

## **WALSALL SITE ALLOCATION DOCUMENT EXAMINATION**

### **EXAMINATION DOCUMENT REFERENCE NUMBER EXAM 1**

**Prepared 25 July 2017**

### **MAIN MATTER 3 – HOUSING TOPIC PAPER**

#### **WALSALL COUNCIL**

Questions asked by the Inspector are in italics below. For ease of reference, these have been numbered in this paper.

*MM3.1. Is the housing requirement set out in the SAD justified by appropriate available evidence, having regard to national guidance, and local context, including meeting the requirements of the BCCS?*

The SAD is a “second tier” plan and is intended to identify sites for housing and other land uses to meet the needs identified in the BCCS. This follows the principle set out in the Wokingham and Tonbridge Wells cases<sup>1</sup> which concluded that the inspector was not required when examining a development plan document dealing with the allocation of sites to consider whether an objective assessment of housing need would disclose a need for additional housing.

As such, the SAD does not re-visit the housing requirement, either for general needs or for affordable housing, specified by the adopted BCCS.

BCCS Policy HOU1 states that sufficient land will be provided to deliver at least 63,000 net homes over the period 2006-2026 across the area of the four Black Country authorities. The majority of the requirement will be met through committed sites and the phased allocation of sites as detailed in Tables 5, 6 and 7, the Housing Key Diagram and Appendices 2 and 3 of the BCCS.

BCCS Table 7 provides a breakdown of the housing land supply by local authority for 2006-2026 to show how this target will be met. For Walsall, the stated figure is 11,973 net (14184 gross). Table 7 also shows indicative phased net targets to allow a housing trajectory to be produced as required by the NPPF Paragraph 47.

The current housing supply situation in Walsall is set out in the SHLAA (May 2016 update) (Core Document SEH.1). This indicates that, of the 11,973 net target in the BCCS, 6,165 homes have already been completed leaving a further 5,808 to be completed by 2026. The SHLAA provides a breakdown of where these additional dwellings might be located: these include sites with a valid planning permission or already under construction, sites where a previous planning permission has lapsed, and other suitable previously developed land in line with the “brownfield first” principle of the BCCS. The tables on pages 15 and 16 of the SHLAA breakdown the potential supply into six categories (a) to (f).

The SAD seeks to safeguard for housing many of the sites in the SHLAA. Policy HC1 identifies sites with a total estimated capacity of 3,791 homes, which are taken from sites in categories (a) to (d) in the SHLAA. Not all sites in these categories in the SHLAA are included in the SAD

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<sup>1</sup> <http://www.bailii.org/ew/cases/EWHC/Admin/2014/2320.html> and <http://www.bailii.org/ew/cases/EWHC/Admin/2017/224.html>.

and the resulting figure of 3,791 is less than the remaining BCCS requirement. This is because the SAD does not seek to allocate sites where:

- Construction has already commenced (Table HC1 currently includes a few sites where construction has commenced during preparation of the SAD, however a modification is requested to delete such sites where construction commenced prior to April 2016).
- The site has a capacity of fewer than 10 dwellings.
- The site is in a district centre or Walsall Strategic Centre. These areas are not covered by the SAD, although they are covered by the BCCS.

The BCCS envisages that a large quantity of housing will be provided on surplus former employment land. This is divided in the SHLAA into two categories:

- Land that is no longer in use (much of the land in category (d) is former employment land.
- Land currently in use for employment that might be considered for release (in accordance with BCCS Policy DEL2) (most of the land in category (e) is in employment use.

Former employment land that is suitable for housing is allocated in the SAD under Policy HC1 (except for small sites and sites in centres). "Consider for release" employment land is identified in the SAD under policy IND4. It should be noted however that the SHLAA demonstrates that little if any of the "consider for release" land will need to be redeveloped for housing before 2026, as sufficient land for housing is available from other sources.

Categories (a) to (d) in the SHLAA taken together would provide land for 6,714 homes, well in excess of the remaining requirement for 5,808 net homes identified in the BCCS for the period to 2026. This is in accordance with BCCS policy HOU1 which states that the target is for "at least 63,000 net new homes" and is in line with the requirement of the NPPF to boost significantly the supply of housing.

