

Report

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Homes and Communities Agency Pre-application Statement The Limes, Himley, South Staffordshire

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Homes &
Communities
Agency

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Appendix I Site Location Plan and Aerial Photo

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For and on behalf of GVA Grimley Limited

1. Introduction

- 1.1 GVA is instructed by the Homes and Communities Agency ('HCA') to seek pre-application advice from South Staffordshire District Council in respect of its proposals for the residential development of the land at The Limes, School Road/ Plantation Lane, Himley.
- 1.2 The site extends to approximately 1.24 hectares and comprises a paddock which is contained by existing housing to the north, south, east and west (**Appendix 1**).
- 1.3 HCA is proposing that the site be developed with up to **approximately 33 dwellings**. The objective is to create a high quality residential development that is sustainable, respects its context and is well-designed and landscaped.
- 1.4 The purpose of this Statement is to (i) describe the site, the surrounding area and the proposed development; (ii) to assess the planning merits of the proposal having regard to the provisions of the development plan and other material considerations; and (iii) provide the Council with sufficient information for it to reply with clear and robust advice in respect of:
- the weight to be afforded relevant Development Plan policies;
 - the principle of residential development of the site;
 - the appropriateness of the scale of the development contemplated and the proposed housing mix;
 - other detailed technical and policy matters; and
 - the form, type and scope of application to be made (i.e. validation and information requirements).

Structure

- 1.5 The remaining sessions of this Report contain:
- a description of the site and its context.
 - a summary of the planning history of the site.
 - a summary of the relevant provisions in the Development Plan.
 - consideration of other relevant material considerations.
 - an assessment of the planning merits of the proposals.
 - an assessment of the need for planning obligations and consideration of Community Infrastructure Levy (CIL) matters.

2. The Site and Surrounding Area

Site Description

- 2.1 The site extends to approximately 1.24 hectares (3 acres) and is located to the north of School Road and east of existing housing on Bridgenorth Road, Himley.
- 2.2 The site comprises a single irregularly shaped paddock which is used for the rearing of horses. It is surrounded to the north, south, east and west by existing housing. Part of the site is crossed by overhead electricity cables. The site is currently accessed via Plantation Lane to the west.
- 2.3 An aerial photo of the site and Site Location Plan are attached at **Appendix 1**.
- 2.4 The site contains a number of trees and hedgerows. However, these are generally restricted to the site boundaries.

Site Context

- 2.5 The site is located close to the centre of the village of Himley. The village has a number of facilities and services including a farm shop, a church, a cricket club, two hotels and restaurants and a public house.
- 2.6 The site is approximately 0.9 miles from the 'Main Service Village' of Wombourne which is accessed via Bridgnorth Road or Stourbridge Road. It is also within 1.4 miles of the Sainsbury's supermarket in Wombourne, Blakely Heath Primary School and a range of other facilities in the village including:

- several public houses;
- two pharmacies;
- a village hall;
- two Co-operative foodstores;
- a SPAR;
- an estate agents;
- a Civic Centre;
- cafes;
- an Indian restaurant;
- a Lloyds Bank;
- an opticians;
- a butchers;
- a cricket, tennis and bowls club;
- library and community centre;
- takeaways;
- hair salon and barbers;
- launderette;
- comparison retail;
- florists; and
- churches.

- 2.7 Wombourne Leisure Centre is approximately 2 miles from the site.

- 2.8 The site is within walking distance (0.9 miles) of the urban area of Dudley, Maidensbridge Primary School (1.4 miles) and facilities in the centre of Wall Heath (1.4 miles).
- 2.9 The Lidl and Morrison's supermarkets in Kingswinford are also approximately 1.6 miles from the site.
- 2.10 There are bus stops within 300 metres of the site on School Road and less than 100 metres from the site on Bridgnorth Road. These stops are used by a regular service (every 30 minutes Monday to Saturday and every 60 minutes on Sundays) to Wolverhampton, Wombourne, Stourbridge and Kingswinford.
- 2.11 The site is approximately 5.5 miles from Stourbridge Town Railway Station which provides onward connections to Stourbridge Junction and from there to Stratford, Kidderminster, Birmingham and Leamington Spa. It is also approximately 5.6 miles from Coseley Railway Station which provides connections to Wolverhampton, Liverpool, Birmingham and Thame Bridge Parkway.

3. Relevant Planning History

The Site

- 3.1 The planning history records for the site are not available online. However, we have requested a detailed planning history search of the site from South Staffordshire District Council. This has revealed that the northern half of the site has been the subject of three applications for residential development previously (in the 1980s and 1990s). One of those was approved subject to conditions in 1986 (Ref. 86/00936) but the other two were withdrawn (Ref. 86/00592 and 94/00035/FUL).

