

From: [REDACTED]
Sent: 08 September 2017 16:55
To: Blackcountrycorestra
Subject: Core Strategy Representations
Attachments: Black Country Core Strategy Response Form.pdf; Letter Response to Black Country Core Strategy.pdf; Call for Sites Questionnaire.pdf; SK01_A_Site Location Plan.pdf

Dear Sirs

BLACK COUNTRY CORE STRATEGY REPRESENTATIONS

Please find attached representations made on behalf of Catalyst Capital to the Issues and Options consultation stage of the Black Country Core Strategy and the Call for Sites Submission.

Please confirm receipt of these representations.


Kind regards

[REDACTED]

[REDACTED]
**Associate
Planning**

Savills, Innovation Court , 121 Edmund Street , Birmingham B3 2HJ



 Before printing, think about the environment



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Please state clearly the section of the Issues and Options document you are commenting on and include question numbers and chapter titles where relevant. This will help us to fully take your comments into account.

Chapter / Page / Question / Paragraph
Do you agree or disagree with the approach set out in the relevant section and / or question?
Comments (continue on a separate sheet if necessary)
Please refer to attached letter.

08 September 2017
Draft Letter Response to Black Country Core Strategy

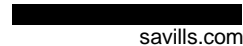


Dudley Council
Council House
Priory Road
Dudley
DY1 1HL



By email only: blackcountrycorestrategy@dudley.gov.uk

Innovation Court
121 Edmund Street
Birmingham B3 2HJ



savills.com

Dear Sir / Madam

**BLACK COUNTRY CORE STRATEGY: LOCAL PLAN ISSUES AND OPTIONS REPORT (SEPTEMBER 2017)
REPRESENTATIONS ON CATALYST CAPITAL LLP**

Introduction

Savills has been appointed by our client, Catalyst Capital LLP, to submit representations to the Black Country Core Strategy Issues and Options Paper. These representations relate to consultation questions 1, 2, 3, 6, 7, 9, 10, 11, 35, 36, 37, 39, 40, 41, 42, 43, 44, 49 and 99. These questions are considered in turn within the remainder of this letter.

Question 1 – Do you agree that the Core Strategy review should be a partial review, retaining and stretching the existing spatial strategy and updating existing policies? Yes/No; If not, what do you think should be the scope of the review?

The adopted Core Strategy predates the National Planning Policy Framework (NPPF). The Core Strategy should be fully updated to take account of all relevant changes in Government policies and guidance, including the implementation of provisions being brought in through the Housing and Planning Act (2016), such as Starter Homes and the Brownfield Land Register. The Black Country covers four Local Authorities and it is therefore crucial that the spatial strategy is fully reviewed so that all the policies are relevant and up-to-date. Furthermore, the scale of the proposed changes to the existing strategy warrants a full and comprehensive Core Strategy Review. It is also essential that the Review takes account of the Birmingham Housing Market Area (HMA) shortfall.

Question 2 – Do you think that the key evidence set out in Table 1 is sufficient to support the key stages of the Core Strategy review? Yes/No; If not, what further evidence is required and, if there are any particular issues that should be taken into account in considering development on any particular sites or in any particular areas, please provide details.

The existing evidence base is, in part, dated and needs to be brought fully up-to-date in order to provide a sound and robust basis for the emerging Core Strategy.

Our client continues to promote the acceptability of the redevelopment of the previous developed land (including Factory complex AP (UK)) at Heathfield Lane West, Darlaston (Walsall Borough) for housing development (please refer to the Call for Sites submission).

Question 3 – Do you agree that the housing need identified for the Black Country over the period 2014-36 in the SHMA, and the anticipated amount of supply, are appropriate and in line with national guidance? Yes/No; If not, please explain why they are not appropriate and in line with national guidance.

We recognise that there will be a need to release greenfield (including Green Belt) land for development to plug the shortfall between the existing supply identified through the Black Country Core Strategy constituent Authorities' SHLAAs and the final objectively assessed housing need figure for the Black Country. In reviewing the existing supply data we consider that it is important to continue to encourage housing development on previously developed sites, to assist with the delivery of regeneration across the Black Country and to contribute to achieving sustainable development. There should be an appropriate balance between previously developed and greenfield land supply.

The completions and SHLAA housing supply figure of 48,185 homes includes the previously developed land (including factory complex AP (UK)) at Heathfield Lane West, Darlaston (please refer to the Call for Sites Submission). We support the retention of this site, as a suitable site for significant housing delivery, in the housing land supply.

