

DAVID WILSON HOMES

NOTE ON THE EMERGING PLAN FOR STAFFORD BOROUGH PART 2

JULY 2016

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1 INTRODUCTION

1.1.1 This note has been prepared by RCA Regeneration, Tetlow King and Wardell Armstrong on behalf of David Wilson Homes in response to the Inspectors question raised at the Examination on the Plan for Stafford Borough Part 2.

- RCA Regeneration responds to the Council's note of 27 July 2016 in respect of the Inspector's questions on delivery of the SDLs;
- Tetlow King considers affordable housing delivery within the Borough and Strategic Development Locations
- Wardell Armstrong considers the spatial distribution of housing growth and the suitability of the Marlborough Road Site as a residential location.

1.1.2 Some questions with regard the supply of market and affordable housing for the Council include;

- Why has the Council not taken an inquisitorial role in considering housing supply delivery on SDL's?
- In light of the viability concerns with regard to the Northern SDL (Stafford) and Western SDL (Stafford) has the Council had any discussions on the likely delivery of Affordable Housing with the interested parties and what have been the results of this discussion?
- In addition, has the Council instructed the DVS (Valuation Office Agency) to look at the viability of Strategic Development Locations including the implications for market and affordable housing?

1.2 What are the reasons for the significant increase in completions 2015/2016?

1.2.1 The following table provides the number of housing completions delivered as outlined in the Land for New Homes: Housing Monitor Documents. Despite the recent significant increase in housing completions in 2016 there remains a shortfall of 242 dwellings between 2011 and 2016 from the 500 dwellings per year planned for. It is also clear that the majority of housing completions between 2011 and 2016 have occurred within Key Service Villages and Rural Areas.

Figure 1 – Housing Completions

Year	Completions	Stafford	Stone	KSVs and Rural Areas
2011/12	425	119	64	242
2012/13	306	144	46	116
2013/14	411	214	33	164
2014/15	428	201	30	197
2015/16	688	288	110	288
Total	2,258	966	283	1,007

1.2.2 The table above demonstrates that this is in sharp contrast to the annual targets for the distribution of housing development set out in Spatial Principle 4 (SP4). Growth in Key Service Villages and Rural Areas has significantly exceeded the minimum housing numbers set out in policy SP4. In contrast housing completions in Stone have been comparable with that planned for in Policy SP4. Housing completions in Stafford Town have not reached the minimum numbers planned for. This is not surprising as Strategic Development Locations (SDL's) in Stafford Town have not delivered as envisaged.

Figure 2 – Housing Completion's by Settlement

Settlement	SP4 Annual Target	2011-2016 Percentage of all Completions
Stafford	70%	43%
Stone	10%	12%
Key Service Villages and Rural Areas	20%	45%

1.2.3 There is no doubt that windfall sites which have been brought forward by housing developers, rather than SDLs, have significantly contributed to housing completions within the borough. The table below indicates that housing completions on Strategic Development Locations since the plan period began have accounted for only 8.5% of all housing completions.

Figure 3 – Strategic Development Locations Trajectory and Completions

SDL	Trajectory 2011-2016	Completions 2011-2016	Shortfall
Western SDL (Stafford)	206	0	-206
Northern SDL (Stafford)	30	100	70
Eastern Stafford SDL (Stafford)	200	93	-107
Western SDL (Stone)	40	0	-40
Total	476	193	-283

1.2.4 Strategic Development Locations have not matched the housing trajectory set out in the PSB for SDL's. Approximately 60% of housing completions on SDLs as set out in the housing trajectory to 2016 have not come forward.

1.2.5 Overall housing completions within Stafford Borough Council, including 2016 completions, have been largely dependent on house building actively on windfall sites.

The majority of this has occurred in Key Service Villages and Rural Areas. This trend is expected to continue. Of the current housing supply 4,274 (with planning permission and pending sites) identified by the local planning authority 1,211 are located in Key Service Villages and Rural Areas.

- 1.2.6 Additional 'less than strategic size' schemes will make a very valuable contribution to boosting the supply of housing in the short term, which is why DWH are keen to see some allowance/flexibility in the plan to account for their site in Stone – which is unconstrained.

2 PERFORMANCE OF SDL – DELIVERY RATES AND INFRASTRUCTURE

2.1 Introduction

2.1.1 The focus of this section is largely in relation to the delivery rate assumptions for the SDLs and contribution to 5 year housing land supply.

2.2 Response - Inspector's Question 2 - In the context of the trajectory for the rest of the Plan period, how accurate is the trajectory in the adopted Plan for Stafford Borough on page 162?

2.2.1 DWH consider the trajectory to be overly optimistic. The trajectory has already been subject to slippage and we consider that other than the views of land promoters and developers, the Council do not appear to have taken a particularly 'inquisitorial' role in arriving at a robust position on delivery.

2.2.2 The expected delivery set out in the PSB trajectory for housing in the Borough has not been met in any of the two years since adoption. DWH consider that such slippage has bedevilled the delivery of the SDLs in particular. The Stafford West SDL is critically dependent on new road infrastructure that is likely to require Compulsory Purchase action and substantial developer contributions which have not yet been secured.

2.2.3 The Stone SDL, which should be delivering by now, is not yet in the hands of a housebuilder because the promoter and landowner have not reached agreement on the Price Notice (indeed the developer in e-mails to the Council in late May and June 2016 stated that the promoter is at 'long list' stage. The Council has to date been wildly optimistic on the time it takes to bring forward strategic-sized sites based on the evidenced based typical 'lead-in' times.

2.2.4 Mr Holmes told the Marlborough Road, Stone inquiry, just a few weeks ago that the only contingency the Council has for less than expected delivery from the SDLs at both Stafford and Stone is a review of the local plan. However, whatever the position may be in the long term, additional 'less than strategic size' schemes will make a very valuable contribution to boosting the supply of housing in the short term, which is why DWH are keen to see some allowance/flexibility in the plan to account for their site in Stone – which is unconstrained.

2.2.5 DWH consider that some of the SDLs are constrained by a lack of coordinated infrastructure provision – and this particularly applies to the Northern and Western SDLs which are dependent on large scale road infrastructure being in place to secure their delivery. It is accepted that this is much more of an issue in relation to the

Western SDL however. This will have an impact on their short term deliverability to the degree that we must question the Council's assumptions on supply coming from these sites. At Appendix 2 of this note is a trajectory table, which was also submitted to the Marlborough Road Inquiry showing the difference between our (RCA Regeneration acting for David Wilson Homes) view and that of the Council's position in their March 2016 5 year housing land supply statement.

2.2.6 We have also studied, more generally, how long major residential development proposals have taken to be determined positively – effectively a study of the time lag between submission and implementation. These are included in tables at Appendices 3 and 4. In all, it can take nearly 3 years to move from an outline permission to a reserved matters consent for the same site.

2.2.7 A summary table below shows the time taken between validation to determination of outline permissions, as well as the time from validation to determination of reserved matters applications, and outline submission to reserved matters permission for major developments as a whole. The following table highlights the significant time lapse particularly between major outline applications being submitted/validated and the eventual approval at reserved matters stage. Beyond this, there may of course be further delays associated with pre-commencement conditions and the agreement of a S106/variations to the S106.

Figure 4 – Time Taken for Planning Permissions

Average time taken from validation to determination for outline applications.	Average time taken from validation to determination for reserved matters applications.	Average time taken for combined outline validation to reserved matters determination.
279.5 days	111 days	993 days

2.3 Inspector's Question 3 - The views of the lead developers themselves – the Council states that it has discussed the progress of the schemes with the lead developers for each SDL

2.3.1 DWH argue that these discussions are an exchange of very brief e-mails and very little else. There were no formal questionnaires (as would be the norm with many other local authorities) seeking a more detailed response and reasoning and no evidence provided of regular meetings, which typically would be facilitated by many LPAs to remain involved in progress more closely. Although these meetings may well have taken place, the minutes of such meetings have not been provided in the Council's response to this question.

2.4 Inspector's Question 2 - Critical infrastructure – This obviously includes the Western Access Route. (A) Is the finance already committed, and if not, what is the likelihood that the finance will be available? (B) What is the most likely timescale for completion? It is noted in Doc P2-E13 – Infrastructure Delivery Plan that 2017 is the Network Rail window of opportunity to cross the railway – is there any confirmed about this?

2.4.1 Para 3.7 of the Council's note states that 'it should be noted that none of the e-mail messages from the lead developers, in Appendix 1 of this Note, raise any issues of critical infrastructure impacting on the delivery of the Strategic Development Locations.' However, the fact remains that the Western SDL has a limit of no more than 400 completions before the Western Access has to be in position. The Western Access IS an issue of critical infrastructure.

2.4.2 DWH remain of the view that the Western Access Route is at risk. There are still no firm and complete arrangements in place for its entire delivery. Originally, Sections A and B were funded and Section C was inexplicably excluded from the original 'business case' for public funding, despite crossing numerous ownerships and arguably being subject to the greatest uncertainty.

2.4.3 Sections A and B may be now costed and funded (and the land assembled to facilitate delivery), but they alone cannot and do not deliver the Western Access Route.

2.4.4 Without Section C, the route cannot be delivered and will result in the delivery of just 400 units from the total allocated to the Western SDL. The Council have made it repeatedly clear that without the Western Access, the Western SDL cannot be delivered, putting the entire Core Strategy at risk from not delivering on the OAN

figure as a minimum target for the Borough. The County's latest view is attached to this note at Appendix 1.