Adjacent Land

- 3.2 The land to the east of the site on Churns Hill Lane has been subject to numerous planning applications since the early 2000s, commencing with proposals for redevelopment and or re-use of parts of 'The Limes Sanatorium' for retirement apartments, dwellings and associated development. All recorded applications were approved, except for a minor application for garages and a bin store.
- 3.3 The history of the adjacent site is summarised in table below:

Application Ref.	Applicant	Submission/ Validation Date	Description	Decision	Decision Date
16/00107/FUL	Mr and Mrs Stephen Foster	08/02/16	Demolition of The Lodge and erection of Replacement dwelling.	Approved subject to conditions	18/03/16
11/00995/LUE	Mr Stephen Foster	08/12/11	Use of building and associated land as an independent self-contained dwelling.	Approved subject to conditions	03/02/12
02/00502/COU	Bryant Homes Central Ltd	23/04/02	Change of use of daycare centre to marketing sales office for a period of 18 months	Approved subject to conditions	23/05/02
02/00504/FUL	Bryant Homes Central Ltd	23/04/02	Garages and bin store	Refuse	12/06/02
01/00757/FUL	Bryant Homes West Midlands Ltd	13/06/01	Demolition of The Limes and erection of 33 two bedroomed flats and provision of 66 car parking spaces	Approved subject to conditions	07/11/01

4. The Development Plan

4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire comprises the South Staffordshire Core Strategy which was adopted in December 2012.

The Core Strategy

4.2 **National Policy 1** states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF.

4.3 **Core Policy 1** establishes the Spatial Strategy for South Staffordshire. It states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. The Policy establishes the following Settlement Hierarchy:

- **'Main Service Villages'**, including Wombourne - the main focus for housing growth, employment development and service provision.
- **'Local Service Villages'** - limited development will be supported where it meets local needs, whilst recognising the constraints that impact upon the District.
- **'Small Service Villages'** - very limited development may be acceptable for the provision of rural affordable housing where it clearly supports a local need and contributes to the sustainability of those local communities.
- **'Other Villages and Hamlets'** - are not identified for growth, development will only be permitted *"in exceptional circumstances for the provision of rural affordable housing to meet identified local needs through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses."*

4.4 Outside the service villages the objective is to protect the rural character of the countryside by restricting development to that which would meet affordable housing needs, support tourism, provide for sport and recreation and support the local rural economy and rural diversification.

4.5 Core Policy 1 clarifies that the Green Belt will be protected from inappropriate development and proposals for development in the Green Belt will be considered in the light of local policies and Green Belt policy in the NPPF. However, it states that the Council will *"consider favourably sustainable development which accords with this Spatial Strategy"*.

4.6 **Core Policy 6** relates to housing delivery and distribution. It confirms that the Council will plan for the delivery of at least **3,850 homes** in South Staffordshire between 2006 and 2028 and will ensure that sufficient land is available to deliver **175 new homes per year**. It confirms that the Council will seek to maintain a 5 year supply of deliverable housing sites, plus a buffer, and to provide 60% of housing on previously developed land during the plan period.

- 4.7 The Policy indicates that at 1st April 2010, 2,244 new homes had been completed or were committed and that the balance (i.e. 1,606 homes rounded to 1,610) would be distributed between the villages, in accordance with the settlement hierarchy in Core Policy 1.
- 4.8 The Strategy states that a total of 370 dwellings are to be provided for in the area identified as 'Locality Area 5 – Southern Area' which includes Himley and Wombourne. Of these, 256 dwellings are to be accommodated in and around Wombourne. No houses are to be provided in Himley. The policy confirms that sites to accommodate needed development will be identified through a Site Allocations DPD and should more housing be required during the plan period any additional housing would be focussed in the Main and Local Service Villages.
- 4.9 The Policy goes on to state that housing development will be expected to:
- a) *Contribute to the achievement of sustainable development giving priority to the re-use of previously developed land (brownfield land) in sustainable locations, provided it is not of high environmental value*
 - b) *Be of a character and density appropriate to the surrounding area*
 - c) *Assist in meeting the identified housing needs, including affordable housing and elderly persons accommodation within the locality/ housing market areas*
 - d) *Be adaptable to changing life circumstances*
 - e) *Deliver the required social, physical and green infrastructure requirements necessary to support sustainable communities.*
- 4.10 Core Policy 6 confirms that housing development which has a detrimental impact upon the character and environmental quality of residential areas and the character and local distinctiveness of villages will not be supported.
- 4.11 **Policy H1** confirms that the Council will seek to secure a wide choice of high quality new homes that meet the needs of the community. It states that particular attention will be given to creating a better balanced housing market by encouraging the provision of more 2 and 3 bedroom homes. It goes on to state that new development should provide a mix of housing sizes, types and tenures informed by the Housing Market Assessment.
- 4.12 It confirms that the Council will expect all new housing to be built to meet Lifetime Homes Standards. It also states that developers should work with the Council and others in determining the appropriate mix and type of dwellings on each site taking into account a number of factors including the latest evidence regarding housing need, market conditions, demographics and any guidance in the Site Allocations DPD.

