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MINING, QUARRYING AND MINERAL ESTATES
WASTE RESOURCE MANAGEMENT



DAVID WILSON HOMES (MERCIA)

THE PLAN FOR STAFFORD BOROUGH: PART 2 PROPOSALS

HEARING STATEMENT – ISSUE 1

JUNE 2016

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1 ISSUE 1: SCOPE OF THE LOCAL PLAN PART 2 (PSB2)

1.1 Overview

- 1.1.1 This statement has been prepared by Wardell Armstrong (WA) on behalf of David Wilson Homes (Mercia) (DWH). DWH have an interest in the land to the west of Stone at Marlborough Road, Walton, and Stone as identified in the attached plan (Appendix 1) referred to as “the Marlborough Road site”. As part of the Plan for Stafford Borough 2011-2031 (PSB), Wardell Armstrong have made representations throughout the plan making process to support development of the site. This report considers the proposed Plan for Stafford Borough: Part 2 Proposals Submission Stage (PSB2). The report raises an objection to the content of the PSB2 on the basis of the proposed approach to the settlement boundary at Stone, and seeks to promote the site for residential development within this draft emerging plan.
- 1.1.2 Stafford Borough Council refused planning permission on a revised scheme for the site which proposed vehicle access off Marlborough Road (planning ref: 15/21873/FUL) (Appendix 2 Layout Plan). The Decision Notice indicates that the scheme would conflict with Spatial Principle 4 of the Plan for Stafford Borough and no other policy of the Plan for Stafford Borough.
- 1.1.3 This decision is subject to an Appeal (Ref: APP/Y3425/W/15/3136258) and a Public Inquiry is commencing on the 12th of July 2016.
- 1.1.4 Wardell Armstrong raise an objection to the PSB2. This report demonstrates that the settlement boundary at Stone should be set to include further development opportunities at Stone and that there is no significant planning reason why the Marlborough Road site should not be included within the settlement boundary PSB2. The Plan for Stafford Borough 2011-2031 indicates that policy SP7 will be used to establish settlement boundaries. The site and appeal proposed is in full accordance with the all the criteria of SP7.

2 SUMMARY

2.1 Overview of Objection

2.1.1 The Plan for Stafford Borough Part 2 (PSB2) in its current form is considered no to meet the test of soundness. For PSB2 to be found sound the true scope of the plan must be understood and evidence provided to support its purpose. The plan must seek to meet objectively assessed development needs and provide evidence that indicates that recent delivery and viability circumstances have been taken into account particularly with regard to Strategic Development Locations and the potential to deliver affordable housing needs.

2.1.2 The proposed settlement boundaries seek to restrict further development within all settlements. This will not allow for any flexibility for additional sites to come forward in the event that other identified commitments are delayed or do not come forward within the Plan Period.

- **Is the Plan Positively Prepared?** –The strategy being proposed has not been designed to meet objectively assessed development including market housing and affordable housing requirements. The plan’s approach significantly relies upon and delivery of market and affordable housing within a limited number of Strategic Development Locations within Stafford and Stone. There is evidence to indicate that these planned SLDs will not be delivered in full or within the plan period. In addition, the future spatial strategy and level of proposed growth for each settlement has not been outlined. Therefore the implication of the settlements boundaries from a sustainability perspective cannot be assessed in terms of robustness. The findings of the associated Sustainability Appraisal are therefore flawed. Policy SP7 of the adopted Local Plan has not been properly applied to establish settlement boundaries.
- **Justified** - Market and affordable housing completions have been below minimum requirements set out in the adopted Plan for Stafford Borough, as set out in the Council’s Monitoring Reports. The proposed settlement boundaries do not provide any form of a flexible sustainable approach to address this.
- **Effective and Consistent with National Policy** – The National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs) to boost

significantly the supply of housing and encourages the delivery of a wide choice of high quality homes. Furthermore, housing targets in PSB1 are explicitly minimum targets. The plan is considered not effective because it will not result in the delivery of Objectively Assessed Housing Need. The plan is not effective because it will not deliver the Spatial Strategy as set out in the PSB. Housing growth in Stone is being unduly constrained despite the fact that the settlement is sustainable and can deliver further market and affordable homes. Finally, the plan is not effective because it does not provide sufficient flexibility in terms of housing delivery particularly within sustainable locations.

2.1.3 Wardell Armstrong seek to object to the proposed settlement boundary proposed for Stone.

2.2 Is the scope of PSB2 in line with the role for the Plan as set out in paragraph 1.2 [second bullet point] of the submitted Plan?

2.2.1 The role of the Plan as identified in paragraph 1.2 for PSB2 amongst other things sets out an approach to development in the sustainable settlement hierarchy. However having considered the plan approach, it is clear that the true scope of the plan is to set a maximum amount of housing and employment land that can occur within each settlement boundaries which would be in principle acceptable.