2.4.5 The Stafford Western Access Route: Major Scheme Business Case Main Report, January 2015¹ states that:

2.4.6 'The Section C will be delivered through an agreement with developers under Section 278 of the Highways Act 1980. The agreement allows the developer to execute works that the County Council are authorised to carry out and ensures that the works are compliant with the County Council's design standards and specification.' (Page 104)

2.4.7 Para 6.4.2 'Delivery of Section C: The realisation of the full benefits is dependent on the funding and construction of Section C between Doxey Road, through the West of Stafford development site to Martin Drive, Castlefields. The following tasks have been completed or are proposed to help ensure Section C is completed by 2018:

- The West of Stafford housing proposals are included in the Adopted Local Plan
- A letter of commitment from the major landowner is provided in Appendix 6.3 of this business case
- Pre-application discussions are taking place with house builders in the West of Stafford and planning applications for a first phase of development is imminent
- Network Rail expects to dispose of the rail siding by 2016
- The planning application for Section C is being progressed by the County Council
- A parallel Compulsory Purchase Order process may be progressed by the County Council' (Page 113)

2.4.8 It can be seen that there were still many unknowns at this point, and the CPO had the potential to cost significant amounts of money – potentially putting the Western SDL at risk. Further, the report goes on to state that:

2.4.9 'The landowners affected by Section C comprise:

- Taylor Wimpey (UK) Ltd / Lord Stafford's estate
- Network Rail
- Saint Gobain
- St Modwen Properties PLC'

2.4.10 'If land is secured for Section C through a CPO, the County Council could be liable to pay compensation to the affected landowners should this be awarded by a future ruling of the Lands Chamber. Prior to starting the process for Section C, a legal

1

<https://www.staffordshire.gov.uk/transport/staffshighways/roadworks/schemeinfo/stafford/westernaccess/2014-MSBC-main-document-Final-Approved-web-compressed.pdf>

agreement will be secured which indemnifies the County Council against all associated costs in securing the land through the CPO process. If a legal agreement is not put in place, the County Council will only use CPO powers for Sections A and B. Where businesses are affected, assistance will be given to identify sites for relocation. No dwellings are required to deliver the route. The need for a CPO public inquiry has been included in the Project Plan in Figure 6.2.' (Page 114)

- 2.4.11 This legal agreement is not in place, and unless the Council is in a position to supply it to the EiP, then DWH consider that the Western Access is at risk at this point.
- 2.4.12 The 'Parallel CPO process' set out in Figure 6.2 (page 111) is a project gantt that has included 378 days from 30 Jun 2014 to 6 Jan 2016. In theory, the CPO should be complete by now (including section C), so the assumptions in this project plan are already wildly out of date.
- 2.4.13 It is still not clear what funding would be required to complete the (as yet unfunded) element of the Western Access.
- 2.4.14 On a related note, DWH also have concerns over the impacts of noise from the revised Acoustic Standards for residential developments, particularly in respect of BS8233:2014 – Guidance on sound insulation and noise reduction for buildings and impact on external amenity areas.
- 2.4.15 Maximum short-term noise events – LAFMax include passing trains, and most authorities have sought to retain the 45dB LAFMax criterion. DWH are concerned that there may be a number of units within the Western SDL that may be affected by these standards which were not in place at the time the numbers were agreed for the WSDL (indeed, this was pre-NPPF). Can the Council confirm that this categorically will not affect the overall numbers to be delivered from the site and that the scheme remains viable?

2.5 Inspector's Question 4 - Are there any critical aspects of the infrastructure which might impact upon the Stone SDL? Again, there seems to be a delay here in relation to the trajectory?

- 2.5.1 The Council in their response have stated that 'Outline planning permission has been granted subject to a Section 106 agreement which includes off-site highway works at the Walton roundabout of Eccleshall Road and A34. All other infrastructure requirements will be met through delivery of the housing proposals, as detailed in the Section 106 agreement so therefore the Council does not consider that there are any

other critical components of infrastructure which will impact on the progress of the Stone Strategic Development Location.’

- 2.5.2 The outline permission for the Stone SDL has some 31 conditions to discharge. None of those conditions had been discharged at the time of writing. The Stone SDL is not delivering its ‘full’ amount of affordable housing as a result of viability issues, and can only deliver 32% of the total number of residential dwellings on the site as affordable homes. This is surprising, given the site is greenfield in nature. It is not clear how the site is unviable as the development appraisal had not been published.
- 2.5.3 Further, in the Council’s Note they state that ‘physical improvements required include a junction improvement at the A34/A51 Aston roundabout, required before development commences’. These are the main highway works required, where the Walton Roundabout works (via s.106) are limited. The A34/A51 works are outlined with planning condition 26 of the outline consent (13/19002/OUT) which states that the works should be implemented and be completed prior to the first occupation of any part of the development. To our knowledge no details of these works have yet to be submitted.
- 2.5.4 DWH consider that the delays (to date) experienced at the Stone SDL relate to the fact that the site has not been sold to a housebuilder as yet. This was verified by a search of the Land Registry in May 2016, which showed that the option had not been triggered by Hallam Land. However, the general assumptions on delivery rates appear to relate to having 2 housebuilders (and two sales outlets) on site from the 2018 monitoring year (80dpa equating to two outlets completing 40 dpa). This is not something the promoters are in a position to prove will be the case as yet. To that end, we consider that the trajectory from this site must be grounded in realism and based on what is known at the present time. It appears that the land option has yet to be exercised, on the basis that Hallam Land are still at ‘long list’ stage. DWH would therefore urge the Inspector to consider that 40dpa is a more robust position to take for those years falling into the 5 year supply term.

2.6 Inspector’s Question 5 - The realism of the rates of delivery – these rates seem quite high in the adopted Plan’s housing trajectory (page 162), and there seems to be some slippage – e.g. Stafford West is programmed to start in 2014/15

- 2.6.1 The Council’s argument is that there has been slippage, but that the SDLs will deliver within the plan period. That is as may be, but DWH argue that Inspector Fox must surely have confidence in the trajectory set out by the Council at the point of

examination, and be satisfied that the predictions are based on robust evidence and not simply what the developers/promoters are claiming.

2.6.2 Indeed, in the e-mail of 20 July 2016 sent by Mr Dryden McNair-Lewis of SBC to the various developers/agents for the SDLs, he requests the following:

2.6.3 ‘The following items have been raised by the planning inspector, and ideally we could do with receiving your considered response within the next 24hours...my apologies for the very short time frame, but I’m sure you can appreciate that it’s in all our interests to provide assurances to the examination process.’ (our emphasis)

2.6.4 This is pertinent. It is in many of the promoter/developers best interests to paint a positive picture of delivery within the SDLs or those allocations could potentially be put at risk. This reinforces the need to question what developers and promoters say in relation to the Council’s view on a trajectory, as there is clearly pressure being exerted.

2.6.5 Notwithstanding the above points, DWH consider that the views of housebuilders themselves are arguably more reliable than those of the promoters, for the simple reason that the housebuilders will be solely responsible for the delivery of such housing, and not the promoters. They will have a more realistic plan for preliminary site preparation and general lead-in times for the development, based on their vast experience.

2.6.6 Our earlier point on the Stone SDL and Hallam Land’s assumptions are another case in point: just taking what the promoter has said may not be what actually occurs. Given that it is a prediction, and for the purposes of calculating a robust position on 5 year housing land supply, it is surely better to err on the side of caution and allow one sales outlet for the initial term of the delivery of the site.

2.6.7 Similarly, this applies to the Northern SDL, where DWH only consider predictions from Taylow Wimpey to be robust. The remaining promoters are not housebuilders and indeed have already suffered one setback with a refusal of planning permission for c300 dwellings proposed within the SDL. In addition to the views expressed earlier in relation to the Western and Stone SDLs, DWH have the following remarks:

North Stafford SDL

2.6.8 At the present time, there is no evidence to suggest that other than the planning permissions that exist on the land parcels under the control of Taylor Wimpey, that the wider SDL is to deliver imminently. The inclusion of numbers from the remainder

of the site has been discounted by DWH in their 5 year housing land supply calculations, leaving a delivery rate for the first 5 years from this SDL of 50 dwellings per annum (a total of 250 dwellings during the 5 year term). This is also in line with evidence from the Taylor Wimpey sales office already active on the site.

- 2.6.9 The land controlled by Akzo Nobel and Maximus is now believed to be subject to an appeal, following a refusal of planning permission by the Borough Council earlier this year. Clearly, there are already genuine doubts over the speed at which the remainder of this site can fulfil a short to medium term trajectory.

Eastern SDL

- 2.6.10 It is accepted that this site has been the best performing of the SDLs. Much of the development is underway and the developers are achieving a reasonable rate of completions. DWH have no reason to doubt the proposed trajectory from this particular site.

3 STAFFORD BOROUGH NEED FOR AFFORDABLE HOUSING

3.1 Overview

- 3.1.1 There has been a significant and continued shortfall in net affordable housing completions in Stafford Borough between 2010/11 and 2014/15 of 644 dwellings. As a result of which more than 50% of affordable housing need within the Borough has not been met over this period.
- 3.1.2 The most recent Annual Monitoring Report (AMR) published by Stafford Borough Council is the 2015 AMR which shows that in the 2014/15 monitoring period the Council delivered 119 gross affordable dwellings against a target of 210 net affordable dwellings.
- 3.1.3 The Local Plan Part 1 and Strategic Housing Market Assessment (SHMA) (2012) set out an affordable housing target of 210 net affordable dwellings per annum over the Plan period. The figure below illustrates that the Council has failed to achieve this level of affordable housing delivery at any point over the past five years.

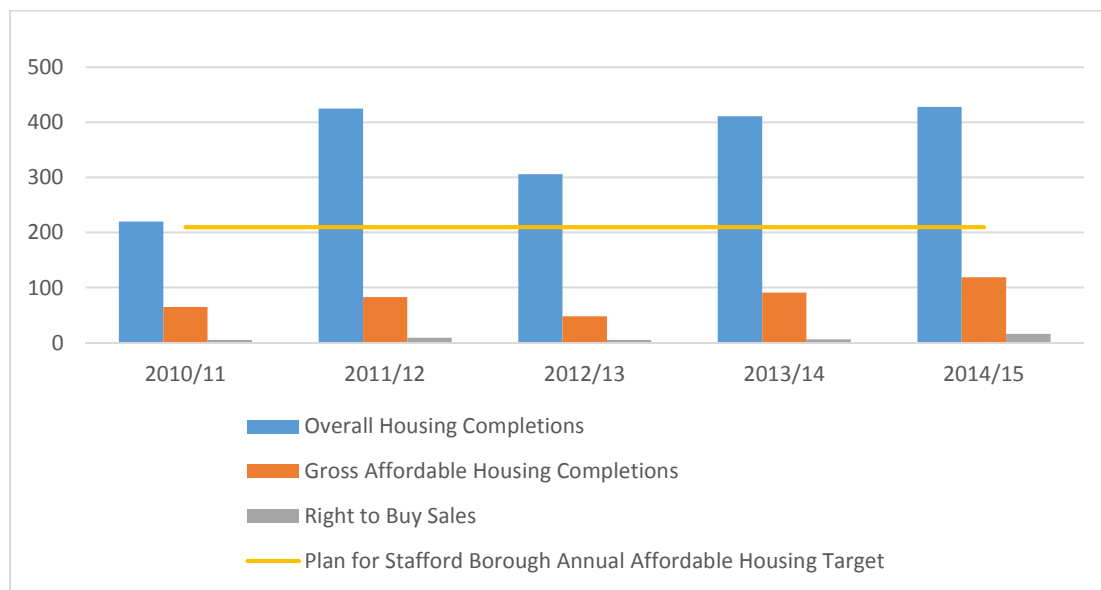
Figure 5: Affordable Housing Delivery

Year	Overall Housing Completions	Gross Affordable Housing Completions	Percentage Delivered
2010/11	220	65	29.5%
2011/12	425	83	19.5%
2012/13	306	48	15.6%
2013/14	411	91	22.1%
2014/15	428	119	27.8%
Total	1,790	406	22.6%

Source: AMRs 2011-2015

- 3.1.4 The average delivery rate of just 22% affordable housing is nowhere near the level of delivery required to meet needs. The Figure below illustrates just how dramatically the Council is failing to deliver the level of affordable housing required to address the acute affordable housing needs of the Borough.