4.13 The Policies Map which accompanies the Core Strategy confirms that the northern part of the site is within the Development Boundary of Himley. However, the southern part is within the Green Belt. For the purpose of this appraisal we have termed the northern part of the site 'Parcel A' and the southern part as 'Parcel B', as illustrated on Figure 1.

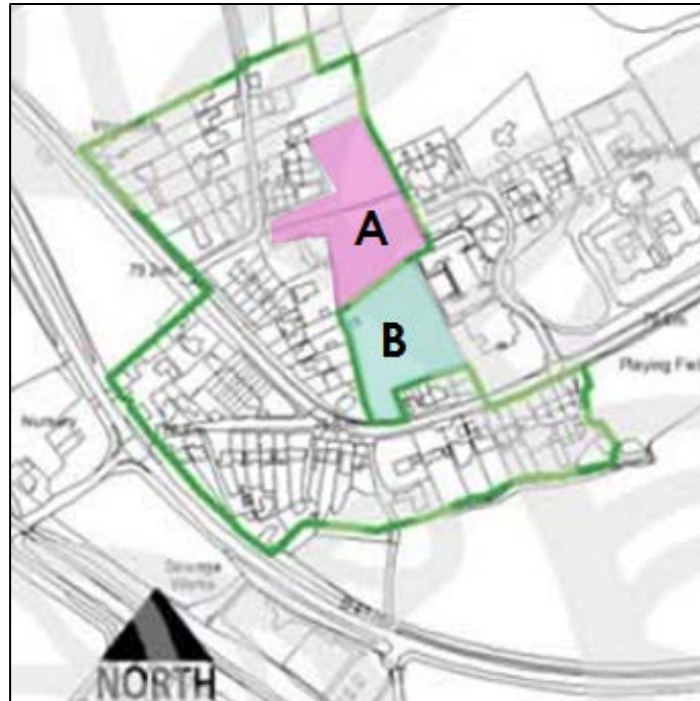


Figure 1. Extract from South Staffordshire Proposals Map edited to indicate extent of parcels A and B.

4.14 **Policy GB1** sets out the approach that the Council will take to development in the Green Belt. It states that development acceptable within the terms of the NPPF will normally be permitted where the proposed development is for either:

A. *A new or extended building, provided it is for:...*

c) *affordable housing where there is a proven local need in accordance with Policy H2; or*

d) *limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD)...*

D. *Development brought forward under a Community Right to Build Order. Development proposals should be consistent with other local planning policies.*

**Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it."*

- 4.15 **Policy H2** relates to the provision of Affordable Housing. It confirms that the Council will seek to secure affordable housing in accordance with the following thresholds for new developments:
- a) *10 or more dwellings (or sites of 0.3 hectares or more in size) within the Main Service Villages, or*
 - b) *5 or more dwellings (or sites of 0.2 hectares or more in size) within the Local Service Villages, or*
 - c) *2 or more dwellings (or sites of 0.1 hectares or more in size) within the Small Service Villages.*
- 4.16 It does not identify a threshold for affordable housing provision in the 'Other Villages', however, it goes on to state that the Council will seek to ensure that a proportion of affordable housing is provided on sites meeting the above criteria in accordance with the following targets:
- *"On sites of 10 or more dwellings – 30% affordable housing on previously developed land: 40% affordable housing on greenfield land:*
 - *Within the Local Service Villages and Small Service Villages on sites of 5 – 9 dwellings – 20% affordable housing (provided on-site);*
 - *Within Small Service Villages on sites of 2 – 4 dwellings – 20% affordable housing equivalent in-lieu of on-site provision"*
- 4.17 The policy states that affordable housing should be provided on site and only in very exceptional circumstances will financial contributions in lieu of on-site provision be acceptable on developments of 5 dwellings or more.
- 4.18 It states that affordable housing may be in the form of social rented, intermediate housing or a mix and sets an initial target of 50% to be social rented and 50% intermediate tenures. The Policy establishes that the Council will negotiate with developers on a site by site basis to reflect local housing needs, the nature of development and viability. The Policy confirms that the Council will require affordable housing to be fully integrated with market housing and be consistent in terms of quality.
- 4.19 Policy H2 confirms that the Council will support the delivery of schemes for the provision of 100% affordable housing on rural exception sites at the service villages and other villages where a need has been demonstrated in accordance with Policy H3.
- 4.20 **Policy H3** relates to Rural Exception Sites. It states that, as an exception to planning policies relating to the location of housing development in the Green Belt and Open Countryside, small rural exceptions sites for 100% affordable housing to meet the identified needs of local people will be supported where a number of criteria are met.
- 4.21 It confirms that the Council will require developments to incorporate and suitably integrate affordable housing and market housing, with a consistent standard of design and public spaces. In exceptional circumstances, it confirms that in rural areas outside the Green Belt, a small number of market homes may be permitted at the Council's discretion where essential to subsidise the delivery of affordable units without grant funding.

