

South Staffordshire Local Plan Examination

Response to Matter 7: Site Allocations

St Philips (Land North of Penkridge)

10 April 2025

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1.0 Introduction

- 1.1 This statement to Matter 7 (Site Allocations) of the examination of the South Staffordshire Local Plan Review (“the LPR”) is submitted by Lichfields on behalf of St Philips in relation to their land interests at Land North of Penkridge or Site 010 (land at Lower Drayton Farm) (“the Site”). Please refer to the full introduction included within St Philips Matter Statement 5 in respect of Land North of Penkridge.
- 1.2 This Statement has been prepared in line with the Guidance Note (SST/ED8) for the Examination.

2.0

Matter 7: Site Allocations

Issue 1: Site Allocations

Whether the preferred site allocations are positively prepared, justified, effective and consistent with national policy.

Q. 1. In terms of the proposed planned housing and employment developments:

a. Is the spatial distribution of the allocations across the South Staffordshire area justified and is it consistent with the Spatial Strategy?

b. Has the identification and selection of the proposed site allocations been robustly evidenced and subject to robust, consistent and transparent methodologies, including in relation to the approach to existing committed sites?

c. Is the methodology for assessing the heritage impacts of site allocations robust and are the site-specific requirements for each site allocation consistent with it?

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

e. Is the approach of the Plan to air quality matters relating to planned growth sound?

f. 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?

g. The Council has set the requirements for each site allocation within appendix B. Is that approach effective? Are the key requirements for each site allocation justified and sufficiently clear?

h. Do the proposed allocations have a reasonable prospect of meeting the other relevant policies of the development plan? What evidence of this exists?

2.1

As stated in St Philips' response to Matter 5 Issue 1, the evidence supporting the LPR – namely the Council's 'Rural Services and Facilities Audit 2021' (EB15), the Housing Site Selection Topic Paper [HSSTP] (2024) (EB20-20b), 'Spatial Housing Strategy Topic Paper (2024)' (EB14-14a), and iterative Sustainability Assessment [SA] evidence (EB1-EB2b), clearly supports the Council's infrastructure-led strategy and the direction of growth to the most sustainable settlements within the District, such as to Penkridge. To this end, St Philips supports the Council's infrastructure-led strategy, and in particular the identification of North Penkridge as an allocation, which strongly aligns with this strategy.

On this basis, St Philips considers that the identification of Penkridge within the spatial distribution is ‘justified’ (Para 35b) and is consistent with the Spatial Strategy. Moreover, St Philips considers that this suite of evidence, when read as a whole, demonstrates that the identification and selection of the site allocations has been robustly evidenced.

2.2 In respect of education provision, Policy SA2 requires the provision of a new first school (1.5ha), alongside off-site contributions towards wider education provision. This has been informed by the ‘Infrastructure Delivery Plan (April 2024)’ [IDP] (CD11), in which the Council worked with the School Organisations Team [SOT] at Staffordshire County Council (i.e. the Education Authority) and confirmed that the level of growth proposed for Penkridge will facilitate a need for a new First School. Notably, the IDP confirms that the proposed school provision would be sufficient to absorb likely future demand for school places arising in these areas (Para 5.14, CD11). Importantly, the Council’s ‘Viability Study Stage 2 (2022)’ (EB40-40c) confirms that the infrastructure requirements for Land North of Penkridge are viable.

2.3 Importantly, as set out in the Land North of Penkridge Statement of Common Ground (DC42) (“the SoCG”), both St Philips and Bloor have agreed that the site will deliver the First School required by Policy SA2 and make contributions towards off-site education provision where it is required for Middle and High School. Notably, both parties have submitted planning applications in respect of their land interests within Land North of Penkridge to further support the Council’s view that the sites are ‘deliverable’:

- 1 St Philips: Application Reference 23/01079/OUTMEI - Land East And West Side Of A449 Penkridge – *Outline planning application (with all matters reserved except for primary means of vehicular access from the A449) for the demolition of farm buildings and associated structures and delivery of up to 750 dwellings including a minimum of 40 units of Specialist Older Peoples Housing, **a first school** and nursery, a Community Hub of up to 1,000m² floorspace incorporating convenience retail, commercial premises and / or work space, food takeaway / drinking establishment, community space (if required), a mobility hub, public realm and residential uses, a Community Park, and associated access, drainage, green and blue infrastructure (including sports pitches and associated facilities, public open space, planting and landscaping), ground remodelling and ancillary infrastructure.*
- 2 Bloor: Application Reference 23/01052/OUTMEI - Land East Of A449 North Of Penkridge – *Outline planning application (with all matters reserved except for primary means of vehicular access from the A449) for the delivery of up to 135 dwellings, associated access, drainage, green and blue infrastructure (including public open space, planting, landscaping, and part of a Riverside Community Park), ground remodelling and ancillary infrastructure; and*

Application Reference 23/00851/FULMEI - Land East Of A449 North Of Penkridge – Erection of 135 dwellings with associated access, drainage, green and blue infrastructure (including public open space, planting, landscaping, and part of a Riverside Community Park), ground remodelling and ancillary infrastructure..