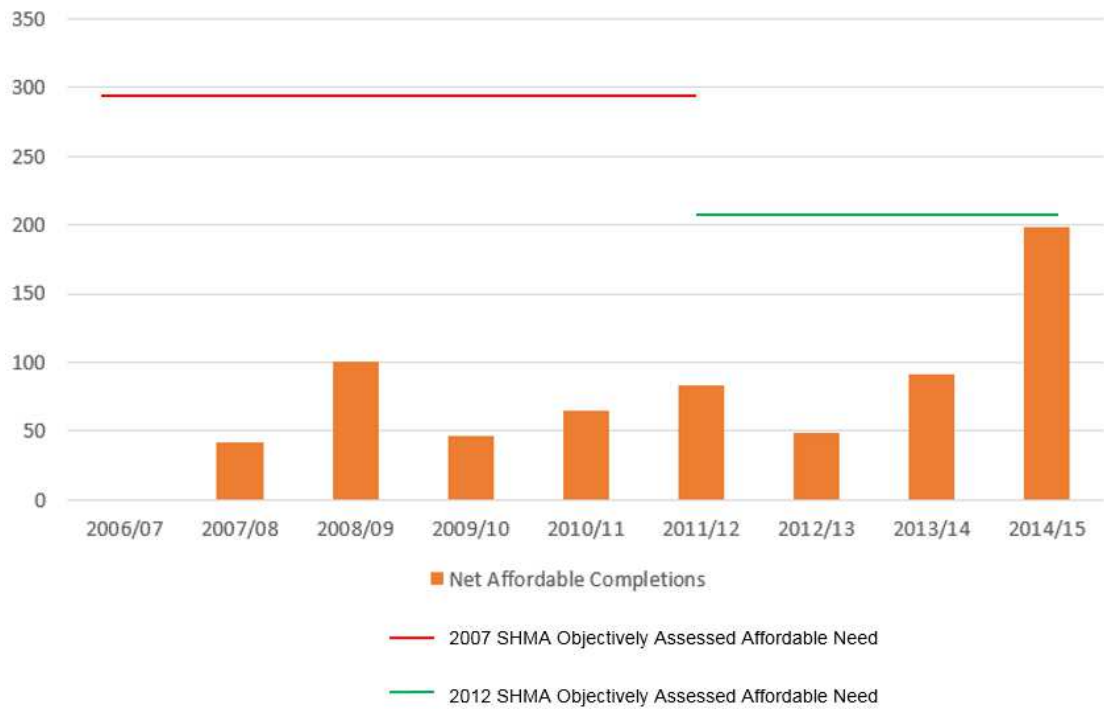
Figure 6: Affordable and Market Housing Delivery



Source: AMRs 2011-2015

- 3.1.5 The Council have delivered on average around 81 gross affordable homes per annum since 2010/11, with the overall figure of 406 affordable completions amounting to just 22% of all housing completed over the same period.
- 3.1.6 Paragraph 47 of the NPPF makes clear that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their local plans meet the full objectively assessed needs for both market and affordable homes. SHMAs contain objectively assessed need and are therefore the most appropriate base to use. The 2007 SHMA identified the need for 293 net additional affordable dwellings per annum which has since been updated by the 2012 SHMA which identifies a need for 210 affordable dwellings per annum.
- 3.1.7 The figure below illustrates the comparison of affordable housing delivery in relation to objectively assessed affordable housing need in the 2007 SHMA and 2012 SHMA for Stafford Borough and demonstrates that the Council has consistently fallen short of meeting objectively assessed needs for affordable housing.

Figure 7: Net Affordable Housing Delivery compared to Objectively Assessed Needs



Source: FOI Response 13 August 2015

- 3.1.8 Since 2010/11 there has been a significant accumulated shortfall of 644 affordable homes in the Borough against a target provision of 1,050 over the same period, equivalent to a 61% shortfall in affordable housing delivery against assessed needs.
- 3.1.9 The reintroduction of the national 10-dwelling affordable housing threshold is considered likely to have a further detrimental effect on the delivery of affordable housing in Stafford Borough through the loss of delivery through smaller sites, particularly given that the Stafford Local Plan Part 1 applies a two tiered approach to affordable housing contributions with a lower end threshold for contributions of just three dwellings or less.

4 UNDER DELIVERY OF AFFORDABLE HOUSING AT STAFFORD NORTH SDL

4.1 Overview

4.1.1 The PSB seeks to deliver 3,100 homes at Stafford North SDL of which 30% (930 dwellings) should be affordable houses.

4.1.2 Evidence suggests that the level of affordable housing planned for the North Stafford Strategic Development Location (SDL) will be significantly reduced because of viability concerns as illustrated by the figure below.

Figure 8: Committed Affordable Housing Land Supply in Stafford North SDL (2015)

SDL (Affordable Housing Requirement)	Planning Permission Reference	Total Dwellings Permitted	Affordable Housing Number Required	Current Affordable Housing Provision (S106 Agreements)	Current Shortfall in Affordable Housing Land Supply	Notes
North Stafford SDL (930 units)	10/13362/OUT	409	123	0	-123	The accompanying S106 Agreement 10/13362/OUT indicates that the owner shall not be required to provide any affordable housing in connection with or as part of the first 100 dwellings constructed on the land. The requirement for any affordable housing will be subject to viability at every

						100 dwellings thereafter and if viable then 30% secured.
	13/18533/REM	257	77	0	-77	Outline consent stated that no affordable from first 100 dwellings constructed on the land. The requirement for any affordable housing will subject to viability at every 100 dwellings thereafter and if viable then 30% secured.
	14/20781/REM	152	46	0	-46	Officer report states that affordable housing is not required as trigger in S106 not reached.
	14/21007/FUL	66	20	0	-20	The planning officer's report has confirmed that the planning application was accompanied by a viability

						appraisal and because of viability concerns a financial contribution of £134,372 toward off site affordable housing was accepted.
	15/23050/OUT	330	99	0	-99	Application was refused as not comprehensively masterplanned, no provision for education provision, flawed TA and absence of acceptable FRA.
Totals		475	143	0	-143	-

4.1.3 In addition to which the North Stafford SDL has seen a recent refusal for a scheme of 330 dwellings² which was offering 30% affordable housing and would have delivered 99 affordable homes.

4.1.4 The evidence suggests that the Stafford North SDL is failing to achieve the levels of affordable housing delivery that the Council envisaged. It is highly likely that the level affordable houses planned for on the SDL will not come forward.

² Application reference 15/23050/OUT

5 LIKELY UNDER DELIVERY OF AFFORDABLE HOMES AT STAFFORD WEST SDL

5.1 Overview

- 5.1.1 The PSB seeks to deliver 2,200 homes at Stafford North SDL of which 30% (660 dwellings) should be affordable houses.
- 5.1.2 The Stafford West SDL is expected to be affected as a result of the infrastructure requirements for Section C of the Stafford Western Access Route.
- 5.1.3 The Project Update report indicates that funding for Section A and B has been secured from the public sector amounting to £26.3 million. The overall estimated cost of Section A and B however is £34.95 million meaning that there is a shortfall which developer could realistically be expected to meet.
- 5.1.4 The Project Update Report also indicates that it is expected that Section C will be delivered through a planning or highways agreement funded by third party landowners and/or developers. At present Staffordshire County Council have not identified a cost estimate for Section C but it is expected to be in the millions.
- 5.1.5 Overall given the substantial level of contributions from the developer/landowner required on the Stafford West SDL it is anticipated that no further affordable housing will come forward on Stafford West SDL.
- 5.1.6 The evidence suggests that Stafford Town SDLs are failing to achieve the levels of affordable housing delivery that the Council envisaged.

Figure 9: Total Affordable Housing Requirement for Stafford Town

Stafford Town Total Requirement for Affordable Housing for Plan Period (2011-2031)	2,980
Completions – 01/04/2011 to 31/03/2015	148
All Strategic Development Location (with planning permission)	265
Other commitments at 31/03/2015 (Discounted by 10%)	112
Remaining Provision Required	2,455

Source: Stafford Borough SHMA (2012); Stafford Borough Council Land for new Homes 2012, 2013, 2014 and 2015 completions by sub-area; Plan for Stafford Borough; Planning Permission S106 Agreements for SDLs in Stafford Town

6 THE UNDER DELIVERY OF AFFORDABLE HOMES AT STONE SDL

6.1 Settlement Boundary

6.1.1 PSB makes it clear that identified Strategic Development Locations are central to meeting affordable housing need³. The figure below sets out the proposed affordable housing delivery from the Stone SDL as set out in Local Plan Part 1 Policy Stone 2.

Figure 10: Proposed Affordable Housing Land Supply in Stone SDL

SDL	Total Dwellings	Affordable Housing Requirement	Affordable Housing Number
Stone SDL (Walton Hill)	500	40%	200

Source: Stafford Borough Local Plan – Policy Stone 2 – West & South of Stone

6.1.2 However, evidence suggests that the level of affordable housing planned for the Stone SDL will be reduced as a result of viability concerns as illustrated by the figure below.

³ As demonstrated in Policy Stafford 1, 2, 3 and 4, and Policy Stone 2.

Figure 11: Committed Affordable Housing Land Supply in Stone SDL (2015)

SDL (Affordable Housing Requirement)	Planning Permission Reference	Total Dwellings Permitted	Affordable Housing Number Required	Current Affordable Housing Provision (S106 Agreements)	Current Shortfall in Affordable Housing Land Supply	Notes
Stone SDL (200 units)	13/19002/OUT	500	200	160	40	The accompanying S106 Agreement 10/13362/OUT indicates that the affordable housing percentage secured is just 32%

Source: Planning Permission S106 Agreement for SDLs in Stone

6.1.3 Within Stone Local Plan Policy Stone 1 sets out the growth strategy for the Stone town during the Plan period. It states that the town will continue to meet its housing requirements by supplying 1,000 new market and affordable home during the Plan period to 2031. The figure below illustrates the total affordable housing requirement for Stone and residual requirement.

Figure 12: Total Affordable Housing Requirement for Stone

Stone Town Total Requirement for Affordable Housing for Plan Period (2011-2031)	420
Completions – 01/04/2011 to 31/03/2015	16
Stone Strategic Development Location (Walton Hill)	160
Commitments at 31/03/2015 (Discounted by 10%)	108
Remaining Provision Required	136

Source: Stafford Borough SHMA (2012); Stafford Borough Council Land for new Homes 2012, 2013, 2014 and 2015 completions by sub-area; Plan for Stafford Borough; Walton Hill Outline Planning Consent Section 106 Agreement confirming affordable offer of 32% not 40% (Ref: 13/19002/OUT)

- 6.1.4 The evidence suggests that the Stone SDL is failing to achieve the levels of affordable housing delivery that the Council envisaged.

7 THE SPATIAL DISTRIBUTION OF HOUSING GROWTH

7.1 Introduction

7.1.1 As previously indicated in our Hearing Statement both Stafford and Stone should be provided greater flexibility in the Plan for Stafford Borough Part 2 in terms of their settlement boundaries. These settlements have been identified in the Plan for Stafford Borough 2011-2031 (PSB) as the two most sustainable settlements in the borough. Both Stafford and Stone have also been identified by PSB1 as appropriate for meeting strategic housing and employment needs.