- 4.22 There are also a number of policies in the adopted Core Strategy which relate to a range of technical matters including: heritage; design; ecology and trees; landscape; climate change; flood risk and drainage; transport; noise; air quality and ground conditions.
- 4.23 **Policy EQ13** relates to developer contributions and confirms that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional or improved facilities, when there is a need generated by new development. It identifies a list of infrastructure types in respect of which contributions may be sought. It clarifies that reduced contributions will only be considered where it is demonstrated that full provision would make the development unviable.

5. Other Material Considerations

5.1 Other material considerations that have a bearing on the planning potential of the site include the National Planning Policy Framework (NPPF), the Council's emerging Site Allocations DPD and associated evidence base including the latest Strategic Housing Land Availability Assessment (SHLAA) and housing land supply position statement. These are summarised below.

The National Planning Policy Framework (NPPF)

5.2 The Framework was published on 27 March 2012. Underpinning the Framework and described as the 'golden thread' running through both plan-making and decision-taking, is a presumption in favour of sustainable development. This reflects a desire for the planning system to positively and proactively support sustainable economic growth rather than act as an impediment.

5.3 Paragraph 7 sets out the three threads of sustainable development – economic, social and environmental.

5.4 Paragraph 14 states that, for decision-taking, the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay. Paragraph 14 goes on to state that where the plan is absent, silent or where relevant policies are out of date, permission should also be granted, unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, or specific policies in the Framework suggest development should be restricted.

5.5 The Framework aims to significantly boost the supply of new homes and Paragraph 47 confirms that LPAs must meet the full requirements for market and affordable housing in their housing market area.

5.6 The NPPF requires local authorities to identify and maintain a five year supply of deliverable housing land plus an additional buffer of 5%, to be moved forward from later in the plan period. LPAs with a persistent record of under delivery of housing are required to increase their buffer to 20%.

5.7 Paragraph 49 makes it clear that where a 5 year supply of deliverable housing land cannot be demonstrated then relevant policies for the supply of housing will be deemed out of date for the purpose of paragraph 14.

5.8 Paragraph 55 relates to housing development in rural areas. It states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

5.9 Section 9 of the NPPF relates to the Green Belt. Paragraph 79 states that the fundamental aim of Green Belt policy is to "*prevent urban sprawl by keeping land permanently open*". It goes on to state that the essential characteristics of Green Belts are "*their openness and their permanence*."

5.10 Paragraph 80 sets out the five purposes of the Green Belt, as follows:

- *"to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

5.11 Paragraph 87 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

5.12 Paragraph 88 goes on to state that:

"'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

5.13 Paragraph 89 states that the LPA should regard the construction of new buildings as inappropriate in Green Belt. However, it identifies several exceptions to this including *"limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;..."*.

5.14 Paragraph 90 goes on to establish that certain other forms of development are also *"not inappropriate in Green Belt"* provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

5.15 It is important to note that Core Policy 1 and Policy GB1 in the Development Plan differ from the NPPF in two respects. First, Policy GB1 provides a more restrictive definition of *"limited infilling"* than the NPPF. Secondly, whilst the policies are positively worded they do not make provision for inappropriate development to be allowed in very special circumstances.

5.16 The Framework advises that planning obligations should only be used where it is not possible to address unacceptable impacts of the proposed development through a planning condition. They should meet three tests, which mirror those in the Community Infrastructure Levy Regulations 2010.

Emerging Policy

5.17 The Council is in the process of preparing its **Site Allocations DPD** ('the SAD DPD') which will include site allocations and site specific policies. It consulted on the Publication Draft SAD DPD in January 2017. An amended version of the SAD DPD was approved for submission to the Secretary of State for examination on 1 August 2017. The DPD was submitted for examination on 15 September 2017 and examination hearing sessions commenced on 28 November 2017.

5.18 **Policy SAD 2** proposes to allocate sites to deliver a total of 1,070 dwellings against the Core Strategy requirement, having regard to existing commitments and completions since the adoption of the Core

Strategy. It proposes to allocate sites in 'Locality Area 5 – Southern Area' to deliver a minimum of 249 dwellings in Kinver, Wombourne and Swindon in accordance with the Core Strategy requirement.