The SAD is therefore just one of the tools that is being used to deliver Walsall's housing supply. The table below shows the contribution that the sites proposed to be allocated in the SAD will make to the total housing requirement in the BCCS, broken down by the categories in the 2016 SHLAA. This table does not include a discount to allow for non-delivery of some sites, or a small site windfall allowance (however, small sites that already have planning permission are included). The BCCS proposes a discount rate of 10% for sites that are committed through planning permissions or local plan allocations. The SHLAA indicates that in Walsall 118 dwellings per year were completed on sites smaller than 0.25ha over the period 2006-2013.

| <b>Housing Requirement</b>                                      |               |
|---|---------------|
| Walsall Total Net Dwelling Requirement 2006-2026 (BCCS Table 7) | 11,973        |
| <b>Housing Supply</b>   |               |
| Net Completions 2006-2016                                       | 6,165         |
| Allocations Proposed by SAD Policy HC1                          | 3,791         |
| Other Sites in SHLAA Categories (a) to (d)                      | 2,923         |
| <b>TOTAL HOUSING SUPPLY FROM ABOVE</b>                          | <b>12,879</b> |

*MM3.2. Do the Policies HC1, HC2, IND4, SLC2, UW1 and ENV7 show how they will contribute to the achievement of the housing requirement of the BCCS (11973 dwellings net) and its timescale for delivery?*

Policy HC1 allocates specific sites for housing, but these other policies also provide for additional housing, either on some of the sites referred to (Consider for Release sites listed under Policy IND4 where any remaining industry can be relocated and the other requirements of the plan are met, and local centre sites under Policy SLC2), or as part of the wider development of a particular site (Policy UW1 and EN7). Policy HC2 provides general criteria to assess proposals that may come forward for sites not specifically allocated for housing by the other policies.

As noted above, the residual housing requirement for the period between April 2016 (the base date of the SAD) and 2026 (the end date of the BCCS) to meet the BCCS target is 5,808 net homes. Of these, SAD Policy HC1 identifies land for 3,791 homes but policy HC2 does not identify any specific sites. The total potential housing capacity of all consider for release employment sites listed under policy IND4 is included in the SHLAA, but the contribution that individual sites could make has not been explicitly identified because of the uncertainty over which particular sites may come forward. As noted above, it is not essential that the 'consider for release' sites are delivered before 2026, because the SHLAA identifies sufficient land for housing from other sources to meet the current BCCS requirement.

The other policies are not primarily about housing delivery. The housing capacity of local centre sites identified under policy SLC2 has been included in the SHLAA where planning permission has already been granted. However, because of the complex nature of many sites in centres, for example where there is potential for high density mixed uses, it is not possible for either the SAD or the SHLAA to provide an accurate estimate of the housing capacity of other centre sites where no detailed design has been produced. Any housing on such sites therefore would be in addition to the capacity identified in the SHLAA.

Policy UW1 is intended to replace the existing UDP saved policies H2 and LC10 in respect of the Wolverhampton University Campus. The UDP envisaged that one of the university buildings would be redeveloped for housing. This remains a possibility and the university site is listed in the SHLAA, but the potential housing capacity (25 dwellings) is relatively small.

Policy EN7 is also intended to replace an existing UDP saved policy, in this case policy ENV8. Great Barr Hall and Estate and the former St Margaret's Hospital is the largest site in the borough for any land use. It has also been the site of the largest housing development in Walsall, with 446 homes having been built on the former hospital site since planning permission was granted by the Secretary of State in 2004. However, that development is now complete and the only potential for further housing provision is for a small number of units on the site of one of the hospital buildings (Queslett School, for which planning permission has already been granted), the possible conversion of Great Barr Hall itself, and possible enabling development to fund the restoration and maintenance of the Hall and the historic parkland. The issues relating to this site will be discussed in more detail under Main Matters 7 and 8.

*MM3.3. Is Policy HC3 – Affordable Housing and Housing for People with Special Needs justified by appropriate available evidence, having regard to national guidance, and local context, including the BCCS?*

Walsall's current affordable housing policy is provided by BCCS Policy HOU3 and the remaining part of UDP saved policy H4 (paragraphs (g) to (j)). Paragraphs (g) to (j) are somewhat prescriptive and do not reflect recent and emerging changes to national policy and funding arrangements for affordable housing. It is proposed that Policy HC3 would replace these paragraphs.