7.1.2 As part of the Planning Inspectors Recommendations for Future Main Modifications on the Stafford Borough Local Plan the Inspector considers the Council's proposal to implement a proposed moratorium on new housing development within the settlements of Stone, Key Service Villages and Rural Areas. The views of the Inspector in considering this matter are particularly significant in that the Inspector considers circumstances where housing development or housing commitments above the proposed distribution established in Spatial Principle 4 occurred and gave guidance on how Spatial Principle 4 should be applied.

7.1.3 At the hearing session the Council proposed two policy options for implementing a housing moratorium:

- The first policy option put forward by the Council outlined if new housing development takes place at 25% above the proposed distribution established in Spatial Principle 4 over a 4-year period, a moratorium in granting new planning permissions would be triggered.
- The second policy option put forward by the Council proposes to increase this figure to 50%, to give more flexibility, and also include completions as well as commitments with the moratorium would also be incorporated into a new policy, rather than in the accompanying text.

7.1.4 Both policy options were fully rejected by the Planning Inspector for several reasons including the lack of evidence by Stafford Borough Council that such an approach would divert development to Stafford Town. The Planning Inspector found that the moratorium would apply to Stone from day one reducing the amount of new housing being provided in the sustainable settlement; and finally because it was completely inconsistent with the Framework.

“Whilst there may be a case for some restraint in certain settlements, there is no guarantee that imposing a moratorium would necessarily support or divert development to the preferred locations (including the SDLs around Stafford town). It would also apply from day one at Stone, which has a significant level

of commitments, precluding further permissions from being granted and reducing the amount of new housing being provided in a popular housing market location; it may also prevent or delay further development at other key settlements.

Moreover, there is little in the NPPF which supports this approach, where the main emphasis is on stimulating housebuilding and managing growth in sustainable locations. Using the proposed distribution levels as a guide to the proportions of new housing in each of the main settlements without the specific restraint of a moratorium may be less effective, but it would ensure that the housing strategy is delivered, provided that the proposed locations for new housing are sustainable and meet the criteria of other policies.”(See Appendix 5 -Par. 9 and 10 of Inspector’s Recommendations For Further Main Modifications)

7.1.5 The policy approach but forward by the Planning Inspector focuses on stimulating housebuilding and managing growth in sustainable locations. Using the distribution levels as a guide to the proportions of new housing in each of the main settlements without the use of a moratorium considering the specific characteristics of each scheme. This is the true focus of policy SP4.

7.2 The Purpose of Policy SP4

7.2.1 SP4’s purpose is to “ensure that the right proportion of development is directed to the most appropriate settlements” and sets out “target proportions” (Plan for Stafford Borough Par. 6.39). The aim of SP4 is plainly to ensure that, at the end of the plan period, development is distributed, spatially, generally in accordance with the percentages indicated in the policy.

7.2.2 The correct application of SP4 is as follows:

- The starting point is that the plan is required to deliver at least 10,000 houses in general accordance with the percentages shown in SP4.
- As the figure of 10,000 houses rises above the minimum, adjustments may need to be made to the actual number needed to be delivered at settlements in the hierarchy to achieve the overall split at the end of the plan period.
- As numbers rise at Stafford, at the top of the hierarchy, the potential for additional dwellings lower down the hierarchy arises.
- If permissions are granted or land is allocated lower down the hierarchy at KSV need for increased numbers hierarchy at Stafford and Stone may increase.

- The focus is the overall position at the end of the plan period; the exercise was not to be conducted year on year (although yearly monitoring can indicate further release of land in light of changing circumstances).

7.3 Potential Future Supply within Settlement Boundaries

7.3.1 As at 31/3/2016 the Council's 'snapshot' of completions and 'commitments' is as follows (Table 1 in PSB2 Examination Issue 3 statement).

- The Borough: 11,107 made up of
- Stafford: 7,752 (70%)
- Stone: 1,138 (10%)
- Key Service Villages: 1,358 (12%)
- Rural Area: 859 (8%)

7.3.2 However it is clear that from the Council response to Advisory Note 1 & Advisory Note 2 that **current potential future supply** will include additional housing provision in Stafford Town and Key Service Villages. It is noted that the Council have not identified potential future supply for Rural Areas. The Council have provided the details of sites which will come forward. It would be misleading to suggest that further commitments will not come forward in Key Services Villages and Rural areas over the next 15 years of the plan not least because Neighbourhood Plans are still coming forward within these locations.

7.3.3 A review has been undertaken of relevant Neighbourhood Plans and PSB2 plan proposals. Government advice encourages neighbourhood plans should continue to bring forward houses in greater numbers than the minimum figure that the relevant Local Plan requires. Indeed the planning policy associated with the adopted Gnosall Neighbourhood Plan (Policy 3 - Housing Provision 2011-2031) indicates that the amount of housing growth proposed is a minimum which can be exceeded.

7.3.4 Clearly, the proportion of development that will occur lower down the settlement hierarchy in Key Service Villages will be increased. This trend may continue in light of future Neighbourhood Plan proposals. In particular, additional housing growth is proposed at Eccleshall in light of local needs (see Map 1 below).

- Eccleshall Neighbourhood Plan - Par. 6.6 of the plan indicates that *"the area covered by the Settlement Boundary (See Map 1 Below) provides for an additional 13.91 hectares of land available for development. The number of new houses on the areas of land identified for building has been calculated at 325 in total (this number includes 212 houses which already have outline planning permission) based on 25 dwellings per hectare on those sites outside the original Residential Development Boundary and site number 10, which already*

has outline planning permission". Therefore the plan identifies land for an additional 113 dwellings.

- Other Neighbourhood Plans are less advanced in terms of production. Barlestone Neighbourhood Plan at early stage of production therefore level of housing growth is yet to be established. However settlement boundary for Barlestone PSB2 includes the Wedgewood Memorial College that site can provide at least 57 dwellings;

7.3.5 The above has been added to the current potential capacity identified by the Council in Table below.

Map 1: Extract from Eccleshall Neighbourhood Plan April 2015 (Page 17)

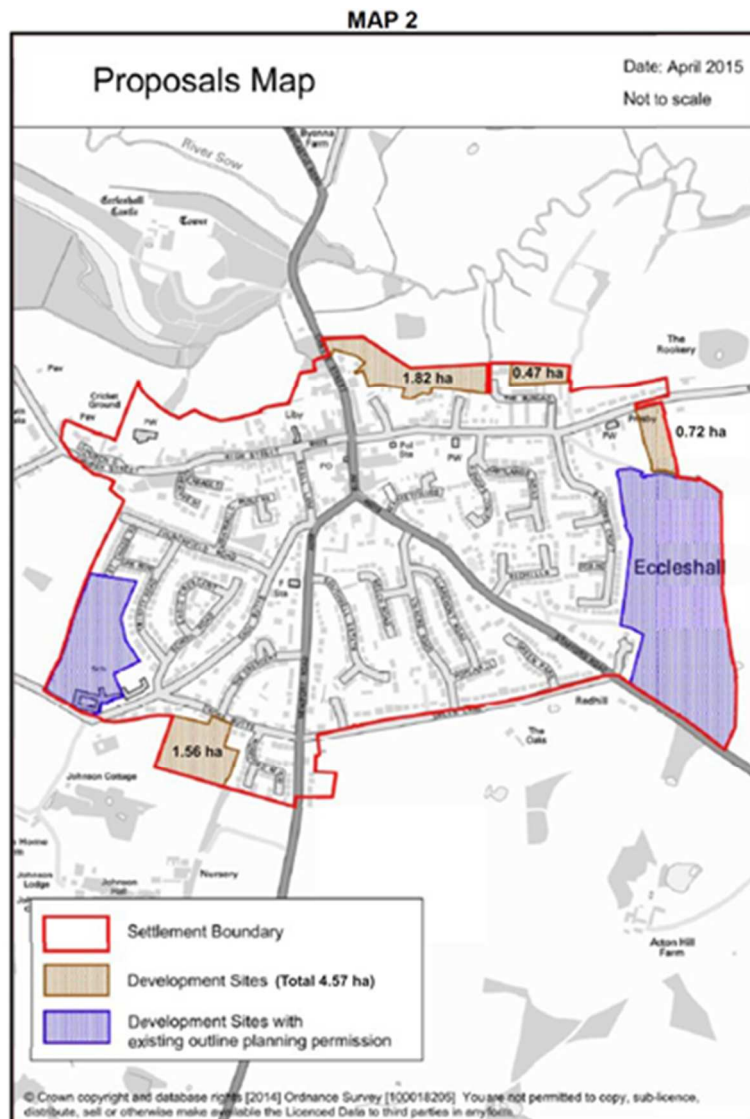


Figure 13: Current Identified Potential Capacity (sites over 10 units)

Stafford	365
Stone	0
Key Service Villages	300
Total	665

- 7.3.6 Given that at least an additional 300 houses are now likely to come forward at KSV as a result of neighbourhood planning and other commitments an upward adjustment at Stone and Stafford is needed in order to maintain the percentage split indicated in SP4. For every additional 200 dwellings brought forward at Key Service Villages then an additional 700 dwellings should go to Stafford and an additional 100 dwellings to Stone to maintain the distribution of growth as outlined in Policy SP4.. In that context both Stafford and Stone should be provided greater flexibility in the Plan for Stafford Borough Part 2 in terms of their settlement boundaries. This will ensure that settlements higher up the sustainability hierarchy can keep pace with housing growth in the rest of the borough. The Marlborough Road Site in Stone is required to address the imbalance in the spatial distribution of housing growth.

8 THE SUITABILITY OF THE MARLBOROUGH ROAD SITE

8.1 Introduction

8.1.1 Policy SP7 outlines a number of criteria for assessing the suitability of development locations. The site has been considered by a Planning Inspector (Appendix 6 – Spode Close Appeal Decision - APP/Y3425/A/14/2220297) in light of Policy SP7 and was found to meet all the criteria of Policy SP7 save criteria I). At that appeal the Inspector found the proposed vehicle access to Spode Close would adversely affect the residential amenity of the locality through noise and disturbance. The Spode Close Appeal Decision did specifically confirm that the site is in a sustainable location and would have a neutral impact on townscape and landscape.

8.1.2 In light of this Appeal Decision a revised planning application for the site which proposed a vehicle access onto Marlborough Road was put forward. At the Spode Close appeal and through subsequent pre-application discussions with Stafford Borough Council, the Council accepted that a vehicle access onto Marlborough Road would have an acceptable impact on residential amenity of residents. Land at Marlborough Way, Walton Heath, Stone (PA 15/21873/FUL) is now subject to an appeal (Appeal Ref: APP/Y3425/W/15/3136258. The Council reason for refusal indicated that the scheme was in conflict with Local Plan Policy SP4.

8.1.3 David Wilson Homes is a national housebuilder rather than a development management company. The current appeal scheme seeks full planning permission. The scheme can commence without the implementation of any infrastructure. There are no highway objections to the scheme. The proposal includes the provision of 46 units (40%) of affordable housing and proposes a vehicle access off Marlborough Road.