- 5.19 South Staffordshire District Council has a duty to co-operate with neighbouring authorities. The consultation document acknowledges that Birmingham City Council is unlikely to be able to accommodate the whole of its housing requirements within its own administrative boundary. The shortfall will amount to something in the order of 37,900 dwellings in the period to 2031. South Staffordshire Council acknowledges that it may need to accommodate some of this shortfall. It also acknowledges that the work undertaken for the Greater Birmingham & Solihull Local Enterprise Partnership ("GBSLEP") to establish the housing needs of the wider HMA identified a baseline housing need for South Staffordshire of 208 dwellings per annum and that the latest Strategic Housing Market Assessment (SHMA) for South Staffordshire and the Black Country Authorities indicates that the District's objectively assessed housing need (OAN) is 270 dwellings per annum for the period 2014 – 2036.
- 5.20 These figures exceed the housing requirement in the Core Strategy (175 dwellings per annum). Therefore, the Council recognises that 175 dwellings per annum may not be sufficient to meet the full objectively assessed needs of the wider area.
- 5.21 With this in mind, draft **Policy SAD1** of the DPD states that a review of the Local Plan will be completed by 2022.
- 5.22 **Policy SAD3** of the DPD proposes to 'Safeguard' a number of sites for longer term development needs for the period 2028-2038, or to be released through an early plan review.
- 5.23 **Policy SAD6** identifies the proposed amendments to the boundary of the Green Belt, open countryside and development boundaries.
- 5.24 **Policy SAD7** identifies proposed 'Open Space Standards' for new developments. It states that open space must be greater than 0.2ha in size and be provided on the basis of 0.01ha per dwelling to meet the community open space needs of the new development. Therefore, public open spaces should typically be provided on-site on schemes of 25 dwellings or more, to ensure a minimum of 0.25ha is provided. It goes on to state that open spaces which include equipped play areas or MUGA/Skatepark provision should be provided on-site on schemes of 29 dwellings or more.
- 5.25 The draft policy confirms that a maintenance fee for the ongoing maintenance of open spaces will be required.

Green Belt and Countryside SPD (2014)

- 5.26 This SPD provides guidance on the application of policy relating to development in the Green Belt and open countryside.

Affordable Housing and Housing Mix SPD (2014)

- 5.27 The SPD confirms that the threshold for affordable housing in the other villages is for negotiation with the starting point being the same as for the small service villages (i.e. on sites of 2 or more dwellings or 0.1Ha

or more). It confirms that 40% affordable housing will be sought on schemes of 10 dwellings or more on greenfield sites.

Village Design Guide SPD (2009)

- 5.28 This SPD provides detailed guidance in relation to the design of developments in terms of: materials, access, legibility, public realm, landscaping, car parking, servicing and security. It also summarises the characteristics of the villages in South Staffordshire to inform the design of new development in these villages. However, there is no summary for Himley.

Housing Land Supply

- 5.29 The Council's most up to date statement on housing land supply was published in June 2017 and describes the position as at 1 April 2017.
- 5.30 The Statement assesses supply using the Sedgefield approach and the latest SHMA OAN figure (270 dwellings per annum). This demonstrates that against a housing requirement of 1,505 dwellings between 2017 and 2022 (accounting for under delivery in 2014-2017) the Council currently has an under supply of housing land and is only able to demonstrate a **4.39 year** supply (with a 5% buffer). The estimated housing supply for the five year period is 1,322 homes (including a windfall allowance of 30 dwellings per year but excluding the minimum of 891 dwellings which are proposed to be allocated through the emerging Site Allocations DPD).

SHLAA

- 5.31 The Council has prepared a number of Strategic Housing Land Availability Assessments (SHLAAs) in support of the forward planning process. The latest SHLAA was published in 2016.
- 5.32 Within the SHLAA, the HCA land is identified as two separate sites: 335a and 335b. Site 335a (1.23Ha) is 'Parcel A'. This part of the site is identified as 'suitable' for residential development. The Council identifies that at 30 dwellings per hectare (dph) the site has the capacity to accommodate 18 dwellings. It is one of only two 'Suitable' sites identified in the 'Other Villages'.
- 5.33 Site 335b is 'Parcel B'. The SHLAA concludes that this part of the site is 'Not Suitable' as it does not accord with the spatial strategy or settlement hierarchy. However, at 30dph the SHLAA identifies that the site has a notional capacity of 13 dwellings.

6. Planning Merits

Introduction

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for South Staffordshire comprises the South Staffordshire Core Strategy, adopted in December 2012. The Core Strategy contains policies which deal with matters of principle (e.g. how much development the District needs to accommodate and, broadly where it should be located) and policies which deal with more detailed technical matters.
- 6.3 The NPPF tells us that LPAs should approach decision-making in a positive way, seeking out solutions rather than problems, to foster the delivery of sustainable development. However, the NPPF is clear that the primacy of the development plan and its statutory role remain unaltered and that the development plan remains the starting point for determining proposals. That said the weight that can be attached to the plan and policies within it will depend on the degree to which they are up to date and conform with the NPPF.
- 6.4 Therefore, in considering any development proposal it is necessary to:
1. assess the extent to which it complies with the provisions of the Development Plan;
 2. have regard to other material considerations where relevant and assess the extent to which these have a bearing on the planning potential of the land; and
 3. make a balanced judgement in relation to the planning merits of the proposals in accordance with Section 38(6).
- 6.5 When applying the NPPF, we note that it contains two types of policy that have the potential to impact on the determination of an application: (i) policies that go to the way in which the planning balance is assessed (i.e. paragraph 14); and (ii) policies which indicate whether the proposed development should be regarded as acceptable on its merits.
- 6.6 In the light of the former, it is necessary to determine whether the Development Plan is absent, silent or relevant policies are out of date.
- 6.7 In this particular instance the 'tilted balance' detailed in paragraph 14 is engaged because:
- the housing requirement specified in the Core Strategy is out of date and so, therefore, are policies Core Policy 1, Core Policy 6, H2 and H3 must also be out of date; and
 - the Council does not currently have a five year supply of deliverable housing sites which means that paragraph 49 is engaged and all relevant policies for the supply of housing are out of date; and

