

The notes of this meeting are intended as a general account of the proceedings and are not a verbatim record.

## **The Plan for Stafford Borough Examination**

### **Examination Hearing Sessions**

**Friday 25<sup>th</sup> October 2013 – Afternoon Session at 1.45pm**

### **Stafford North (Policy Stafford 2)**

#### **Attendees**

Stephen J Pratt	Planning Inspector	The Inspector
Katharine Makant	Note taker	KM

#### **Stafford Borough Council**

Alex Yendole	Stafford Borough Council	AY
David Smethurst	Stafford Borough Council	DS
George Venning	Levvel Ltd (author - D51)	GV
Paul Shukur	WYG Planning & Design (author – D15 & D16)	PS

#### **Other Participants**

Nick Dawson	Staffordshire County Council – Transport	ND
Jon Jarvis	Staffordshire County Council – Transport	JJ
Annabel Chell	Staffordshire County Council – Transport	AC
Andrew Marsden	Staffordshire County Council – Education	AM
Jane Field	Environment Agency	JF
Andrew Eden	Environment Agency	AE
Paul Windmill	Local Resident	PW
Richard Thomas	Creswell Parish Council	RT
Hugh Lufton	Clarks Farms	HL
Paul Shaw	Milwood Ltd	PShw
Ian Romano	St Modwen Developments	IR
Frazer Sandwith	Akzo Nobel UK	FS
Jeremy Cahill QC	Akzo Nobel UK	JC
Chris May	Maximus Strategic	CM
Sarah Wozencroft	Commercial Estates Group	SW

#### **1. Strategic Development Location (SDL) North of Stafford**

- 1.1 The Inspector noted that there were few objections in principle to the Stafford North Strategic Development Location (SDL). The representations received dealt mainly with detail and deliverability. The Plan made a strategic allocation of 3,100 houses and 36ha of employment to Stafford North, which represented 40% of the overall housing provision of 7,200 for Stafford Town. He noted that this represented 60% of the new housing provision for Stafford. Outline planning permission for 409 houses and Reserved Matters Application consent for 257 houses on part of the site previously identified in the Local Plan had already been granted. Maximus Strategic proposed to build 2,000 new homes but wished to extend its part of the site while Azko Nobel wished to enlarge its site and increase its provision from

473 to 700 new homes. Master Plans had been produced based on 3,000 and 2,000 homes.

- 1.2 On behalf of the Council, AY explained how the site had come forward as set out in the Examination Statement (M4/1a), making reference to extensive public consultation between 2009 and 2012. He noted that Additional Modification M39 (A26) addressed concerns relating to flood risk expressed by the Environment Agency. Planning permissions had been granted in 2012 and 2013 on part of the site (HP13 in the Local Plan) and Taylor Wimpey had already started work on site. He confirmed that the 473 figure for the remaining Akzo Nobel part of the site (Option A in M4/5b) excluded the land already being developed by Taylor Wimpey.
- 1.3 AY went on to outline the strategic infrastructure which was to be delivered via the Stafford North package, making reference to criteria xiii to xxi in Policy Stafford 2 and to Appendix D of the Plan. He noted that the County Council had been involved in extensive discussions (E94) with the developers and that infrastructure was included in the Statement of Common Ground (SCG) between the developers and the Council (E97).
- 1.4 AY referred to the main area of disagreement identified in the SCG, which related to the Concept Diagram, whether the land was sufficient to deliver the mixed use development and the higher level of growth being promoted by the developers. Since the SCG was signed, the developers had consulted the public on its illustrative framework (E91) but no agreement had been reached with the Council on the area of dispute. The Council had commissioned a viability and deliverability report from Level (D51), which indicated that the scale of development sought by the Council could be achieved.
- 1.5 The Inspector queried the calculation set out in paragraph 3.8 of the Council's Examination Statement (M4/1a), which quoted a figure of 2,607, some 500 short of the 3,100 allocation. This seemed to conflict with the Council's assertion that 3,100 was deliverable.
- 1.6 On behalf of Akzo Nobel, JC said that his client supported the Plan and that if the 700 housing allocation did not come forward, this would affect soundness. Akzo Nobel's evidence explaining why its site needed to be extended in order to achieve the Council's target of 3,100 was set out in its Further Statement (M4/5b). JC noted that the Level report assumed that 50% of the existing 33ha site was deliverable. However:
  - 11ha was required for SANGS and Natural England had said this must be provided on site (J40);
  - The Plan was committed, rightly, to green links to the north as set out in the Concept Diagram (page 50 of the Plan), which further constrained the site;
  - The existing boundary of the SDL did not reflect the natural features on the ground whereas the extension proposed by Akzo Nobel followed natural features and was in their ownership;
  - A main modification would be required but the extension would add 11ha to the site, a quarter to a third of which would be developable and it was necessary to balance the green books.In summary, the extension would not prejudice deliverability, the boundary was sensible, the location was sustainable, it did not increase the housing allocation and only a small proportion of the land would be lost to the countryside.
- 1.7 With reference to the Natural England letter (J40), the Inspector asked whether the SANGS could be provided on the 11ha extension. A representative of Akzo Nobel replied that most of the SANGS in Option A (M4/5b) were built around existing natural features such as ponds,