2.4 The above serves to highlight that, for Land North of Penkridge, both parties are committed to delivering on the education provision requirements identified within the LPR and that the education provision can be secured in a sustainable manner.

2.5 In terms of the wider policy requirements more generally, as set out in the SoCG, it is agreed between the parties¹ in control of Land North of Penkridge that the development can – and will – deliver the policy requirements set out in Policy SA2, and the wider LPR policy requirements, subject to the policies being found sound at Examination. Again, when coupled with the Council’s ‘Viability Study Stage 2 (2022)’ (“the VSS2”) (EB40-40c) findings, St Philips considers that Land North of Penkridge has a reasonable prospect of meeting the wider LPR policies. Indeed, both planning applications have been submitted within the context of the emerging LPR policies. In essence, St Philips considers that the Council’s LPR has had regard to the economic viability of sites (Para 68) and does not undermine the deliverability of the LPR (Para 34), in accordance with the NPPF.

Q.2. In terms of Policy MA1:

a. Is it clear what is meant by ‘large scale’ or ‘complex applications’?

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

c. Are the requirements of the policy contained in clauses a-j clear and justified?

d. Are any amendments required to the Policy wording for soundness?

2.6 Whilst wholly supportive of Policy MA1 and the need to bring forward strategic developments within the District comprehensively, St Philips considers that Policy MA1 requires some further clarification and amendments to ensure that it is ‘sound’ with regard to the tests set out in paragraph 35 of the NPPF. In particular, St Philips considers that the policy is unclear with respect to the mechanism by which the Council’s Corporate Director of Place and Communities, relevant Cabinet Members, and Chairman of the Planning Committee, would approve SMPs. The lack of clarity around a programme and subsequent process for approval of MPs has the potential to result in a delay to the delivery of development. A concern which has not been reflected in the Council’s suggested minor modifications (CD6). As such, further clarity within the policy as to defining the approvals process is required to ensure that it is “*clearly written and unambiguous*” (Para 16d) and that it enables the timely delivery of the strategic allocation sites.

2.7 In general, St Philips considers that parts a-j of Policy MA1 are clear, justified, and are necessary to ensure that strategic sites are properly masterplanned in a comprehensive way that addresses the Council’s key social, environmental and economic policy objective, alongside the strategic site allocation requirements. However, as set out in the ‘Areas of Disagreement’ in the SoCG (DC42), whilst supportive of the policy in principle, St Philips considers that some further amendments to the policy wording are required. In particular, these relate to:

¹ i.e. the Council, St Philips and Bloor

- 1 The policy should allow for the approval of SMPs through the application process where an application has been submitted for any part of a strategic allocation; and
- 2 Policy MA1 should clarify that SMPs should ‘broadly align’ with the scope of Concept Plans (Appendix F, CD1), but detailed technical assessments should fundamentally drive their preparation.

2.8 This is because the Concept Plans have not been subject to detailed scrutiny by statutory consultees to ensure that design requirements and outcomes proposed through these documents would be robust and deliverable. Similarly, the Concept Diagrams have not been informed by site-specific technical analysis and cannot be relied upon other than as illustrative with regard to the spatial juxtaposition of land uses.

2.9 Whilst St Philips support the policy more generally, in terms of soundness, in St Philips’ view, Policy MA1 should be modified to reflect the above to ensure the policy is ‘*clearly written and unambiguous*’ (Para 16d).

Issue 2

Whether the preferred housing sites are justified, effective and consistent with national policy.

1. For all preferred housing allocations please set out:

a. The background to the site allocation and how it was identified;

b. How the site contributes to delivering the spatial strategy;

c. Are the boundaries and extent of the site correctly identified;

d. The uses to be permitted;

e. The anticipated housing capacity of the site, how this was determined and is it justified;

f. For any mixed-use proposals within it, the estimated floorspace of nonresidential uses;

g. How any relevant technical constraints have been assessed and whether any necessary effective mitigation is necessary;

h. Whether 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;

i. 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;

j. Evidence of the expected timescale and rate of development, and whether they are realistic;

k. The highways implications of the site, including accesses and the effect on the highway network;

l. 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.

m. How the necessary infrastructure requirements will be funded and delivered in line with anticipated delivery timeframes.

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

o. What is the situation with regards land ownership, land assembly and developer interest; and

p. Any modifications that are necessary for reasons of soundness.