2.2.2 The following statements in PSB2 in the Plan reveal this true scope

- (Par. 2.7) - The establishment of settlement boundaries will identify sufficient land within the boundaries to at least deliver the levels of housing growth required through the Plan for Stafford Borough.
- (Par. 2.8) To support this hierarchy, and to ensure the levels of growth remain consistent with the proportions of SP4, settlement boundaries have been established for each settlement in the hierarchy, based on the Plan for Stafford Borough Spatial Principle 7.
- (Par. 2.8) Essentially, the Plan establishes the principle of support for development inside the boundary, and seeks to restrict development outside the boundary.
- (Par. 2.20) The provision of 10,000 new houses over the Plan period will fully meet the Borough's Objectively Assessed Housing Needs, and the provision

of 160 hectares of employment land ensures a joined up housing and employment strategy. Obviously the scale of growth will require land to be included within the boundaries to meet this objective.

- (Par. 2.22) Some of the Neighbourhood Plans have proposed allocations in their draft / pre-submission Plans, and these have been reflected in the settlement boundaries proposed below.

2.3 Does the scope of the PSB2 accord with the recent Court of Appeal (COA) Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016)?

2.3.1 In the judgement the Court of Appeal at par. 38 considered another case Gladman Developments v Wokingham Borough Council [2014] EWHC 2320 (Admin). “An inspector conducting an examination must establish the true scope of the development plan document he is dealing with, and what it is setting out to do. Only then will he be able properly to judge “whether or not, within that scope and within what it has set out to do”, it is “sound” (section 20(5)(b)). His assessment will require him to ask himself, among other things, whether the local planning authority has had regard to national policy (section 19(2)(a)) and to “any other local development document which has been adopted by the authority” (section 19(2)(h)). The judge noted that in this case there was no complaint of “inconsistency or potential inconsistency with another local development document” (paragraph 54).

2.3.2 As the Judge recognized (Paragraph 39), the scope of the local plan part 2 is plain from the text in its “Introduction”, and from the policies it contains. It “supports” the core strategy. It does not substitute for the policies of the core strategy an amended or new strategy. That is not what it had to do, nor what it could have done.

2.3.3 In this case the PSB2 seeks to, through the use of settlement boundaries identify the maximum level of housing and employment growth that can occur within settlements within the Borough. This is contrary to the flexible planning framework put forward in the Plan for Stafford Borough 2011-2031. It also makes no allowance for bringing forward housing development in sustainable locations in settlements at the higher end of the hierarchy in order for the targets in PSB SP4 to be met in the event of ‘over delivery’ at the lower end of the hierarchy.

2.3.4 As PSB2 is likely not to result in the full objectively assessed housing need being met within Stafford Borough this is contrary to the Plan for Stafford Borough 2011-2031.

2.4 Are there any valid Part 2 issues which PSB2 has failed to address?

2.4.1 Yes – They are as follows:

- The continued and persistent shortfall in market housing development within the borough and the need to deliver future market housing.
- The continued and persistent shortfall in affordable housing development within the borough and the need to deliver future affordable housing.
- The identification and assessment of the level of housing and employment growth being proposed within the settlement hierarchy and rural areas in the borough and the testing of reasonable alternatives;
- A consideration and recognition that the delivery of market and affordable housing is largely dependent on a small number of Strategic Development Location many of which are demonstrating under delivery and are unlikely to be delivered in full within the Plan Period;
- A recognition of the current housing land supply situation and the Local Planning Authority's inability to demonstrate a 5 Year Housing Land Supply;
- Any recognition that Strategic Development Location in Stafford and Stone which represent the majority of supply of housing land will not be delivered in line with planned trajectories and potentially in full within the Plan period.

2.5 Duty to Cooperate (DTC): Is the DTC, which covers strategic matters, applicable to PSB2, and if so, has the Council adequately discharged the DTC in preparing the Plan?