Paragraph (a) of the proposed SAD policy does not seek to change the existing requirements of BCCS Policy HOU3 but only provides for the detailed arrangements for the provision of affordable housing to be set out in a supplementary planning document. This will allow changes that may be necessary as a result of alterations to national policy to be made more quickly than would be the case if the detailed requirements were set out, as now, in a development plan policy. National policy relating to affordable housing is changing rapidly, for example with the introduction of the Vacant Building Credit through a ministerial statement and then an amendment to the Planning Practice Guidance, and other changes proposed in the Housing White Paper.

Paragraphs (b) and (c) seek to direct housing for the elderly and others who require care to sustainable locations with public transport access. This is to ensure accessibility both for residents who may still be mobile but who are unable to drive, but also for care workers, who are often on low wages, and for visitors. The policy is supported by a recent RTPi Practice Advice Note about Dementia and Town Planning (SHE.2).

*MM3.4. Should Policy HC3 reflect the 25% threshold as set out in the BCCS and does it strike an appropriate balance with regard to economic viability in relation to securing the delivery of affordable housing within Walsall?*

As noted above, the policy makes no change to the existing requirements of the BCCS. The BCCS requirement has been taken into account in the viability and delivery work carried out in the assessment of sites for the SAD.

*MM3.5. Is Policy HC4 – Accommodation for Gypsies and Travellers and Travelling Showpeople of the SAD justified by appropriate available evidence, having regard to national guidance, and local context, including the BCCS?*

As is the case with general housing, the SAD seeks to allocate land for travellers to meet the needs identified in the BCCS. These needs were set out in the Black Country Gypsy and Traveller Accommodation Assessment of 2008 (GTAA 2008) (Core Document SEG.3). However, GTAA 2008 and the BCCS only set out the requirement for pitches and plots to 2018. The GTAA Revision 2016 (Core Document SEG.8) therefore seeks to provide an estimate of need to 2026 in line with the end date of the SAD and to provide a 5-year requirement in accordance with the PPTS that was introduced after the adoption of the BCCS. SEG.8 however highlights that there remains some uncertainty over how the needs of travellers should be assessed and precisely what groups of travellers should be covered by the assessment.

Travellers (using the term in the wider sense rather than the more restrictive definition in the PPTS) in Walsall fall into four categories: ethnic travellers in conventional 'bricks and mortar' housing, travellers in caravans who require a permanent pitch, showpeople who require plots either for residential use only or for a mixed use with residential and equipment storage/maintenance, and travellers in transit.

There is a substantial 'settled' travelling community in Walsall. The majority of residents with a Gypsy or Irish Traveller background are believed to live in 'bricks and mortar' accommodation but there are a small number based in caravans or mobile homes. The latter includes a local authority site with 19 pitches and a private site with 12 pitches, as well as a handful of single family pitches. Two of the latter lie in the Green Belt and are the subject of temporary or personal permissions. The SAD proposes to make these permanent and unrestricted.

Over half the Showpeople community in the West Midlands region live in Walsall. The majority of them are retired and live in caravans or mobile homes on a group of privately owned sites in the Goscote area. These sites now lie in the Green Belt but were granted planning permission many years ago. There is also a large showpeople site at Toberland which is adjacent to an industrial estate, and a small number of showpeople live in bricks and mortar housing with a yard for vehicle and equipment storage attached.

Walsall, in common with other authorities in the area, also regularly experiences unauthorised encampments by travellers (but not by showpeople) (about 39 in 2015-16). The nature of these encampments make it difficult to obtain accurate information about the total number of individuals involved, but housing and enforcement officers advise that there is believed to be a small group who move regularly around encampments in the area, as well as larger numbers who transit through the West Midlands whilst *en route* between other parts of the country and Ireland / France.

There is no precise estimate of the number of ethnic travellers who live in bricks and mortar. Many members of the community are understood to hide their ethnicity to avoid discrimination. The housing needs of ethnic travellers in bricks and mortar accommodation who wish to remain in such accommodation are addressed as part of the assessment of the needs of the general population. A substantial part of the need for pitches identified in the GTAA 2008 arose from members of the community currently resident in conventional housing but who were believed to have a psychological aversion to living in bricks and mortar. However, no evidence was provided to support this belief so this element of need has been omitted from the GTAA Revision 2016.