Question 6 – Do you agree that the key issues set out in Part 3 are the key issues that need to be taken into account through the Core Strategy Review? Yes/No; If not, what other key issues should be taken into account?

We agree with the essence of the key issues summarised in the first two bullet points. The Black Country Authorities should still retain their focus on supporting the redevelopment of brownfield land for housing, where appropriate, alongside the need to look beyond the existing Growth Network for additional land supply. However we consider that a full review of the Core Strategy should be undertaken, supported by a robust and up-to-date evidence base, to ensure the Core Strategy is sound.

Question 7 – Do you think that the Core Strategy vision and sustainability principles remain appropriate? Yes/No; If not, what alternatives would you suggest?

The NPPF (paragraph 17) states that the principles of planning should encourage the effective use of land by reusing land that has been previously developed. The NPPF does not provide a specific hierarchy for the development of land and therefore we recognise that having a sustainability principle that seeks to put brownfield land first could be difficult to justify and enforce. Accordingly we consider that the fourth sustainability principle should more closely reflect the wording of the NPPF. However it is important that the Black Country Authorities still positively encourage the redevelopment of suitable brownfield sites because these are still an important element of having a balanced housing land supply.

Question 9 – Do you agree that Policies CSP1 and CSP2 should be retained and updated to reflect new evidence and growth proposals outside the Growth Network? Yes/No; If not, what changes do you think should be made to Policies CSP1 and CSP2 in response to new challenges and opportunities?

We consider that Core Strategy policies CSP1 and CSP2 should be updated to reflect growth proposals beyond the Growth Network.

Question 10 – In continuing to promote growth within the Growth Network, is there a need to amend the boundaries of any of the Regeneration Corridors in the existing Core Strategy? Yes/No; If so, which boundaries and why?

We consider that the boundary of Regeneration Corridor RC5 should be expanded to include the former AP (UK) and Moxley Tip sites because these are both significant regeneration sites and both included within the emerging Walsall Site Allocations Document.

Question 11b – Are there any current employment areas that might be considered suitable for redevelopment to housing? Yes/No; Please submit specific sites through the ‘call for sites’ form.

We continue to support the redevelopment of the former AP (UK) site to housing. This site has extant planning permission (ref. 08/0394/FUL) for redevelopment to housing and is the subject of a draft allocation (HO303) within Policy HC1 of the ongoing Walsall Site Allocations Document. Proposals for the redevelopment of this site for housing are being actively pursued. We therefore strongly promote the inclusion of this site as a housing site within the Core Strategy (please refer to the Call for Sites submission).

Question 35 – Do you support the proposed approach to housing land supply? Yes/No; If no, please explain why.

The shortfall in housing land supply means that the percentage of housing development on previously developed land is going to decrease from the 95% target included in current Core Strategy Policy HOU1 due to the need to release greenfield land to meet the Emerging needs. The Black Country Authorities should however continue to positively encourage and support development on previously developed sites, through viability negotiations and through the use of grant funding where necessary. This will enable suitable previously developed sites to come forward for housing development at the earliest opportunity as part of a balanced housing land supply.

Question 36 – Do you think that the current accessibility and density standards set out in Policy HOU2 and Table 8 should be changed? Yes/No; If yes, what standards should be applied instead, for example should the minimum net density of 35 dwellings per hectare be increased to maximise brownfield housing delivery?

NPPF paragraph 58 states that policies should aim to ensure that developments should respond to local character and history and reflect the identity of local surroundings. NPPF paragraph 59 identifies that design policies should avoid unnecessary prescription or detail and infers that the approach to density should be taken in relation to the neighbouring buildings and the local area more generally. The NPPF does not therefore currently set minimum density standards.

Any proposed changes to accessibility and density standards need to be justified with appropriate evidence. Before a review of Policy HOU2 and Table 8 is pursued, further evidence should be provided on whether the accessibility and density standards have been successful. We consider that applying blanket policies on density does not always lead to the most appropriate forms of development that are deliverable, viable, and compatible with the location and meet market requirements. The wording of Policy HOU2 should be sufficiently flexible to accommodate approaches to density to be considered on a site-by-site basis.

We therefore disagree with setting a minimum net density of 35dph and with a possible increase on this figure. Furthermore any proposed changes to the current accessibility standards should only be undertaken using the criteria set out in the Planning Practice Guidance.

Question 37a – Do you think that the existing Policy HOU2 site size threshold should be kept at 15 homes or more? Yes/No; If no, please explain why

Question 37b – If no, should it be reduced to 11 homes or more? Yes/No; If no what other threshold should be used and why?