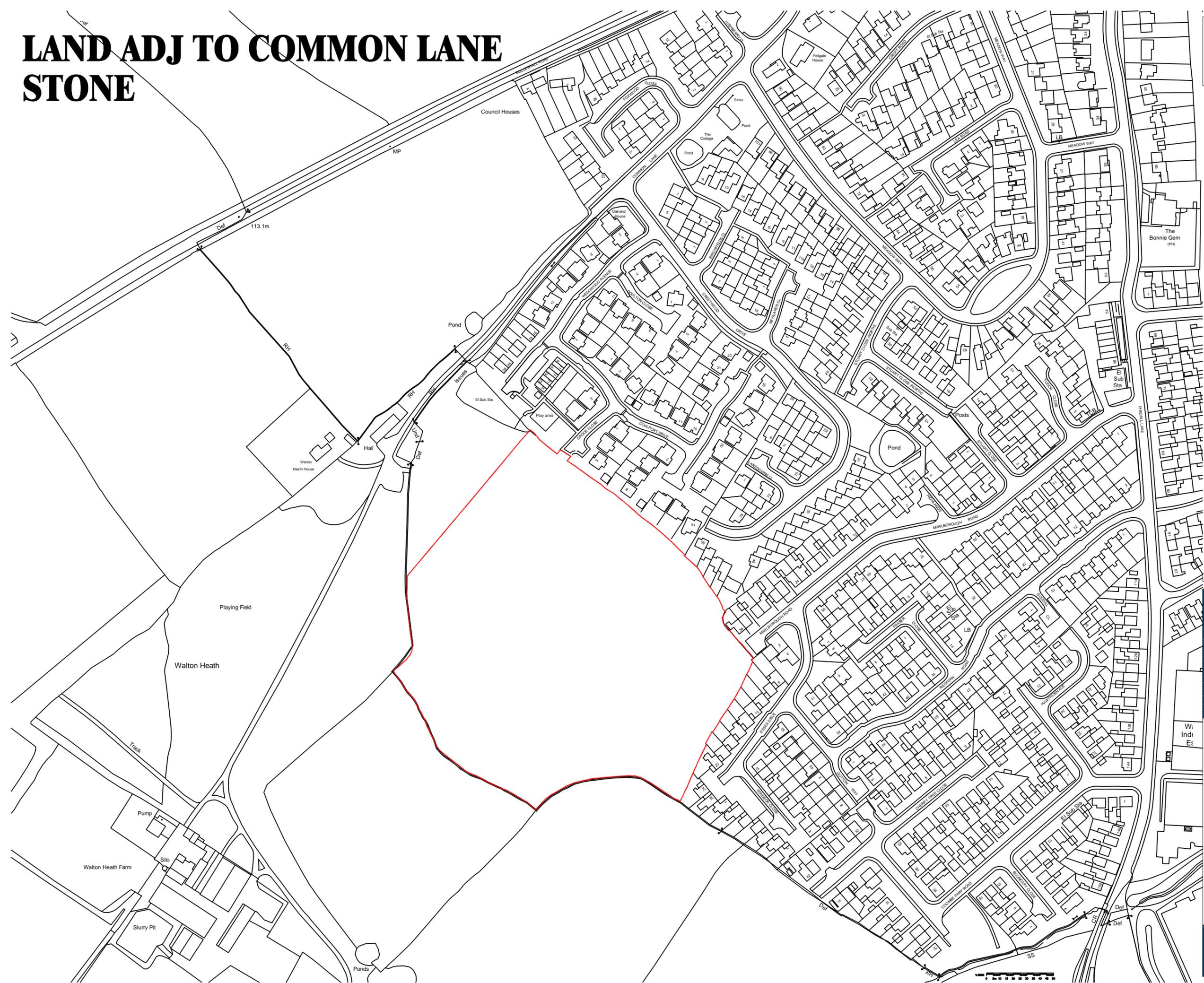
2.5.1 Yes – The Council should seek to continue to co-operate with Birmingham City Council with regard their housing overspill requirements. This indicates a need for increased flexibility in PSB2 to assist additional delivery to meet 'regional need' with the spatial context of the PSB – ie settlement boundaries should not be tightly drawn around Stafford and Stone so as to exclude sustainable sites from being brought forward.

Appendix 1
Location Plan

LAND ADJ TO COMMON LANE STONE

WARNING TO HOUSE-PURCHASERS
Property Misdescriptions Act 1991

Buyers are warned that this is a working drawing and the contents of this drawing may be subject to change at any time and alterations and variations can occur during the progress of the build process. As such the layout, form, content and dimensions of the finished construction may differ materially from those shown. Whilst we make every effort to ensure our drawings are up to date there may from time to time be an unavoidable delay in updating these due to changes in regulations and/or in planning. Purchasers are advised to check with the Sales Adviser whether any alterations have been made to this drawing. The contents of this drawing do not constitute a contract, part of any contract or warranty.



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Project
COMMON LANE
WALTON HEATH, STONE

Drawing Title
Location Plan

Scale
1:2500 @ A3

Date
10/11/13

Drawn By

Drawing Ref
H6340:02

Revision

Appendix 2
Layout Plan

LAND ADJ TO COMMON LANE STONE



A Red Line amended 06.12.13



Project
COMMON LANE
WALTON HEATH, STONE

Drawing Title
Planning Layout

Scale
1:500 @ A1

Date
11/10/13

Drawn By

Drawing Ref
H6340-101

Revision
A

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