The size of the community (both travellers and showpeople) living on permanent caravan pitches and plots is well known, and residents have been consulted at the various stages of preparation of the SAD. The PPTS revision in 2015 changed the definition of “traveller” for planning purposes: it is possible that many permanent residents of sites in Walsall no longer meet the definition of traveller in the PPTS, however, the SAD has continued to seek to provide for the full needs of the community in accordance with the previous definition. No challenge to this estimate of need has been received from members of the travelling community or their local representations (the only representation at Publication stage was from the National Federation of Gypsy Liaison Groups (647)).

Identifying sufficient sites to meet these needs has been a difficult task, as will be apparent from the large number of representations received, particularly at the Preferred Options stage. The Background Paper SEG.9 describes the process that has been undertaken, and also, together with Core Documents SEG.5 and SEG.8, explains the changes that have taken place to national legislation (principally the Housing Act 1985: Core Document SEG.6) and policy since 2008. Core Document SEG.8 shows what effect these changes may have on the overall need for additional pitches and plots, but notes that there is uncertainty in national policy.

The number of additional permanent pitches proposed, including existing temporary ones to be made permanent, equates to the need identified in the BCCS as modified by the GTAA Revision 2016. It is expected that further provision could arise from small site windfalls, where travellers develop pitches for single families. This reflects the desire of some families to avoid the use of larger communal pitches because of concerns about crime and anti-social behaviour on such sites. One single family pitch has recently been developed and granted planning permission in Croft Street, Willenhall. This permission was not granted until April 2016 so post-dates the base date for the SAD and is not currently included in the list of sites to be allocated.

The number of new showpeople plots proposed is less than indicated in the BCCS and GTAA. For two of the sites (GT45 and HO157a), there have been recent planning applications for general housing (GT45) and car hire (HO157a), so even the deliverability of these sites for showpeople use may be in doubt. However, the local authority has a good relationship with the community (indeed, at least two current or former members of the Council are or were showmen). There has been little demand from the community for new plots. This reflects the fact that many of the showpeople in Walsall are retired so are not forming new households. It is therefore possible that the 2008 GTAA exaggerated the need for additional showpeople plots.

The SAD does not identify any sites for transit pitches. This is because historically there has been uncertainty over how effective such pitches are in addressing unauthorised encampments. Other authorities in the region had found them to be of limited use. However, there is recent evidence in areas further afield that they have had a positive impact in relation to managing unauthorised encampments and therefore the Council's housing and enforcement officers are considering the provision of a transit site, possibly for a temporary period as an experiment: the location of such a site would be best determined through the development management process rather than through an allocation in the SAD.

The difficulty in identifying sufficient sites for travellers to meet identified needs means that most of the new sites proposed by policy HC4 are also identified as potential general housing sites by policy HC1. This reflects the fact that most traveller sites would also be suitable as general housing sites were it not for the more specific allocation. However, following the submission of planning applications for two of the sites (one for general housing on site HO27 at Goscote Lodge Crescent) and another for a car hire use on site HO157a at Former Autocraft, Walsall Wood)), it has been identified that the policy wording is unclear about which use (traveller or general housing) has priority.

It is therefore requested that the modifications set out in the Appendix below are made to the two policies. The current wording is in black whilst the modifications are in red or struck through text.

*MM3.6. Does the local plan adequately address the needs for all types of housing (excluding affordable housing which has already been considered above) and the needs of different groups in the community (as set out in paragraphs 50 and 159 of NPPF)?*

Apart from sites for travellers, the SAD does not allocate specific sites for different groups. There is no evidence that particular groups such as the elderly, people with disabilities or self-builders have any greater difficulty in obtaining housing than the population as a whole. Restricting sites to particular groups would also limit market choice.

Demand from people wishing to build their own homes is very limited: the Council has received fewer than 5 enquiries from persons wishing to be placed on the self-build register.

The Policy Justification for Policy HC3 notes that housing and health officers advised that in most cases smaller units are preferred to large institutional-type developments to accommodate very elderly people and others in need of some degree of care or specialist housing.