- Policy GB1 is not consistent with the provisions contained within paragraphs 87, 88 and 89 of the NPPF and so is out of date.

6.8 This means that planning permission should be granted unless any adverse impacts of doing so would “*significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole*” or specific policies in the Framework suggest that development should be restricted. This does not mean that out of date policies can be ignored. The weight that they are afforded in the balance will be reduced and determined, for example, by: (i) their consistency with the NPPF; (ii) the scale of market and affordable housing need; (iii) the scale of the shortfall; and (iv) the age of the policy. We return to this later.

Compliance with the Development Plan

Matters of principle

- 6.9 Core Policy 1 of the Core Strategy relates to the distribution of growth in the District. It confirms that ‘Other Villages’ are not identified for growth and development will only be permitted in “*exceptional circumstances for rural affordable housing to meet identified local needs*”. Whilst the residential development of the site primarily for market housing (with a proportion of onsite affordable housing) could be considered to meet a need it would not accord with Core Policy 1 which clearly states that development would be “*limited to rural affordable housing schemes*”.
- 6.10 Core Policy 6 also relates to the delivery and distribution of housing in the District. This policy directs housing growth in the ‘Southern Area’ to Kinver, Wombourne and Swindon. It does not direct any housing to Himley. Therefore, the residential development of the site would result in conflict with Core Policy 6.
- 6.11 Parcel B is in the Green Belt, therefore, Policy GB1 of the Core Strategy applies to any proposal for its development. It confirms that development considered acceptable in the Green Belt in accordance with the NPPF including “*limited infilling*” will normally be permitted. It defines “*limited infilling*” as the filling of small gaps (of 1 or 2 buildings) in a built up frontage that would:
- not exceed the height of existing buildings;
 - not lead to a major increase in the developed portion of the site; or
 - not have a greater impact on the openness of the Green Belt or purpose of including land within it.
- 6.12 The development of Parcel B for open market led housing would not fall within the definition of “*limited infilling*” in Policy GB1. Therefore, development of Parcel B for open market housing would result in conflict with Policy GB1.

Other Technical Matters

- 6.13 There are a range of technical matters which would require further investigation to assess the potential for harmful impacts to arise from the residential development of the site. These matters are considered in

further detail in Section 7 of this Statement. However, subject to appropriate assessment, mitigation and design of the proposals it is anticipated that the residential development of Parcel A and B would be capable of satisfying all such policies.

Other Material Considerations

NPPF

- 6.14 There are no policies in the NPPF which indicate that planning permission should be restricted for the residential development of Parcel A. However, Parcel B is in the Green Belt, therefore, the only policy in the NPPF which indicates that planning permission should be restricted for the residential development of Parcel B is Green Belt policy.
- 6.15 Green Belt policy in the NPPF is different to Policy GB1 in the adopted Core Strategy in two respects, as follows:
- 1) it allows '*inappropriate development*' to take place where '*very special circumstances*' exist; and
 - 2) it does not restrict '*limited infilling*' to the filling of small gaps (of 1 or 2 buildings) within a built up frontage.
- 6.16 Given the scale of Parcel B and the degree to which it is enclosed by surrounding development it is in our view the development of Parcel B represents '*limited infilling*', within the terms of paragraph 89 of the NPPF and would be appropriate development which is consistent with national Green Belt policy.
- 6.17 Paragraph 55 of the NPPF relates to housing development in rural areas. It states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It identifies that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.18 Residential development of the site has the potential to enhance or maintain the vitality of rural communities and support the services and facilities available in both Himley and in nearby villages including Wombourne and Swindon in accordance with paragraph 55.

The Weight to be afforded to Development Plan policies

- 6.19 Whilst Core Policy 1 and 6 are out of date, they are not obviously at odds with the general provisions of the NPPF. Accordingly, they should be afforded less than full weight but more than limited weight in the planning balance.
- 6.20 Policy GB1 is more prescriptive and restrictive than the NPPF and so is out of date and should be afforded reduced weight. In these circumstances, the provision of the NPPF should be the primary consideration insofar as Green Belt matters are concerned.