marl pits and hedgerows. The Inspector noted that developers of sites which were partly in Green Belt often located recreation space in the Green Belt to preserve the countryside. FS acknowledged this but said that the extension was necessary for the development and noted that SANGS were required to be provided on site, not adjacent to it.

- 1.8 In respect of the Taylor Wimpey land, FS confirmed that this was not included in the calculation and that the planning permission had included a contribution for open space, in line with the requirements of the adopted Local Plan. The calculation also excluded the Maximus Strategic land, reflecting the different ownerships.
- 1.9 On behalf of Maximus Strategic, CM commended the way in which the two developers had worked together on the site. He noted that it would be possible to increase housing density on the site but this would not achieve the overall objectives. He made the following points:
- Evidence that the boundary needed to be extended had been shared with the Council over a long period but it had not changed its view;
  - The purpose of SANGS was to provide a useable and accessible alternative to the SAC and this would not be achieved by locating it outside the red line;
  - 10ha of the site was restricted to open space by an MOD covenant;
  - The developers had been working closely with the Environment Agency to achieve betterment - water storage took up land but this could double up as SANGS;
  - The Council's allocation did not take account of the requirement for primary schools and the County Council had indicated that it also wanted a secondary school, which could be provided in the wider site (Appendix 7 M4/10i);
  - The provision of a local centre also reduced land available for housing;
  - The red line boundary did not reflect the landscape as set out in the Landscape and Visual Appraisal, or the proposed HS2 route;
  - The site boundary shown on the Plan could not accommodate the allocation of 2000 houses together with all the required infrastructure, so a main modification was required to extend the boundary.
- 1.10 The Inspector noted that HS2 was a long-term proposal and asked whether it affected the Akzo Nobel site. FS confirmed that it did not.
- 1.11 The Inspector then asked Maximus Strategic what level of housing could be delivered within the current site boundary. CM replied that a brief assessment had been carried out which indicated that 1500-1700 homes were deliverable but there would be no secondary school and possibly no flood alleviation works. The Inspector suggested that one way forward might be to keep the current allocation and review it as part of the monitoring process. In CM's view, this was a totally unsatisfactory way to proceed and the allocation should be part of the Plan from the outset. He noted that the developers' concerns were longstanding and based on a large amount of evidence. However, the Council had been reluctant to accept it, even though the only evidence it could produce was the gross/net calculation across the whole area.
- 1.12 In terms of the Housing Trajectory, the Inspector noted that development of the Taylor Wimpey site had started and asked what were the timescales for the rest of the SDL. FS said that the HP13 site was Phase 1 of the Azko Nobel development and Phase 2 might not come on stream until 2015/17. It was expected to deliver 54 dpa over 13 years. CM said that development could be commenced from both ends of the site and more than one builder could operate at one time. Marketing had been going on for some time and work could start on site fairly quickly. He acknowledged that 3,000 houses in one location was a lot but he was

confident that, by making the schemes attractive, available quickly and with infrastructure provided, delivery could be achieved within the timescale. FS echoed what CM had said and noted that a statement on deliverability was included on page 32 of M4/5b.

- 1.13 On behalf of Clarkes Farms, HL said that the extension of the Azko Nobel site to the north represented a 'protrusion' to the north and was not justified on fundamental planning principles, including intrusion into the countryside and sustainability issues. He noted that Maximus Strategic had assessed the capacity of its existing site as 1,500 to 1,700 houses which was significantly below the 3,100 allocation. He proposed that the Clarkes Farm site should be included as a Strategic Development Location, via a main modification.
- 1.14 On behalf of Milwood Ltd, PShw said that he agreed with Maximus Strategic and Azko Nobel and that, as the SDL could not deliver, it should be referred back. He noted that Additional Modification M116 (A26) referred to a lead-in time of 3 years for Severn Trent Water sewerage improvements which reduced the plan period and therefore the numbers even further. By his calculation, based on information presented, the SDL as defined in the Plan would deliver only 2,500 houses which was significantly below the 3,100 allocation.
- 1.15 DS responded on behalf of the Council. He acknowledged that the issue outstanding on Stafford North was a very important one, but said that it had been an arduous process to try to get agreement across the three SDLs and the Council was confident that its strategic allocation could be achieved. With reference to paragraph 3.8 of the Examination Statement (M4/1a), DS explained that the 2,607 figure represented a simplistic view of the site. When the density being achieved in the eastern site was applied to the northern site, a figure of 3,500 was achieved. 3,100 represented the middle ground. He did not accept that the SANGS could not be adjacent to the site and noted that the secondary school was not a requirement for the northern SDL. He felt that the northern boundary as set out in the plan provided a natural rounding off of the settlement and that the extension would be a protrusion into the countryside.