8.2 Policy SP7 Assessment

8.2.1 It is agreed at the Inquiry for the Marlborough Road proposal with the Local Planning Authority - APP/Y3425/W/15/3136258 that criteria for SP7 a to i is not offended against. However at the Inquiry the Council introduced an additional reason for refusal indicating that the proposal as a Greenfield site was in conflict with the last paragraph of SP7.

8.3 Policy SP7 – The Need for the Development and the Availability of Alternative Sites for Development

8.3.1 The last paragraph of SP7 indicates development proposals should maximise the use of brownfield redevelopment sites within the Borough's towns and villages to reduce the need for greenfield site and that only where insufficient sites on previously developed land, in sustainable locations, are available to meet new development requirements should greenfield sites be released.

8.3.2 The Council's response to Advisory Note 1 & Advisory Note 2 indicates that there is no potential future supply within Stone of more than 10 dwellings.

8.3.3 "Building More Homes On Brownfield Land" (consultation proposals) was published by DCLG in 2015. It indicates that in order for brownfield land to be considered available and suitable for housing, sites should meet the following criteria;

- Deliverable - The site must be available for development now or in the near future. This will be a site not in current use, or a site in use (though not for housing) or under-utilised where the local authority has evidence that the owner would be willing to make the land or buildings available for new housing, provided planning permission can be obtained.
- Free from Constraint - Local planning authorities should not identify as suitable for housing any land which is subject to severe physical, environmental or policy constraints, unless the constraints can realistically be mitigated while retaining the viability of redevelopment.
- Capable of development - The site must be in a condition and location that would make it a genuine option for developers.
- Capable of supporting five or more dwellings.

8.3.4 The following section considers the availability and suitability of previously developed sites in Stone. A review of previously developed sites identified in Stafford Borough Council Strategic Housing Land Availability Assessment (2015) (SHLAA) is carried out.

8.3.5 The table below summarises the results of the SHLAA outlining those sites that are considered by the study to be previously developed land.

Figure 14 - Stone SHLAA Sites (Previously Developed Land)

SHLAA - Site ID	SHLAA Site Name	SHLAA Greenfield or Brownfield	SHLAA – Potential Yield
Site ID 7	Land at Briar Hill, Aston by Stone	Brownfield	3
Site ID 35	Rose Cottage, Little Stoke	Greenfield/ Brownfield mix	28
Site ID 36	Land Opposite Rose Cottage	Brownfield	24
Site ID 95	Aston Marina, Lichfield Road	Greenfield/ Brownfield mix	192
Site ID 100	The Chalet, Nanny Goat Lane	Greenfield/Brownfield mix	10

8.3.6 A review of these sites is carried out below.

- Site ID 7 – This site is located in the rural area of Stone in the village of Aston by Stone. The SHLAA indicates that the site is in use as “Garden Land”. Given that the site is in use as garden land it is not considered previously developed land.
- Site ID 35 – The majority of the site is currently in agricultural use and is considered greenfield. Only a small part (0.45 hectares) of the site is considered previously developed land and includes a residential use and an industrial use. The potential yield of the previously developed land would be in the order of 9 dwellings. There are also know constraints associated with the site including noise constraints due to the proximity of an adjacent railway line, proximity to a high pressure gas pipeline and potential flooding and contaminated land constraint.
- Site ID 36 - The majority of the site is in agricultural use and is considered greenfield. Only a small part of the site is in use as a dwelling. Therefore that area of land is not considered deliverable as it is currently in use as a dwelling. It is not considered underutilised and is not available now or in the near future.
- Site ID 95 - The majority of the site is greenfield. Part of the site is currently in use as a marina development including an existing restaurant, shop and clubhouse, recently completed. This part of the site is not considered deliverable as these buildings are not considered available for redevelopment now or in the near future. The site is constrained including its location with flood zone 3a and 3b and is in an area of high risk of flooding. The site is also adjacent to a conservation area.
- Site ID 100 – The majority of the site is greenfield in use as either a residential garden or agriculture use. The site is not deliverable as although the site is in use this is associated with a dwelling. The site is constrained as it is within a Site of Biological Importance. Physical constraints include mature woodland and steep topography.

8.3.7 Having reviewed the claimed supply of previously developed land there is no evidence whatsoever that sufficient brownfield land is available in the locality of Stone.

8.3.8 In addition there is considerable evidence to indicate that recent planning permissions within the Stafford Borough have approved residential scheme on Greenfield sites.

Table 15: Recently Approved and Pending Approval Planning Permissions (May 2015 to January 2016)

Planning Application Ref:	Settlement	Address	Status	Decision Date	Capacity	Greenfield or Brownfield
15/22945/FUL	Stafford	Land to rear of Sandon Road Stafford	Approved	18th of May 2016	7	Greenfield
15/21949/FUL	Stafford	The West Way, West Way, Highfields	Approved	19th November 2015	32	Brownfield
14/20425/FUL	Stafford	Land south of Doxey Road, Stafford	Approved - Part of Stafford Town SDL	14th July 2015	170	Greenfield
14/20544/FUL	Stafford	Land off Exeter Street Stafford	Approved	19th June 2015	35	Greenfield
15/21994/FUL	Stone	Land at Oulton Croft, Nicholls Lane, Stone	Approved	20th July 2015	4	Brownfield and Greenfield
14/21034/OUT	Woodseaves	Land Adjacent to New Farm Stafford Road, Woodseaves	Approved	1st April 2015	11	Greenfield
15/22311/FUL	Eccleshall	Land Off Cross Butts Eccleshall	Pending – Recommendation for Approval	Pending	31	Greenfield
15/22216/OUT	Hixon	Land at New Road, Hixon	Approved	14 th of January 2016	9	Greenfield
15/23396/FUL	Eccleshall	Former Bishop Lonsdale School Shaws Lane Eccleshall	Recommendation for Approval	Pending	81	Brownfield and Greenfield

		ST21 6AU				
15/22692/FUL	Stafford	Land at Creswell Manor Eccleshall Road Stafford	Approved	4 th of May 2016	41	Greenfield

8.3.9 Furthermore the potential future supply identified by Stafford Borough Council in their response to Note 1 & Advisory Note 2 includes schemes on Greenfield site in Key Service Villages.

8.3.10 When faced with applying the last part of policy SP7 a decision-taker is bound to engage with the question of “necessity” and this is a matter of planning judgement.

8.3.11 In this case there are a number of reasons why the Marlborough Site is necessary as a matter of planning judgment;

- Firstly Stone is the second most sustainable settlement in the Borough which has a strong housing market and can deliver additional market and affordable housing. The town has sufficient infrastructure to accommodate additional housing growth;
- What PSB at adoption envisaged would be the delivery of affordable housing at Stone will no longer happen;
- What PSB at adoption envisaged would be the delivery of affordable housing at Stafford Town is unlikely to happen in light of viability considerations and the cost of associated infrastructure.
- The delivery at Key Service Villages and in Rural areas lower down the sustainability hierarchy is now expected to be at such a level that greenfield sites in Stone should be released in order to maintain the ‘balance’ set out in SP4. This would ensure that the majority of development occurs within settlements higher up the sustainability hierarchy.
- Strategic Development Locations have not come forward as envisaged in PSB and are well behind the PSB trajectory. Future delivery within Strategic Development Location will also be delayed in light of infrastructure constraints.
- Finally because there are no alternative previously developed sites in Stone which can accommodate this level of housing growth proposed and deliver the level of affordable housing proposed. It is considered that the Marlborough Road site although a greenfield site is more sustainable than the greenfield releases in Key Service Villages and Rural Areas.

APPENDICES

APPENDIX 1 - RESPONSE FROM STAFFORDSHIRE COUNTY COUNCIL RE WESTERN ACCESS

Hayes, Frank

Subject: FW: Stafford Western Access Route - Section C

Dear Frank,

Thank you for confirmation.

The SWAR has been designed in 3 sections A, B and C and will now be delivered as one scheme. It was granted planning permission in November 2015 and we are in the process of discharging conditions with flood compensatory works starting in September.

Detailed design for the whole route is almost complete.

As I am sure you can appreciate the phasing for constructing individual sections has not been finalised, but logically for the main works, we would begin with Section A followed by B and C within the indicative timescales shown below.

The outline programme for the SWAR is currently as follows:

- Negotiation / land purchase by agreement - ongoing
- Issue CPO – by end of 2016
- Assume CPO Inquiry – 18 month allowance.
- Early works Sept 16 (as above)
- Main Works summer 2018
- Scheme open 2020

Obviously timescales will shorten considerably if there is no CPO Inquiry but we have to cater for this possibility.

I trust this addresses your questions but please let me know if you require anything additional.

Kind regards,

Dean Sargeant MSc (Hons) CEng MICE MAPM
Principal Project Manager | Consulting & Strategic Infrastructure
Amey

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working with **amey**



APPENDIX 2 - COUNCIL VS RCA DELIVERY TRAJECTORIES

APPENIDX 3 - OUTLINE PERMISSIONS TIMESCALES

Reference	Date Valid	Status	Address	Proposal	Approved Date	Days	Adjusted Days	Date submitted	Note
11/15998/OUT	26/08/2011	Approved (at appeal)	Former Castleworks Castle Street Stafford Staffordshire	Former Castleworks Castle Street Stafford Staffordshire	19/12/2012	481		19/08/2011	This was determined by appeal and subject to more delay than would be usual.
12/16981/OUT	02/05/2012	Approved	Sports Pitch At Former Stone Rugby Club Tilling Drive Walton Stone Staffordshire	Residential Development of 73 dwellings - Outline	10/04/2013	343		02/04/2012	
13/18821/OUT	14/06/2013	Approved	Land - Site 2 Adjacent To Land Off Lowfield Lane Gnosall Stafford Staffordshire	Outline application for residential development, up to 75 dwellings - means of access to be determined	29/11/2013	168		10/06/2013	
13/19051/OUT	06/08/2013	Approved (at appeal)	Land Between Quarry Cottage To North And Health Centre To South Knightley Road Gnosall Stafford Staffordshire	Erection of up to 55 dwellings, provision of open space and access works (all matters reserved except access)	05/11/2014	456		25/07/2013	This was determined by appeal and subject to more delay than would be usual.
13/19249/OUT	06/09/2013	Approved	Land Adjacent New Road Hixon Stafford Staffordshire	Proposed development up to 76 two-storey houses and associated works including landscaping with 30% affordable housing.	25/04/2014	231		02/07/2013	
13/19534/OUT	11/11/2013	Approved	Land Adj Jubilee Playing Fields Great Haywood Stafford Staffordshire	Residential development comprising up to 76 dwellings (including 30% (23) affordable housing) and public open space, with associated highways and drainage infrastructure and other accommodation works	22/08/2014	284		31/10/2013	
14/20665/OUT	25/06/2014	Approved	Land At Stafford Road Eccleshall Stafford Staffordshire	Residential development up to a maximum of 130 dwellings, public open space, green infrastructure and associated works	14/11/2014	142		23/06/2014	
14/20816/OUT	25/07/2014	Awaiting decision	Land Between Beaconside And B5066 Sandon Road Hopton Stafford Staffordshire	Redevelopment of site to form up to 120 dwellings including formation of new vehicular access onto Sandon Road. All other matters reserved. amendment to number of dwellings proposed and amended illustrative layout received	Awaiting decision			21/07/2014	
14/20854/OUT	29/07/2014	Approved	Land Between Common Lane And Eccleshall Road Stone Staffordshire	Residential development (up to 92 dwellings), highway infrastructure, footpaths and cycle ways, public open space, landscaping, balancing pond and associated earthworks to facilitate surface water drainage and other ancillary infrastructure (outline with details of access)	31/07/2015	367		29/07/2014	
14/20886/OUT	14/08/2014	Approved	Land Off Little Tixall Lane Lichfield Road Great Haywood Stafford Staffordshire	Outline development of 77 houses (resubmission of 13/19532/OUT)	13/03/2015	211		04/08/2014	
14/21135/OUT	17/10/2014	Approved	Land Off Little Tixall Lane Great Haywood Stafford Staffordshire	Residential development for up to 45 dwellings, public open space with details of an access to Little Tixall Lane	06/02/2015	112		26/09/2014	
15/21721/OUT	18/03/2015	Awaiting decision	Land At Yarnfield Park Yarnfield Lane Yarnfield Stone ST15 0NL	The provision of dwellings and associated infrastructure, including parking provision and roads	Awaiting decision				up to 61 dwellings- Over a year has passed since validation and still no decision
									Average time from validation to determination: 279.5 days