Harm to the Spatial Strategy

- 6.21 We have considered the extent to which harm might arise from the residential development of the site. In particular we have considered the potential for harm to arise from conflict with policies in the Development Plan.
- 6.22 In our view, the conflict with Core Policy 1 and Core Policy 6 would result in limited harm to the spatial strategy in the Core Strategy, for the following reasons:-
- The Council's Housing Background Topic Paper (2017) confirms that between 2006 and 2016 new housing development has generally been concentrated in the 'Main Service Villages' in accordance with the adopted spatial strategy. It identifies a number of exceptions to this, including Himley Parish. However, it explains that this anomaly arises from the redevelopment of a major developed site in the Green Belt at the former Baggeridge Brickworks, which was allowed on appeal. Whilst the site is in Himley Parish it is in the north of the parish, some distance from the village of Himley, adjacent to the village of Gospel End and close to the urban area of Dudley.
 - Himley has taken some development in the recent past (e.g. adjacent to the HCA land). In allowing that development the Council must have concluded that the settlement is sustainable enough to accommodate modest growth.
 - The settlement is close to the 'Main Service Village' of Wombourne, the 'Local Service Village' of Swindon and the urban area of Dudley (Wall Heath and Kingswinford). It is also well served by public transport including a regular bus service to employment opportunities, facilities and services in Wolverhampton, Wombourne, Stourbridge and Kingswinford.
 - The development would be modest and it would not compromise the adopted spatial strategy to any material extent.

Green Belt Harm

- 6.23 Notwithstanding our view that the residential development of Parcel B constitutes 'limited infilling' we have examined the extent to which the proposals would impact on the openness of the Green Belt and the role that the land plays in satisfying the purposes of the Green Belt, as defined in paragraph 80 of the NPPF.
- 6.24 We have found that:
- Parcel B is very well contained, both physically and visually, by existing built development (to the south, east and west). This Parcel has a weaker boundary to the north (with 'Parcel A') but Parcel A is within the village Development Boundary and is itself contained to the north by existing dwellings. The development of Parcel A would provide further containment of Parcel B. In those circumstances it would be an isolated parcel of open land in the centre of the village enclosed on all sides by residential development.

- Parcel B makes very limited, if any, contribution to the five purposes of the Green Belt:
 - because of how it is contained, its development would not constitute unrestricted sprawl into the open countryside.
 - It is not necessary to keep this site 'open' to prevent neighbouring towns from merging. Development of the site would result in no expansion of the village towards other settlements including Wombourne and Swindon. As a result the development of the site would pose no threat in terms of coalescence, either actual or perceived.
 - The site is contained by existing (and potential) built development and has a stronger physical and visual connection with the built up parts of the village than with the open countryside beyond it. The site, therefore, does not play an obvious countryside role and its development would not result in encroachment into the open countryside.
 - The site serves no purpose in preserving the setting and special character of a historic town.
 - Keeping this land free of development will not help to deliver urban regeneration. The Council has been through a process of identifying all available brownfield sites and is proposing to allocate these in the SAD.

6.25 Whilst the development of Parcel B would inevitably result in some loss of 'openness' the harm that would be caused by the development in Green Belt terms would be very limited indeed.

Benefits

6.26 The development of the land has the potential to provide a number of benefits including:

- the delivery of a mixture of open market and affordable dwellings in circumstances where the Council does not have an adequate supply of deliverable housing sites and is not delivering sufficient housing to meet the District's needs;
- the provision of new housing within walking and cycling distance of a range of local services, including retail, leisure, and employment uses in nearby Wombourne, Wall Heath and Kingswinford;
- housing development close to bus stops on School Road which provide a regular bus service to Wolverhampton, Wombourne, Stourbridge and Kingswinford. Passengers can also interchange there and access additional regional bus and rail services;
- job creation (on site, during the construction period);
- the generation of additional population in the village resulting in:
 - increased local spend which would support the vitality and viability of local services (e.g. the bus service) and facilities (e.g. the public houses, cricket club, farm shop and restaurants) in the village;

- support for the services in nearby villages of Wombourne and Swindon in accordance with paragraph 55 of the NPPF;
- a more sustainable, vital and cohesive community in accordance with paragraph 55 of the NPPF;
- additions to the local employment pool, assisting with economic growth;
- an opportunity to provide some on site open space, landscaping and ecological enhancements;
- the generation of additional Council Tax and new homes bonus; and
- contributions to local infrastructure through appropriate site specific planning obligations.