Further evidence should be presented on what proportion of housing delivery across the Black Country has been on sites of 15 dwellings or more. The Black Country faces significant challenges over the viability of sites within its housing land supply under the current market conditions. The Core Strategy should be supported by up-to-date viability evidence. Any proposed changes to site size thresholds needs to be supported by robust evidence on viability and deliverability. The NPPF (paragraphs 173 & 174) sets out the need for policies to avoid placing such burdens on sites that their ability to be developed viably is threatened and to avoid placing the implementation of the plan at serious risk. We reserve the right to comment further as and when new evidence becomes available.

Question 39 – Do you think separate accessibility standards are needed for particular types of housing e.g. housing for the elderly or affordable housing (as occupiers may be less mobile and more dependent on public transport)? Yes/No; If yes, please provide details.

The proposal for any additional accessibility standards for particular types of housing should be justified by sufficient appropriate evidence that meets the requirements of the Planning Practice Guidance. The NPPF (paragraphs 173 and 174) sets out the need for policies to be supported by evidence, the need for policies to avoid placing such burdens on sites that their ability to be developed viably is threatened and the need to avoid placing the implementation of the plan at serious risk. More evidence is therefore required. We reserve the right to comment further as and when new evidence becomes available.

Question 40 – Do you agree that the 2017 SHMA findings should be used to set general house type targets for the Plan period? Yes/No; If no, please explain why.

The NPPF (paragraph 50) requires Local Planning Authorities to take Strategic Housing Market Assessments (SHMAs) into account as part of the evidence base for developing Local Plans. The NPPF also states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, as well as identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Therefore it is appropriate for the 2017 Black Country and South Staffordshire SHMA should form part of the consideration in appraising the mix of homes to be delivered on individual sites. However the Core Strategy policies should avoid setting prescriptive house type targets for the Plan period to provide the flexibility for a wide range of factors to be taken into account in delivering different types of housing on sites in the Black Country over the course of the Plan period.

Question 41a – Do you support the introduction of a policy approach towards self and custom build housing in the Core Strategy? Yes/No; If yes, would you support:

Question 41b – A target for each authority? Yes/No; Any further comments

Question 41c – A requirement for large housing sites to provide serviced plots? Yes/No; Any further comments?

Question 41d – Another approach altogether? Yes/No; If yes, please specify. Question 41e - Do you support the use of a variety of local approaches to Houses in Multiple Occupation (HMOs) across the Black Country? Yes/No; If no, please explain why.

It is considered that there is currently insufficient evidence to support a requirement for the Core Strategy strategic policies to introduce either a specific policy approach towards self and custom build housing, or a target for each authority, or a requirement for large housing sites to provide serviced plots. Whilst the Core

Strategy could encourage the development of self and custom build housing, it should not introduce specific delivery requirements and targets without robust evidence.

Question 42 – Do you agree that the annual affordable homes target should be increased to reflect the 2017 Black Country Strategic Housing Market Assessment? Yes/No; If no, please explain why.

Detailed evidence is required to determine, amongst other matters, viability and past delivery across the BCCS area, before any changes can be proposed.

Question 43a – Do you think that the existing Policy HOU3 site size threshold should be kept at 15 homes or more? Yes/No; If no, please explain why.

Question 43b – If no, should it be reduced to 11 homes or more? Yes/No; If no, what threshold should be used?

Further evidence is required. The Black Country faces significant challenges over the viability of sites within its housing land supply under the current market conditions. The Core Strategy should be supported by up-to-date viability evidence. Any proposed change to site size thresholds needs to be supported by robust evidence on viability and deliverability. The NPPF (paragraphs 173 and 174) sets out the need for policies to avoid placing such burdens on sites that their ability to be developed viably is threatened and to avoid placing the implementation of the Plan at serious risk. We reserve the right to comment further as and when new evidence becomes available.

Question 44a – Do you think that the affordable housing requirement for eligible sites in Question 43 should be kept at 25% of the total number of homes on the site? Yes /No; Any further comments?

Question 44b If no, should the percentage be increased to allow for the provision of affordable home ownership? Yes/No; If yes, what should the percentage be and why?

Further detailed evidence is required to support any proposed changes. The Core Strategy should be supported by up-to-date viability evidence, including with respect to whether a 25% requirement remains viable.

Any proposed changes to affordable housing requirements needs to be supported by robust evidence on viability and deliverability. The NPPF (paragraphs 173 and 174) sets out the need for policies to avoid placing such burdens on sites that their ability to be developed viably is threatened and to avoid placing the implementation of the plan at serious risk. We reserve the right to comment further as and when new evidence becomes available.