APPENDIX 4 - RESERVED MATTERS PERMISSIONS TIMESCALES

Reference	Date Valid	Status	Address	Proposal	Approved Date	Days from validation	Adjusted Days	Date Submitted	Days from outline submission to REM approval date
13/19196/REM	06/09/2013	Approved	Land At Yarnfield Park Yarnfield Lane Yarnfield Stone Staffordshire	Reserved matters further to 09/12911/OUT and as revised by 12/17856/FUL- 56 dwellings, garages & associated driveways and landscaping works (Revised application for Plots 1-56, previously approved in 12/17632/REM).	05/12/2013	90		19/08/2013	1471
14/20190/REM	15/04/2014	Approved	Land At Tilling Drive Walton Stone Staffordshire	Details of appearance, landscaping, layout and scale for housing pursuant to outline permission 13/18283/OUT	29/08/2014	136		19/03/2014	569
14/20602/REM	10/06/2014	Approved	Bibby Scientific Ltd/Scilabware/Sterilin Ltd Land At Tilling Drive/Beacon Road/Stafford Road Walton Stone ST15 0SA	Details of appearance, layout, scale and landscaping of residential development approved under permission 10/14117/OUT	09/09/2014	91		10/06/2014	1475
14/20666/REM	04/08/2014	Approved	Land Adjacent Greenacres Main Road Great Haywood Stafford Staffordshire	Reserved matters approval for layout, scale, appearance and landscaping pursuant to outline permission 13/18382/OUT	10/11/2014	98		23/06/2014	617
14/21079/REM	10/10/2014	Approved	Land At Former Staffs Library Service And Garage Friars Terrace Stafford Staffordshire	Reserved matters for access, appearance, landscaping, layout and scale relating to outline consent 07/07607/OUT (12/18013/EXTO) - for residential re-development of 43 units [25 houses and 18 apartments in two residential blocks]	11/12/2014	55		16/09/2014	2900 (749 from extension of time)
14/21267/REM	19/11/2014	Approved	Land Adjacent New Road Hixon Stafford Staffordshire	Submission of reserved matters pursuant to planning permission 13/19249/OUT (appearance, layout, scale and landscape for approval) for the erection of 76 dwellings served via access from New Road (approved under planning permission 13/19249/OUT); landscaping; car parking; earth works to facilitate storm water drainage and all other ancillary and enabling works	05/03/2015	106		22/10/2014	549
14/21315/REM	25/11/2014	Approved	Land Site 2 Adjacent To Land Off Lowfield Lane Gnosall Stafford Staffordshire	Reserved matters pursuant to permission 13/18821/OUT - erection of 68 dwellings (landscaping, layout, scale and appearance) Revised landscaping plan received	06/03/2015	102		31/10/2014	634
15/22347/REM	23/06/2015	Approved	Land Adjacent To Jubilee Playing Fields Main Road Great Haywood Stafford Staffordshire	Reserved matters application for the erection of 76 dwellings, public open space and associated highways and drainage infrastructure works (13/19534/OUT)	09/11/2015	139		22/05/2015	740
15/22533/REM	02/07/2015	Approved	Land At Stafford Road Eccleshall Stafford Staffordshire	Residential development up to a maximum of 130 dwellings, public open space, green infrastructure and associated works	22/11/2015	146		30/06/2015	517
15/22596/REM	15/07/2015	Approved	Former Castleworks Castle Street Stafford Staffordshire	Reserved matters (appearance except external materials, landscaping, layout and scale) following outline permission reference APP/Y3425/A/12/2172968/ Council reference 11/15998/OUT - residential development - 80 dwellings	20/11/2015	128		10/07/2015	1554
15/22756/REM	06/08/2015	Approved	Land Off Little Tixall Lane Great Haywood Stafford Staffordshire	Access, Appearance, Landscaping, Layout and Scale reserved matters to be determined in respect of application 14/21135/OUT for residential development of 45 dwellings, public open space and access.	23/12/2015	139		04/08/2015	454
15/22862/REM	04/09/2015	Approved	Land Between Common Lane And Eccleshall Road Stone Staffordshire	Reserved matters on permission 14/20854/OUT - appearance (excluding external materials), layout and scale - 92 dwellings	07/01/2016	125		26/08/2015	528

15/23105/REM	16/10/2015	Approved	Land Between Quarry Cottage To North And Health Centre To South Knightley Road Gnosall Stafford Staffordshire	Reserved matters (appearance, landscaping, layout and scale) pursuant to 13/19051/OUT	15/01/2016	91	12/10/2015	905
						Average: 111 days		Average: 993 days

APPENDIX 5 – INSPECTOR’S RECOMMENDATIONS FOR FURTHER MAIN MODIFICATIONS

STAFFORD BOROUGH COUNCIL
EXAMINATION OF THE PLAN FOR STAFFORD BOROUGH
INSPECTOR'S RECOMMENDATIONS FOR FURTHER MAIN MODIFICATIONS

1. Following the hearing sessions of the examination, Stafford Borough Council (SBC) has drawn up Schedules of Main and Minor Modifications considered necessary to make the submitted Plan for Stafford Borough sound and capable of adoption¹. The Inspector has also completed his initial assessment of the submitted Plan in terms of complying with the legal requirements and soundness, as set out in the National Planning Policy Framework (NPPF; ¶ 182). This statement confirms that the legal and procedural requirements, including the Duty to Co-operate, have been complied with, and sets out the inspector's recommendations for additional Main Modifications to ensure that the Plan is sound and can be adopted.
2. This statement only sets out the additional amendments needed to the Plan to ensure that it is sound and can be adopted. The Inspector's conclusions on other key issues relating to the soundness of the Plan raised in the representations, in the written statements and at the hearing sessions will be set out in his final report to the Council.

a. Legal and Procedural Requirements

3. The preparation of the Plan has complied with the statutory legal and procedural requirements, including complying with the Local Development Scheme and Local Development Regulations, Sustainability Appraisal and the Sustainable Community Strategies. This includes the assessment of alternative growth options as part of the sustainability appraisal and public consultation, including the overall level and spatial distribution of new housing, including options around Stafford and Stone. It also covers the availability of documents during the consultation stage and after the Plan was formally submitted to the Secretary of State. However, the Schedules of "Minor" Modifications prepared by SBC after the Plan was published and before the hearing sessions of the examination² include several important amendments to policies and proposed sites. Although these changes may not affect the underlying strategy and policies of the Plan, some of these changes could go beyond the scope of minor errors and clarification and introduce more substantive changes to the published Plan. However, most of these changes have been included in the Council's updated Schedule of Main Modifications¹ produced after the close of the hearing sessions, and will be subject to further public consultation.

Duty to Co-operate

4. A key legal requirement is for the Council to properly meet its legal obligations under the Duty to Co-operate in relation to sustainable development, as required by S.33(a) of the Planning & Compulsory Purchase Act, including housing requirements. SBC has submitted extensive evidence³ outlining how it has engaged constructively, actively and on an ongoing basis with neighbouring authorities and other prescribed bodies during the preparation of the Plan.
5. Having considered all the evidence, statements and discussions at the hearings, SBC has met the requirements of the Duty to Co-operate in terms of maximising the effectiveness of the plan-making process and actively co-operating and engaging constructively with the relevant bodies in relation to sustainable development. The outcome of that co-operation is largely one of positive agreement about the strategy and its cross-boundary implications, including housing and infrastructure provision, and the legal requirements of the Duty to Co-operate have therefore been met.

b. Soundness issues

6. Most of the amendments to the policies and text needed to ensure that the Plan is sound and is capable of adoption have been put forward by SBC. These include clarifying key aspects of the development strategy, along with substantive changes to ensure that key elements of the Plan are effective and deliverable. These cover amendments to some of the boundaries and details of proposed development at the

¹ Documents N2.46a/b

² Documents A26/A27

³ Documents B3, J4, K1,K2, M1/1a, N1b

Strategic Development Locations (SDLs) around Stafford and Stone, removing the Settlement Boundaries for Stafford and Stone, and clarifying and updating various policies and accompanying text. As amended, the development strategy, including the principle of the key SDLs around Stafford and Stone, seems sound, deliverable, viable, effective and fully justified with robust and comprehensive evidence, including the required highway improvements and other infrastructure. Some developers and landowners promote alternative or additional sites or areas of potential development, but SBC has thoroughly assessed these alternative options; there is little conclusive or compelling evidence that demonstrates that they would be more appropriate than the selected SDLs, or that any of the proposed SDLs have serious shortcomings in terms of sustainability, deliverability or viability which fundamentally question their overall soundness. Some of the smaller sites suggested could be reconsidered at the Site Allocations/Neighbourhood Plan stage.

