflect the above comments.

Question 1i: Where applicable, evidence of whether the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national policy approach to heritage will be met:

The HESA scores the site an amber for direct potential harm to the historic environment, with the HSSP stating that *"there are no significant effects which cannot be mitigated"*, and a green score for indirect harm; *"indicating no concerns identified, on current evidence."* Therefore, the site can be developed in accordance with national policy and statute.

Question 1k: The highways implications of the site, including accesses and the effect on the highway network:

A Strategic Transport Assessment (STA) has been prepared in relation to the allocation site (Submission Document EB88). It confirms that the site is located in reasonable walking/cycling distance to a number of local amenities, and that the allocation will provide on-site amenities.

It also establishes the vehicular access strategy for the development, as reflected in the SMP. Access will primarily be provided via a fourth arm to the existing roundabout and a further two four-arm roundabouts on the A449, in addition to a limited number of houses being accessed directly from the A449. The STA also sets out the Active Travel Strategy, which includes the delivery of an LTN1/20 compliant footpath/cycleway between the community hub and the village centre, as well as direct footpaths/cycleways through radial green infrastructure corridors. The STA also sets out proposals for off-site enhancements and potential public transport strategies; which have been advanced further through BHL's planning applications.

The STA considers highways impacts for the delivery of 1,129 dwellings (the highest potential capacity) and a 1FE first school; with movements relating to other uses assumed to be outside of peak hours and internal. The STA found that the A449/Crown Bridge junction is likely to exceed theoretical capacity, that all other junctions would operate within theoretical capacity, and that whilst there would be a slightly

increased delay on the minor arm of three other junctions, they would operate within theoretical capacity. The ES has considered those impacts further, and confirms that, in the 2028 application year with other development, all local junctions would operate in theoretical capacity.

A Strategic Road Network Impact Assessment Technical Note (SRNTN) is also included in the Evidence Base, and assesses the four previously proposed strategic site allocations. Two of those have since been removed from the eLP, and therefore the SRNTN presents a 'worst case' assessment. The SRNTN finds that no mitigation is required at any junction to accommodate the proposed site allocations.

Those matters have been further considered through the ES, which concludes as follows (accounting for mitigation):

- Severance: Negligible (alone and cumulative);
- Pedestrian delay: Minor to moderate beneficial (alone), minor beneficial (cumulative);
- Pedestrian amenity: Minor to moderate beneficial (alone), negligible (cumulative);
- Fear and intimidation: Negligible (alone and cumulative);
- Driver delay: Negligible (alone and cumulative);
- Accidents and Safety: Minor beneficial (alone and cumulative).

Question 1l: The known necessary infrastructure dependencies and whether the assumptions relating to them and their delivery are reasonable and consistent with the delivery assumptions contained in the submitted housing trajectory / Question 11m: How the necessary infrastructure requirements will be funded and delivered in line with anticipated delivery timeframes:

By virtue of its strategic scale, the allocation will deliver the infrastructure required to support it.

That includes the delivery of a first school. BHL and St Philips agree to the delivery of a first school within the allocation, and are finalising the details of the infrastructure delivery mechanism with SSC and SCC Education through the determination of the pending planning applications. That will include agreement regarding the timescales/triggers for the delivery of the first school. It is anticipated that the agreed position will allow the delivery of some houses (important in reinstating a five-year supply of housing) ahead of the transfer of the school site to SCC for its delivery, with Section 106 receipts funding the construction costs.

The active travel infrastructure along the A449 will be delivered in a logical manner as development comes forward. BHL's land to the east of the A449 is the logical first development phase. Therefore, BHL proposes that the active travel infrastructure between the village centre and the northernmost point of that parcel will be delivered as part of that first phase. Thereafter, the active travel infrastructure relating to each remaining phase will be delivered with that phase.

All other elements of supporting infrastructure (the community hub, open space, sports provision, and the Riverside Park) will be delivered with the phase within which it is located. That reflects that those uses are not necessarily required by a specific point, and that non-residential uses have been broadly equalised between BHL and St Philips.

Question 1n: Clear evidence of whether the site is viable and developable at the scale of development expected within the plan period:

The extensive masterplanning exercise has established that at least 1,029 dwellings can be delivered as per Policy SA2 (1,000 within BHL and St Philips' land and 29 within Trine land), alongside the non-residential uses referred to in Policy SA2 (1FE first school, community hub including convenience retail, commercial floorspace and potentially flexible community space, a Riverside Park, open space, and

sports/recreational facilities). The submission of four applications relating to the site is clear evidence that the development will be delivered in a timely manner.

Question 1o: What is the situation with regards land ownership, land assembly and developer interest:

With regard to BHL's land interests:

- Land to the east of the A449 is owned by BHL, and is subject to outline and full planning applications that are well-advanced;
- BHL controls the land to the west of the A449 via two option agreements. There is a pending outline planning application that is also well-advanced.

Land to the immediate north of BHL's land interests (site 010) is controlled by St Philips. An outline planning application was submitted in November 2023.

Land to the immediate south of BHL's land interests, to the east of the A449 (site 420) is controlled by Trine Developments.

Question 1p: Any modifications that are necessary for reasons of soundness:

Please refer to BHL's response to Question 1h.

Word count (excluding Inspector's questions): 2,868.