- 2.10 As noted in St Philips' response to Matter 5, the Site was initially identified within the 'Great Birmingham and Black Country Housing Market Area (GBBCHMA) Strategic Growth Study 2018' (EB28) ("SGS") as a potential area for strategic development and urban extensions within the District based on garden village principles. This was on the basis that it is located beyond the Green Belt, and almost entirely free from nationally significant constraints and policy designations.
- 2.11 The site has subsequently been tested through the Council's LPR process, having first been identified as an option for residential development in the Council's Issues and Options Consultation [IOC] in 2018. Following discussions with the Council in March 2019, in which the respective developers/land promoters confirmed that there was an agreement amongst the landowners to comprehensively bring the site forward, the Site was subsequently identified within Growth Option D in the Spatial Housing Strategy & Infrastructure Delivery ("the SHSID"), and subsequently as a draft allocation in the Council's Preferred Options consultation in 2021. As such, it has been iteratively tested through the Council's site selection and SA process since 2018.
- 2.12 Crucially, Policy DS5 (The Spatial Strategy to 2041) is clear that growth will be distributed to the district's most sustainable locations, with the policy going on to set out a settlement hierarchy, with Penkridge identified within Locality 1 and as a Tier 1 settlement. In this regard – and as set out in St Philips' response to Matter 5 – Land North of Penkridge was identified by the Council as the most sustainable option for growth in Penkridge, subject to the delivery of on-site infrastructure to meet the development's needs. As such, St Philips considers that the allocation of Land North of Penkridge is 'justified' (Para 35b) and is entirely consistent with the infrastructure-led Spatial Strategy.
- 2.13 In respect of technical constraints and effective mitigation, it is considered that the site is not environmentally sensitive and is not subject to any insurmountable constraints. This has been born out of St Philips and Bloor's respective technical evidence base underpinning their submissions, and the Council's LPR evidence base. This evidence has driven the identification of the site-specific policy requirements identified within Policy SA2.
- 2.14 With regards to the evidence of the expected timescale and rate of development, and whether they are realistic, as noted above, both developers have now submitted outline applications for their respective land interests within the Land North of Penkridge allocation (Policy SA2), which are still under determination. Whilst there are some matters still to be resolved with the Council and Statutory Consultees, it is envisaged that these can be addressed, and the applications could be granted planning permission at the point of adoption of the LPR. The SoCG (DC42) sets out a proposed delivery trajectory for Land North of Penkridge, starting from either the point of adoption of the LPR or the grant of planning permission. Notably, it demonstrates that the site could be delivered well within the LPR plan period at a realistic and deliverable rate.

Figure 2.1 Proposed Site Trajectory

<u>Yr 1</u>	<u>Yr 2</u>	<u>Yr 3</u>	<u>Yr 4</u>	<u>Yr 5</u>	<u>Yr 6</u>	<u>Yr 7</u>	<u>Yr 8</u>	<u>Yr 9</u>	<u>Yr 10</u>	<u>Yr 11</u>
<u>0</u>	<u>50</u>	<u>100</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>109</u>

Source: SoCG (DC42)

- 2.15 As noted in St Philips' response to Issue 1 Question 1, the Council's IDP (CD11), the VSS2 (EB40-40c), and the SoCG, when read together, provide clear evidence that the site is viable and deliverable at the scale of development expected within the plan period
- 2.16 In conclusion, the Council's allocation of Land North of Penkridge (Policy SA2), is considered to be 'sound'. This is because St Philips considers that the proposed allocation is underpinned by relevant and up-to-date evidence (Para 31), is 'justified' (Para 35b), has regard to the economic viability of the site (Para 68) and does not undermine the deliverability of the LPR (Para 34), in accordance with the NPPF.
- 2.17 Notwithstanding the above, St Philips consider that, whilst a number of specific requirements for the development of the site are largely appropriate and noting the Council's proposed modifications (mm006-mm008, CD6), it is noted that the SoCG, under the 'Areas of Disagreement', sets out some revisions to the policy requirements that are required to ensure the soundness of the policy:
- Clause A should be amended to require *"a residential capacity reflecting an efficient use of land that responds to the site's characteristics and the surrounding context, expected to be approximately 1,000 homes, including affordable housing and a specialist elderly housing element (e.g. sheltered or extra care) of at least 40 units in accordance with other policies within the local plan"*;
 - Clause B should be amended to require *"flexible community space (either on-site or contributions, as appropriate)."*;
 - Reference to the Concept Plan removed from Clause G;
 - Clause H should be removed and the requirement for mitigatory planting could be subsumed into Clause G;
 - Clause I 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)"*; and
 - The policy should refer to the Infrastructure Delivery Plan (IDP) and clarify that contributions must be demonstrated as being CIL Regulation 122 compliant.

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