*(A break for refreshments took place at this point.)*

- 1.16 On behalf of Azko Nobel, JC made reference to the Levvel report (D51) and asked whether there was any other evidence to justify the assumed 50% coverage other than that presented in paragraphs 4.15 and 4.16 on page 11. He also queried the meaning of the phrase 'starting point' in paragraph 4.16. On the issue of whether the extension constituted a 'protrusion', he drew attention to page 14 of document M4/5b which provided a 3D view of the site, in which it could be seen that the extension followed the contours of a small hill.
- 1.17 GV of Levvel Ltd responded on behalf of the Council and confirmed that page 11 of the report (D51) reflected the work carried out. The study had looked at a wide set of parameters but it had not tested the effects of higher densities and it was not possible from the work undertaken to date to provide information on the effect of a yield of 3,100. The Inspector noted that the study had been carried out to the Council's specification. His concern was that the Council appeared to be maintaining its position on the 3,100 allocation even though its own evidence proved that only 2,600 could be delivered. There was no evidence to show that 3,100 could be delivered. The comparison with Stafford East was not valid since there could be significant differences in site characteristics and infrastructure requirements.
- 1.18 DS acknowledged that the Council had no evidence that 3100 was achievable other than the comparison with Stafford East and that it had tested the wrong figure in terms of viability.

The Inspector said that this was a very serious issue since plans were supposed to be evidence-based. He asked the Council to consider its position in terms of whether to go forward with the 3,100 figure and if, so, based on what evidence – **Homework 18 (N2.18)**.

- 1.19 DS acknowledged the Inspector's concerns and said that dialogue with the developers was on going. He asked whether the developers' requirement for extra land would be reduced if they took into account the Council's suggestions that:
1. SANGS did not all have to be located onsite; and
  2. The secondary school was not necessarily required.
- 1.20 The Inspector asked Staffordshire County Council to explain the position on education requirements. AM said that the need for additional places at primary and secondary levels had been recognised and that a site had been identified for a primary school on the northern SDL. The Spatial Plan for Education (D53 & 53a) had identified a potential new secondary school as part of a range of measures that included improvements to existing facilities. If a new school was offered, the County would accept it but it was not essential for a secondary school site to be identified in the Borough Plan. Discussions on a way forward had been taking place for two years, with parties that included existing secondary schools and other landowners. A similar situation existed with the western site. The eastern site was smaller, so it was likely that education contributions would be required rather than new schools. There were sufficient secondary places to last until 2018 based on existing planning permissions, but the process for building a new school took 3-4 years so the County Council would need to make a decision in the next few years. The Inspector asked Maximus Strategic to assess how many more houses could be delivered on its site if the secondary school were deleted from the plan – **Homework 19 (N2.19)**.
- 1.21 The Inspector asked Staffordshire County Council to outline what highways provision it expected from the Stafford North site. ND explained that the northern direction of growth was the last of the three, so work was not so far advanced as for the other SDLs. The wording in the Plan was therefore more flexible. The County Council had tested four alternatives in June 2013 and the results were set out in Transport Evidence to Support a Northern Direction of Growth (D25). The report concluded that a link road through the site was the most beneficial option but this had been modelled on 3,100 houses and the two sites had been treated as one Master Plan. The County Council accepted that more work remained to be done.
- 1.22 The Inspector noted that neither the Illustrative Framework Plan (E91) nor the Concept Plan (E92) showed the link road and asked whether the developers were aware of the County Council's conclusions. ND explained that the road ran straight through the site linking the employment site to the west with Sandon Road on the east. In terms of the developers' views on the proposal, ND said that their representations did not rule it out and that dialogue about land availability had taken place at the working party. On the implications for deliverability and viability of the SDL, ND acknowledged that roads cost money but said that they were also necessary for access. He added that the County Council was trying to remain flexible in order to allow the development to come forward.
- 1.23 On behalf of Azko Nobel, FS referred to criteria xiii in Policy Stafford 2 which allowed for highway improvements 'either through or around the perimeter of the site, or along Beaconside' and said that his client was aware of the County Council's work and reference to it was made on page 16 of Appendix 1 to its Further Statement (M4/5b). The link road was one possible solution but it would not affect the deliverability or viability of the site.