Planning Balance

- 6.27 The objectively assessed need for housing that underpins the Core Strategy is out of date. In addition, the Council is currently unable to demonstrate a five year supply of deliverable housing land against the OAN figure identified by Peter Brett Associates. Therefore, the tilted balance detailed in paragraph 14 of the NPPF is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would “*significantly and demonstrably outweigh the benefit, when assessed against the Framework taken as a whole,...*” or specific policies in the Framework suggest that development should be restricted.
- 6.28 Subject to the appropriate resolution of any technical and design related matters, the residential development of Parcel A would only conflict with Core Policies 1 and 6 of the adopted Core Strategy. The harm caused by a conflict with these policies would be limited and as Core Policies 1 and 6 are both out of date any harm arising from a conflict with them must necessarily be afforded less than full weight in the planning balance. There are no other material considerations which indicate that planning permission ought to be refused for the residential development of Parcel A.
- 6.29 The development of Parcel A has the potential to deliver a number of benefits, including benefits which are consistent with paragraph 55 of the NPPF. The harm arising from the development of Parcel A would be very limited indeed and certainly not substantial enough to “*significantly and demonstrably outweigh*” the benefits of the development. Therefore, the residential development of Parcel A should be considered appropriate and planning permission ought to be granted for it.
- 6.30 The development of Parcel B would also conflict with Core Policies 1 and 6 but, in addition, would be at odds with Policy GB1. Like Core Policies 1 and 6, Policy GB1 is out of date and any harm arising from a conflict with it must be afforded less than full weight. Moreover, the development of Parcel B would constitute ‘appropriate’ development in NPPF terms. This together with the fact that the development of Parcel B would deliver a number of social, economic and environmental benefits indicates that planning permission should be granted for this element of the proposals also. Even if we are wrong about this point of the development constituting ‘limited infilling’, the benefits that would flow from the proposals would clearly outweigh the harm that the development would cause to the openness of the Green Belt. Accordingly, there are very special circumstances justifying a grant of planning permission.

7. Other Technical Matters

7.1 The development plan and other material considerations will require the HCA to address a number of technical matters including traffic and transportation, flood risk and drainage, ecology, arboriculture, heritage and landscape and visual impacts. Each of these matters is considered further below.

Flood Risk

7.2 According to the Environment Agency Flood Risk Map the site is entirely within Flood Zone 1 (i.e. at low risk of flooding from rivers and the sea). Therefore, flood risk and drainage does not represent a significant constraint to development. It is anticipated that any application would be accompanied by a Flood Risk Assessment and Drainage Strategy.

Ecology and Trees

7.3 The site comprises open agricultural land which has been grazed by horses. It is not subject to any ecological designations and is most unlikely to have any significant ecological value. There are a number of shrubs, hedges and semi-mature/ mature trees along the site boundaries and it ought to be possible to retain the vast majority of these.

7.4 Trees and ecology are not likely to present a significant constraint to development. Nonetheless, it is anticipated that any application would be supported by a Phase 1 Ecological Appraisal, as a minimum.

Heritage and Archaeology

7.5 The site does not contain and is not immediately adjacent to any designated heritage assets. There are designated heritage assets in the wider area but these would not be affected by the development of this land.

Landscape Impact

7.6 The site is open and reasonably flat but it is well contained by existing development and residential gardens to the north, south east and west. Therefore, it is unlikely that there would be any adverse landscape impact arising from the residential development of the site.

Services and Utilities

7.7 Electricity poles and cabling pass through the southern part of the site. It is understood that these are low voltage electricity lines which could be buried underground as part of the development.

Highways and Access

7.8 The site is currently accessed via Plantation Lane. The HCA has sought technical advice in respect of highways and access. This work has identified a number of access options to the site. Therefore, highways and access is not a significant constraint to the development of this site. It is anticipated that any application would be accompanied by a Transport Statement and Travel Plan.

8. Planning Obligations and CIL

- 8.1 South Staffordshire Council is not currently preparing a CIL charging Schedule.
- 8.2 In respect of planning obligations, the Framework advises that these should only be used where it is not possible to address unacceptable impacts of the proposed development through a planning condition. They should also meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
- necessary to make the development acceptable in planning terms:
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 8.3 Policy EQ13 of the adopted Core Strategy relates to Developer Contributions. It confirms that contributions will be sought from developers, where necessary, to ensure the achievement of sustainable development. It identifies a list of infrastructure to which financial contributions may be sought, where appropriate.
- 8.4 Policy EQ13 confirms that a reduction in contributions will only be considered where it is demonstrated that full provision would make development unviable.
- 8.5 In relation to affordable housing, the adopted Affordable Housing and Housing Mix SPD confirms that the threshold for affordable housing in the other villages is for negotiation with the starting point being the same as small service villages (i.e. on sites of 2 or more dwellings or 0.1Ha or more). It confirms that on sites above this threshold 20% affordable housing would be sought on schemes of 9 dwellings or less and 40% would be sought in respect of schemes of 10 dwellings or more.
- 8.6 The HCA will be happy to agree planning obligations which satisfy the statutory tests.

GVA

December 2017



Appendix I
Site Location
Plan and
Aerial Photo