Question 49a – Is there still a need for existing Policy DEL2 in order to manage the release of poorer quality employment land for housing? Yes/No; If no, please explain why.

Question 49b – If yes, should this policy be used to assess the release of employment land to alternative uses, other than housing? Yes/No; If yes, please explain why.

Where there is clear evidence that the existing employment use is not required, then such previously developed sites should be released to meet the housing requirement within the Black Country. The NPPF (paragraph 17) encourages the effective use of land by reusing previously developed (brownfield) land. The NPPF (paragraph 22) also states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Question 99a – Do you think that national standards for housing development on water consumption should be introduced in the Black Country? Yes/No; If yes, please specify what level and percentage would be appropriate and why?

Our client considers that the approach to water efficiency should reflect the outcome of the Housing Standards Review (2015) and therefore seeking a water efficiency target of 125 litres per person per day being the minimum national standard, implemented through building regulations.

The DCLG Written Ministerial Statement (WMS) issued on 25 March 2015 stated that *“From the date that the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. The Deregulation Bill was given Royal Assent on 26 March 2015.

Any variation to the national minimum standard would therefore require additional evidence. As acknowledged in paragraph 6.1.52 of the Black Country Core Strategy Issues and Options Report, the Black Country does not currently lie in an area of serious water stress and therefore it does not appear likely that a variation to the national minimum standard could be demonstrated. However we reserve the right to comment further if new evidence becomes available.

The WMS also states that the optional new national technical standards with respect to water should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered in accordance with the NPPF and Planning Practice Guidance. The Planning Practice Guidance identifies that in order for Local Planning Authorities to introduce a new requirement they need to identify a ‘clear need’ based on: existing sources of evidence; consultations with the local water and sewerage companies, the Environment Agency and catchment partnerships; and consideration of the impact on viability and housing supply of such a requirement.

Question 99b – Do you think that national access standards for housing development should be introduced in the Black Country? Yes/No; If yes, please specify what level and percentage would be appropriate and why.

In accordance with the requirements of the NPPF (paragraph 174), in setting any local standards through Local Plan documents, *“local planning authorities should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence”*.

The national accessibility standards are not a requirement. The NPPF (paragraph 158) makes it clear that each local planning authority should ensure that their Local Plan is based on adequate, up-to-date, and relevant evidence. The new Core Strategy should therefore only require developers to meet the national accessibility standards if this can be justified by appropriate evidence in accordance with the criteria set out in the Planning Practice Guidance, with reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations. We reserve the right to comment further if and when new evidence becomes available.

Question 99c – Do you think that national space standards for housing development should be introduced in the Black Country? Yes/No; If yes, please specify what level and percentage would be appropriate and why.

In accordance with the requirements of the NPPF (paragraph 174), in setting any local standards through Local Plan documents, *“local planning authorities should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence”*.

We consider that space standards should be left to developers to determine in line with market requirements. Whilst the Housing Standards Review introduces a new national space standard, this has not been incorporated into the Building Standards and is not a requirement. Housebuilders have a vested interest in building products that meet market needs, which will sell and which are viable to build. The policies in the new Core Strategy should be sufficiently flexible to allow this to happen without adding a prescriptive policy burden. If the market demands space standards in line with the optional national standards, then it is more likely that developers will deliver these. These considerations all form part of the need to take account of ‘market signals’, as required by the NPPF.


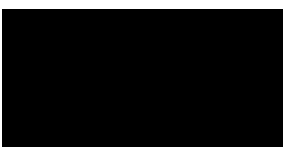
The NPPF makes it clear that each local planning authority should ensure that their Local Plan is based on adequate, up-to-date and relevant evidence. The new Core Strategy should therefore only require developers to meet the National Space Standards if this can be justified by taking account of need (evidence provided on the size and type of dwelling currently being built in the area), viability (consideration of the impact of adopting the space standards as part of the Plan’s viability assessment) and timing (potential need to factor in a reasonable transition period following adoption of a new policy on space standards to allow developers to factor this into future land acquisitions), in accordance with the requirements of the Planning Practice Guidance. We reserve the right to comment further if and when new evidence becomes available.

Question 99d – Do you think that the standards should be different for brownfield and greenfield sites? Yes/No; If yes, please explain how and why

There is currently no evidence presented with the Issues and Options consultation document to use to make an informed decision on whether the standards should be different for brownfield and greenfield sites.

I trust that you find these Representations in order. However please do not hesitate to be in contact if you require any further information or clarification.

Yours faithfully


Associate