The SAD proposes to allocate sites with a wide range of sizes and in many different locations. Smaller sites would generally be below the minimum site size of 10 dwellings that has been used to select sites for inclusion in the SAD. Nevertheless, the SHLAA (Core Document SHE.1) indicates that a large number of small housing sites already have planning permission.

Many of these sites could be suitable for small institutional-type housing, or for self-build housing.

*MM3.7. Does the local plan make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of NPPF?*

The BCCS and UDP already contain policies relating to design and accessibility. In the BCCS, these include the Vision, Sustainability Principles and Spatial Objectives, the role of the Growth Network explained in Policy CSP1, and Place-Making in Policy CSP4, as well as Historic Character and Local Distinctiveness (Policy ENV2), and Design Quality, including crime prevention (ENV3).

Remaining UDP 'saved' policies include GP2 (Environmental Protection), GP5 (Equal Opportunities), GP6 (Disabled People), ENV32 to ENV38 (Design) and T1 to T12 (Transport). The SAD proposes to replace some of the latter, although the proposed policy wording in respect of design and accessibility is to be little changed. The Council has also adopted a Supplementary Planning Document 'Designing Walsall'.

As such, it is considered that there are already sufficient policies about this issue in the existing local plan documents. Decisions involving the issues would also be required to take account of national policies and guidance, and also national standards.

The SAD seeks to allocate sites for housing and other uses in locations that accord with the principles in the BCCS. Most of the proposed housing sites are for fewer than 200 dwellings, so they are expected to fit into the existing urban fabric. As such, it is considered that there is no need for the SAD to incorporate site-specific policies relating to design and accessibility.

## Appendix: Requested Modifications to Policy HC1 and HC4

### Policy HC1: Land Allocated for New Housing Development

Amend 4<sup>th</sup> paragraph as follows (additional text in red):

...A small number of these sites (referred to as GT or TS in Table HC1) could also be suitable instead in whole or in part for use as Gypsy and Traveller or Travelling Showpeople Sites, as described in policy HC4. **Proposals for general housing on these sites, or that would prevent provision for travellers on part of them in accordance with policy HC4, will be opposed unless it can be demonstrated that the total capacity of Gypsy and Traveller or Travelling Showpeople sites elsewhere in the borough, either on existing sites or other sites that are available for development for these uses, is at least equal to the total number of existing and new pitches/ plots set out in table HC4c (66 pitches and 90 plots)**

Add additional paragraph to end of Policy Justification for Policy HC1 as follows:

“Cross reference should be made to policy HC4 in respect of those sites where GT or TS is indicated.”

### Policy HC4: Accommodation for Gypsies and Travellers and Travelling Showpeople (incorporating **MMSAD6** )

Amend part a) of policy as follows (modifications proposed already are in blue and highlighted, whilst proposed further modifications are in red):

- a) The sites listed in Table HC4a and shown on the Policies Map are proposed for **permanent pitches for** Gypsies and Travellers or **plots for** Travelling Showpeople as indicated. This table also shows existing sites to be safeguarded. Proposals for the use or development of these existing or proposed sites for any other purpose, **including general housing**, will be opposed unless it can be demonstrated that the total capacity of **Gypsy and Traveller or Travelling Showpeople existing** sites elsewhere in the borough, **either on existing sites or other sites that are available for development for these uses**, is at least ~~the same as that~~ **equal to the total number of existing and new pitches/ plots** set out in Table HC4c below (66 pitches and 90 plots).



Amend Table H4c:

| Table HC4c: Capacity and Delivery Timescales |  |   |   |  |   |
|--|--|---|---|--|---|
|  | Occupied Permanent Pitches / Plots in 2008 | Permanent Pitches / Plots available in 2015 | Existing Time Limited or Personal Pitches / Plots | New Pitches / Plots to be provided in 2016-2026<br><br>Minimum Total Number of Pitches/ Plots Required by 2026 (existing and proposed) | Additional Pitches/ Plots needed to meet Minimum Requirement (compared with 2015 situation) |
| Gypsy and Traveller Pitches                  | 20   | 33  | 8   | <del>20</del> 55   | 14 (a)  |
| Showpeople Plots                             | 55   | <del>65</del> 66                            | 0   | <del>30</del> 90   | 24  |

(a) Based on lower end of need estimate in 2016 GTAA revision