7. The overall level of housing provision proposed in the Plan and its spatial distribution is one of the most contentious elements of the Plan. Having considered all the points made in the representations, statements and at the hearing sessions, I am satisfied that the proposed level of housing provision proposed in Spatial Principle 2 (500 dwellings/year; 10,000 dwellings 2011-2031) is sufficient to meet the objective assessment of market and affordable housing requirements for Stafford Borough, based on recent household projections and other evidence. Having taken account of cross-boundary and other strategic housing issues, this is a sustainable, viable and deliverable level of housing provision which addresses the growth strategy of Stafford and the Borough as a whole. The proposed settlement hierarchy and distribution of housing provision proposed in Spatial Principles 3 & 4 (72% to Stafford town; 8% to Stone town; 12% to the Key Service Villages and 8% to the rest of the area) reflects the key element of the development strategy to focus most new development in and around Stafford and represents a sustainable spatial distribution for the Borough.
8. However, the proposed proportion of new housing allocated to Stafford and Stone does not precisely reflect the potential for new housing development at Stone, as shown in the scale of development at the proposed SDL and the current level of commitments. It may also overstate the likely level of housing development to be completed at the SDLs around Stafford during the current Plan period. A broader distribution of 70% (7,000 dwellings) at Stafford and 10% (1,000 dwellings) at Stone would better reflect the current and likely future provision of committed and proposed housing development at Stone and the longer-term nature of some of the housing development at the SDLs around Stafford.
9. There is also some concern about the proposed moratorium on new housing, not only in terms of principle but also application. At the hearing sessions, there was some confusion and uncertainty about the proposed approach, and SBC proposes to clarify the application of the policy⁴. Put simply, if new housing development takes place at 25% above the proposed distribution established in Spatial Principle 4 over a 4-year period, a moratorium in granting new planning permissions would be triggered. SBC proposes to increase this figure to 50%, to give more flexibility, and also include completions as well as commitments; the moratorium would also be incorporated into a new policy, rather than in the accompanying text. However, whilst there may be a case for some restraint in certain settlements, there is no guarantee that imposing a moratorium would necessarily support or divert development to the preferred locations (including the SDLs around Stafford town). It would also apply from day one at Stone, which has a significant level of commitments, precluding further permissions from being granted and reducing the amount of new housing being provided in a popular housing market location; it may also prevent or delay further development at other key settlements.
10. Moreover, there is little in the NPPF which supports this approach, where the main emphasis is on stimulating housebuilding and managing growth in sustainable locations. Using the proposed distribution levels as a guide to the proportions of new housing in each of the main settlements without the specific restraint of a moratorium may be less effective, but it would ensure that the housing strategy is delivered,

⁴ Examination document: N2.15

provided that the proposed locations for new housing are sustainable and meet the criteria of other policies. Although it may be appropriate to phase proposed developments to ensure a continuous supply of housing land throughout the Plan period, when planning applications come forward, both the developers and SBC will need to consider whether development at an earlier stage would undermine the strategy. However, at present, there is insufficient evidence to justify the imposition of a housing moratorium, which involves complex calculations and assumptions about delivery, and so SBC should reconsider this unsound element of the submitted Plan.

11. There are two contentious matters at Stone which require further consideration. Firstly, the proposed mixed-use leisure/retail development at Westbridge Park is locally very controversial. SBC now proposes to remove most of the references to this proposal in the Plan, which is questionable in terms of retail need, has not properly been subject to sequential tests relating to town centre/retail policy or flood risk, and could have an impact on the character and appearance of this important gateway to the town. At present, there is insufficient evidence to show that the site could be developed in the manner intended, but if it is decided that this retail/leisure scheme is needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. In the meantime, this is an unsound proposal, and there is also insufficient justification to include this site within the amended town centre policy boundary.
12. Apart from the overall amount of new housing at Stone, one of the other main issues is the phasing of further housing at the town after 2021, so as to avoid any adverse impact on the regeneration strategy of the North Staffordshire conurbation. SBC has provided further justification for this element of the housing strategy⁵, outlining the regeneration strategy for this neighbouring area and the progress in housing delivery and distribution. Although the housing market in this area remains fragile, sites in the inner core are continuing to come forward, with further development in the outer urban area and sufficient sites to meet housing needs. However, there is no conclusive evidence that building further housing at Stone would necessarily deflect attention away from the inner areas of The Potteries, particularly since significant amounts of new housing have been built at Stone in the past without affecting the regeneration strategy, and further housing is to take place in the outer areas of The Potteries, both now and in the future. Similarly, there is no conclusive evidence that restraining housing development at Stone would necessarily boost the progress, marketability or delivery of the main SDLs at Stafford.
13. Although the adopted Core Strategy for Stoke-on-Trent & Newcastle-under-Lyme aims to stem out-migration from the city, migration to Stafford Borough has been a feature of demographic trends in the past and is likely to continue under the strategy of the submitted Plan for Stafford Borough. New housing development at Stone is a sustainable element of the Plan, with a strong housing market, and in these circumstances, there seems to be insufficient justification to delay such development on the grounds that it *may* adversely affect the regeneration strategy of The Potteries. Although this is one of the areas of agreement under the Duty to Co-operate process, there is no conclusive evidence that such an adverse impact would actually occur. Consequently, in the absence of any further specific evidence, SBC should consider amending this element of the Plan; phasing of the proposed SDL may be appropriate, but the potential harm to the regeneration strategy can be addressed on a site-by-site basis, subject to ongoing monitoring, with sound evidence needed to defer specific developments.
14. As for the other contentious issues, SBC has put forward amendments to the policies and text of the Plan to address most of these concerns. There is some concern about provision for gypsies and travellers being based on a 2013 GTAA undertaken solely for Stafford, but SBC has confirmed its commitment to reviewing the GTAA in association with adjoining local authorities. SBC has also put forward an updated policy to protect the integrity of Cannock Chase SAC by providing SANGS and appropriate mitigation, agreed with Natural England and consistent with the approach of many other local authorities within the recognised zone of influence.

⁵ Examination document: N2.45

15. Those parts of the Plan not specifically referred to in these recommendations may be taken as being found sound, although SBC may wish to pursue Additional (Minor) Modifications to address other matters unrelated to soundness.

c. Main Modifications

16. SBC has put forward Schedules of Proposed Changes to the Plan, including both "Main Modifications" and "Minor Modifications"⁶. These amendments seem to cover most of the main changes needed to ensure that the Plan is sound and capable of adoption. However, further amendments will be needed to address the Inspector's concerns outlined earlier in this report, including:
- Amending the proportion of housing development to be distributed to Stafford town (70%) and Stone (10%);
 - Deleting reference to a moratorium of housing;
 - Amending the reference to the deferred phasing of housing development at Stone due to the possibility of adverse implications on the regeneration strategy of The Potteries;
 - Deleting the mixed-use proposal at Westbridge Park, Stone and the amendment of the town centre boundary to incorporate this site.
17. Moreover, some of the latest "Minor Modifications" seem to go beyond the type of minor changes, factual updates and clarifications which would normally be covered under this heading. Although these modifications do not significantly affect the underlying strategy or its strategic policies, some introduce additional clarification which may affect the operation and implementation of some policies or allocated sites, make changes suggested by prescribed bodies to ensure the soundness of some policies (such as those requested by the Environment Agency and Natural England), or provide more details and background to support specific policies. In order to ensure that these changes are fully publicised and subject to proper consultation, SBC should consider reclassifying Minor Modifications Nos. MiMOD 18-22, 38-39, 41, 51, 54, 59, 66, 71-72, 79 & 82 as "Main Modifications".

d. Future actions and progress

18. The Inspector requests the Council to consider these recommendations, responding as necessary, and putting forward the necessary amendments to the policies and accompanying text in a comprehensive Schedule of Proposed Changes, identifying those changes which are required to ensure the soundness of the Plan ("*Main Modifications*"). Careful checking and proof-reading of the Schedule of Proposed Changes and the amended Plan will also be needed. These Proposed Changes can then be published and be subject to a 6-week period of consultation. Any further Sustainability Appraisal should be undertaken before public consultation and published at the same time.
19. The Inspector confirms that these are his interim recommendations, without prejudice, on specific aspects of the Plan for Stafford Borough relating to compliance with the legal and procedural requirements, including the Duty to Co-operate, and key issues of soundness. However, he cannot rule out the need for further changes to the Plan when he reaches his final conclusions and prepares his report to the Council, particularly since he will need to consider any representations and responses on the Proposed Changes (Main Modifications) before finalising his report.
20. This note sets out the Inspector's recommendations on further Main Modifications required to ensure that the Plan is sound and is capable of adoption, but does not cover all the matters and issues identified for examination. The full reasoning for his conclusions will be included in his final report. Apart from requesting the Council to consider the further amendments needed to the Plan, this note is made available to other participants for information only. Participants will be able to make any further representations on the Schedule of Proposed Changes (Main Modifications), when published.

Stephen J Pratt - Development Plan Inspector
17.12.13

⁶ Examination documents: N2.46A/B

APPENDIX 6 – SPODE CLOSE APPEAL DECISION



Appeal Decision

Hearing held on 23 September 2014

Site visit made on 23 September 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2014

Appeal Ref: APP/Y3425/A/14/2220297 Land at Spode Close, Stone, Staffordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by David Wilson Homes (Central, Mercia and West Midlands) against the decision of Stafford Borough Council.
 - The application Ref 13/19605/FUL, dated 15 November 2013, was refused by notice dated 24 March 2014.
 - The development proposed is residential development including the creation of a new access onto Spode Close, creation of open space, associated landscaping and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council's determination of the original application, they have adopted 'The Plan for Stafford Borough' (June 2014). The saved policies referred to from the Council's Local Plan (2001) are therefore no longer part of the development plan. For the purposes of this appeal, I must have regard to the up to date policy position. As the appellant and other third parties have been given the opportunity to respond to this change in the policy framework during the appeal process, I am satisfied that their interests have not been prejudiced in this regard. I have determined this appeal accordingly.
3. Both parties have referred to several policies from the 2014 Local Plan and also a number of national guidance and statements including paragraphs from the National Planning Policy Framework (the 'Framework'). I have referred only to those policies which I consider to be relevant to my decision.
4. At the hearing, the appellant submitted a draft Unilateral Undertaking (UU) which sought to make provision for education, a number of sustainable transport measures, including the implantation of a travel plan, on site and off site open space, affordable housing, Suitable Alternative Natural Greenspace (SANG) and sports contributions. As the UU was in draft form, I agreed with the parties at the hearing that a completed UU could be submitted within seven working days from the date of the hearing. A completed UU was duly submitted within this timetable and I have taken account of it in my decision.

5. The draft UU was discussed at the hearing during which the parties were given the opportunity to discuss its content. I was made aware that the Council had made a request prior to the hearing for a financial contribution towards sports provision. I asked the Council to provide evidence as to how the amount requested was arrived at. The Council indicated to me that the evidence upon which they had relied was rather extensive and covered the whole Council area. I therefore agreed with the parties that the Council should be allowed seven working days from the date of the hearing to submit the relevant written evidence in abbreviated form. This information was submitted within the agreed timetable and I have therefore taken account of it in my decision. In the interests of fairness, I also allowed the appellant an additional five working days to comment on the written evidence submitted via a written representation as they had not had the opportunity to discuss this during the course of the hearing.

Application for costs

6. At the hearing, an application for costs was made by David Wilson Homes (Central, Mercia and West Midlands) against Stafford Borough Council. This application will be the subject of a separate Decision.