- 1.24 On behalf of Maximus Strategic, ST said that they were aware of the proposal and had worked with the County Council and had input to the report. However, he disagreed with the conclusion that a link road through the site was required. He supported the wording in the policy which allowed for more detailed work to be carried out, taking into account issues such as urban design and connectivity. The detail was more appropriate for the planning stage. He added that the improvement works would be required on a phased basis to deal with demand as it arose. On the secondary school, he noted that none of the traffic modelling work took this into account and that if it were located on site, traffic generation would be significantly reduced, especially in the morning. He added that the development could accommodate the route if it were agreed that it was the right solution and that this would not affect deliverability or viability of the site.
- 1.25 CM confirmed that he would provide a realistic but optimistic assessment of the effect of deleting the secondary school, as requested by the Inspector. On behalf of the Council, DS said that he was happy with this approach and acknowledged that the highways requirements were not fixed and that clarity on secondary provision could not be provided. He sought more clarity on the SANGS issue and the Inspector asked Azko Nobel to look at the effect on its housing provision if some of the SANGS was provided within the northern extension area – **Homework 20 (N2.22)**.
- 1.26 On behalf of the Environment Agency, AM confirmed that he was satisfied that the amended wording addressed his concerns and that there were no issues outstanding.
- 1.27 PW said that he was encouraged by what he had heard and noted that there was agreement on the figure of 3,100. He felt that the developers' arguments should be considered seriously by the Council and noted that there were significant differences between the northern and eastern sites. The Inspector noted that the extensions proposed by Azko Nobel and Maximus Strategic represented significant changes to the Plan and would therefore constitute Main Modifications.
- 1.28 On behalf of Creswell Parish Council, RT commended the high quality design and efforts to integrate with the local community of the northern extension, compared with the eastern site, and asked whether the northern site would deliver both the 'boulevard' and the perimeter link road. He went on to express concern that neither the Parish Council nor the landowners had been notified of the latest proposal for a link road through the site and noted that the Cantrill Family had not signed the Statement of Common Ground (E97) and that neither the Cantrill Family nor Mr Lockley had been involved in the meetings (E94). In his view, the Plan dealt with the northern SDL in a 'piecemeal' fashion, where it should be providing a strategic solution.
- 1.29 The Inspector reminded RT that the Plan was designed to be strategic and this was why it could not provide the level of detail sought by the Parish Council. He noted that the developers supported the wording in clause xiii of the Policy which reflected the position when the Plan had been drawn up. He asked whether the Parish Council supported the Plan or were totally opposed to it. RT replied that the Parish Council supported the Plan and HP13 but had reservations on whether the wider SDL could be made to work.
- 1.30 With regard to Clarkes Farms, the Inspector reminded HL that the first stage of the Examination was to examine the soundness of the submitted Plan, not to consider alternatives. He asked HL to outline why he believed that the Plan was unsound.

- 1.31 HL said that the Plan was not justified as the decisions were not proportionate to the evidence. He referred to the assessment of the North Of Stafford site in the Revised Sustainability Report (A10, pages 101-102) and to the assessment of the Clarkes Farm site in the Addendum (A12, page 56) and said that he disagreed with the findings. HL had put forward a comparative Sustainability Assessment of the two sites in his Further Statement (M4/2b, pages 7-11) which he said demonstrated that the Clarkes Farm site was better.
- 1.32 The Inspector said that the Council had carried out a Sustainability Assessment for the Clarkes Farm site and therefore had met the legal requirement. The Clarkes Farm site was an omission site which could be considered only if he decided that the Plan did not provide enough land.

## **2. Employment**

- 2.1 The Inspector noted that the Plan proposed at least 36 ha of employment land with links across the A34 to housing development areas, and that 28.19 ha of this provision already had planning permission. RT said that the majority of the land was in the ownership of the County Council but that 9 ha was owned by the Cantrill Family, who had not signed the Statement of Common Ground (E97). Their site was not deliverable due to access issues and they were happy to withdraw it, which would result in a 26% shortfall.
- 2.2 On behalf of the Council, AY referred to the Homework set by the Inspector during the first session (N2.7) and said that the Cantrill Family had confirmed that they did not wish to release the land at present but that they may consider it in the future. JJ of Staffordshire County Council confirmed that its development had been designed to allow access to the Cantrill Family site.
- 2.3 The Inspector thanked the participants for their input. With reference to next week's sessions, he announced that the discussion on Stone SDL would take place on Wednesday afternoon in order to ensure that there was enough time to discuss Westridge Park on Tuesday, a subject which was of considerable interest to the public.

*(The session closed at 5.30pm.)*