Main Issue

7. The main issue is the effect of the development proposed on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

8. The appeal site is currently farmland, comprising two fields on the south-western edge of the market town of Stone. The site is bordered to the north and east by an existing development of modern housing. An area of public open space, a common and car park lie to the west of the site, with agricultural fields to the south west leading up to the M6 motorway. Hedgerows define the boundaries of the site, with the exception of its eastern boundary and a belt of trees which runs along its eastern and northern boundary. Additionally there are a number of individual trees situated along the central part of the site which follow an existing hedgerow. The site area is approximately 4.9 hectares and slopes gently downwards towards the existing residential area. I understand that the appeal site is not allocated for any particular use in the development plan.
9. The appeal proposal would see the construction of 114 dwellings, 40% of which would be intended to be provided as affordable housing. The dwellings proposed would comprise a mix of house types and styles including detached, semi-detached and terraced. A mix of one to four bedroom houses would also be provided. Areas of public open space are proposed including a central area of amenity green space and an area of natural and semi-natural greenspace. Elements of the existing landscape would be retained and enhanced via the proposed planting of new woodland along the perimeter of the appeal site. Proposed pedestrian corridors would be created through the site linking both the existing residential estate next to the site and areas of open space. The development proposed would be served by a single access point off Spode Close.

10. My attention has been drawn to the planning history of the appeal site. Previous planning applications for similar types of development have been refused by the Council. There is also a previous appeal decision¹ which was dismissed. In that appeal the Inspector concluded that the proposal would be harmful to the character and appearance of the area. However, since that decision was issued in 2004 there has been a significant change in the policy framework at both the local and national level. Therefore, whilst I have had regard to that decision, I have determined this appeal on its own merits and in line with the up to date policy position.
11. Spode Close is a cul-de-sac with five dwellings. Vehicles exiting and entering the proposed access for the appeal scheme would do so via this cul-de-sac in the first instance. They would then pass through three 'T' junctions within the estate before reaching the nearest major distributor road, Common Lane. The estate roads are of a suitable width in order to accommodate two-way traffic. There is however a 'pinch point' on Coalport Drive located either side of its junction with Spode Close. The highway narrows to a single cars width at this point and there are bollards either side of the highway which restrict the width of the highway.
12. Given the small number of dwellings located on Spode Close, vehicle movements are currently likely to be largely restricted to the residents who live there and any associated visitors. This is particularly so given that it is a cul-de-sac. There is also a small area of open space at the head of the close and a children's play area which has various pieces of play equipment installed. This links with Wedgewood Close and provides a pedestrian link between the two roads. This play area and Spode Close itself adjoin open fields. In terms of the existing levels of noise, the distant hum of traffic from the M6 motorway can be heard. However, I am in agreement with local residents and the Council that this is very much a constant, low level noise which fades into the background. It is therefore not unduly dominant as a result. The predominant characteristics of Spode Close are therefore a peaceful, quiet environment with very few vehicle movements. This is also true of other estate roads in the area, although as one travels further away from Spode Close towards Common Lane, the environment become less quiet due to the increase in vehicles travelling along those roads in order to access the wider estate.
13. At the hearing, the appellant referred to a vehicle count which was undertaken in May 2014 at Spode Close and was submitted as part of the transport evidence in support of the original application. In the am peak there were two cars, in the pm peak there was one car and over a twelve hour period there was 21 cars in total counted. It is anticipated that as a result of the development proposed, there would be 63 vehicles in the am peak, 76 vehicles in the pm peak and 623 over a twelve hour period in total. Whilst I note there is some dispute as to whether the particular day of the count was during the school holidays, the evidence does show that there are currently a small number of vehicles travelling along Spode Close and that this would see a significant increase as a result of the development proposed.
14. The Council accepts that the proposal would not be harmful in relation to highway safety or the free flow of traffic as a result of traffic associated with the development proposed. I understand that the relevant parking standards

¹ APP/Y3425/A/03/1135747 Decision date: 2004

would also be satisfied. I also note that the highway authority did not object to the proposal in this regard, subject to conditions. The transport evidence submitted by the appellant also indicates that there would be sufficient capacity on the estate roads to accommodate the development. The technical noise evidence also found that there would be no material change to the level of noise as a result of the development proposed and the Council's environmental health officer did not object to the proposal in this particular regard.

15. The Council does not dispute the science of the technical evidence submitted per se, it is rather the conclusion of that evidence which is at issue. I am in agreement with the Council that the assessment of the living conditions that residents currently experience in the area, and Spode Close, in particular, is necessarily a subjective judgement. As such, a purely scientific appraisal of the effects of the scheme may find it more difficult to assess this particular element.
16. The fact is that the evidence does show that, when compared with the existing situation, there would be a significant increase in the volume of traffic travelling along Spode Close in particular and other estate roads close to the appeal site as a result of the development proposed. There are several highway features including junctions and a 'pinch point' which those vehicles would need to negotiate before exiting the wider housing estate. This would result in several manoeuvres having to be undertaken by the drivers of those vehicles including breaking, accelerating and general engine noise. The nature of that noise would be different to the background hum of traffic from the M6 motorway as it would be experienced by residents at close quarters and would be intermittent throughout the day.
17. Vehicles accessing the development proposed would be likely to be a constant feature throughout the day and into the evening. I understand that the majority of dwellings on the Close have front facing living rooms and front facing main bedrooms situated approximately 5 metres from the highway. Many residents are also retired and therefore more likely to be at home during the day. Residents using their main living areas and bedrooms would therefore be likely to experience the noise associated with vehicles using the proposed access at close quarters. This is particularly so during the summer when they may choose to leave their windows open and therefore would be more likely to be disturbed by the comings and going of future residents accessing the proposed development. This would be materially different to the quiet and peaceful living environment which residents on Spode Close in particular currently enjoy. The appeal proposal would therefore have a significantly harmful on the living conditions which those residents currently enjoy as a result.
18. I also have concerns regarding the effect of the development proposed on the children's play area which I understand is used by children from the wider estate. Whilst I accept that children are capable of dealing with change, the play area currently benefits being located in a relatively traffic free environment. The increase in vehicles as a result of the development proposed would greatly alter this and would increase the number of potential hazards which children wishing to access the play area would have to negotiate. I consider that the use of the access proposed would therefore materially affect the amenity value of that play area as a result.

19. Accordingly, I conclude that the proposal would be harmful to the living conditions of neighbouring residents with particular regard to noise and disturbance. The proposal would therefore conflict with spatial principle 7 (I) of 'The Plan for Stafford Borough' (June 2014) which, among other things, states that development will, in principle, be acceptable because it will not adversely affect the residential amenity of the locality. The proposal would also conflict with one of the core planning principles of the Framework which states that planning should always seek to secure a good standard of amenity for all existing occupants of buildings (paragraph 17).

Other Matters

Emergency Access

20. I note that there is some dispute as to whether a suitable emergency access for the appeal scheme could be created. An illustrative plan was submitted by the appellant at the appeal which did show that one could be created. However, this would involve building the emergency access on part of the public open space next to the existing play area. At the hearing, it was indicated to me that this area of land is owned by an independent estate management company and not the appellant. As such, it does not appear to be within the control of the appellant. I note that the provision of an emergency access was a requirement of the highway authority to be secured via a condition to ensure that safe and suitable access could be maintained for the proposed development in light of an emergency occurring. Therefore notwithstanding the concerns that the Council and third parties have expressed regarding this access, in light of this uncertainty, I am not convinced that a suitable emergency access would be capable of being implemented, were the appeal to succeed. This is a matter which adds to the harm that I have identified above.

Unilateral Undertaking

21. A Statement of Common Ground was submitted by the parties and this shows that there are areas of agreement between them. In particular, the Council acknowledges that the appeal site is in a sustainable location and that the principle of the development proposed is acceptable, subject to the relevant development plan policies being satisfied. There is also agreement that the site has no particular planning, ecological or landscape designation. Whilst I appreciate the concerns of local residents and Councillors in relation to the proposal, I must also acknowledge that the appeal scheme would have several benefits, if the appeal were to succeed. In particular, a completed UU was submitted by the appellant which aims to secure a number of measures. I shall consider these in turn.
22. Policy C2 of the Local Plan requires that within Stone, residential developments of 12 dwellings or more must provide 40% affordable housing units on development site. At the hearing, the Council disputed whether or not the appeal scheme would in fact provide the required amount. This is because plans submitted with the appeal showed that 35 affordable units would be provided, whereas 40% of 114 units would require 45 affordable units to be provided. The completed UU submitted is clear that 45 affordable units would be provided as part of the scheme and would therefore comply with policy requirements.

23. There is, however, a provision in the UU which would make it possible for affordable units to be sold as open market dwellings should an affordable housing provider not be found within a three month period. Whilst I acknowledge the appellant's position that such an event would be unlikely, this would mean that were this measure to be engaged, some or all of the affordable housing provided would not be available in perpetuity. This is a weakness in the UU, nevertheless in light of the harm that I have identified above, this has not been a decisive factor in my consideration of this appeal.
24. Additionally, based on the information before me, and taking account of the completed UU, I am satisfied that, were the appeal to succeed, the proposal would make suitable provision for a financial contribution towards education, the implementation of a travel plan, the provision of suitable off site and on site recreational open space and SANG. I note that the Council disputes whether or not it should have to pay its own legal costs involved in transferring ownership of the on-site open space and play area provision. However that has not been a decisive factor in my consideration of this appeal.
25. In terms of the financial contribution sought by the Council towards a Transport Strategy, I was provided with a document entitled 'Stafford Borough Integrated Transport Strategy 2013-2031' (November 2013). Whilst Appendix 2, figure 5 of that document does show a 'Stone Local Transport Package' there is little specific information within that document as to how the figure of £60,000 was arrived at. Similarly, in relation to the financial contribution sought for sports provision, the document submitted by the Council refers to a Sport England 'Sports facility calculator' which has been used to calculate the figure of £38,508. However, there is little specific information to indicate whether there is a particular shortfall of sports provision in the area and how this figure was arrived at. I therefore have some concerns, based on the information before me, as to whether these two particular requirements are necessary, related directly to the development and fairly related in scale and kind.

Housing land supply

26. Evidence was submitted during the course of the appeal regarding the housing land supply situation in the area². At the Hearing the appellant indicated that they wished to reserve their position regarding the Council's publicly stated levels of housing land supply in relation to possible future appeals. However, they were also clear that it was not a matter which they wished to raise specifically in regard to this appeal. Notwithstanding this, the appellant has drawn my attention to the Inspector's report following the examination of 'The Plan for Stafford Borough'. This does indicate that the housing requirements for the area should not be treated as a maximum figure. Therefore, even if there is no identified shortfall of housing land supply in the area, this would not necessarily preclude development proposals for housing coming forward. Rather, it is a question of assessing the particular harm which may occur as a result of the specific proposal in question. I note the appellant's position and have also had regard to the Framework which does state that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49).

² Including a previous appeal decision regarding this matter – APP/Y325/A/12/2172968 Decision date: December 2012

Other considerations

27. There are also a number of neutral matters, where a lack of harm does not weigh in favour of the proposal. These include that the site is greenfield. Although several local residents have expressed concerns in this regard, there is nothing in the Framework which explicitly rules out the development of greenfield sites.
28. I am also satisfied that the proposal would have a neutral effect on the character and appearance of the area. This is because the appeal proposal would be located on the edge of an existing residential development. Documents and plans submitted with the appeal show that the house types proposed would largely reflect the local vernacular. The proposal would therefore relate well to the existing residential area. Landscaping (both retained and that proposed) in addition to the creation of areas of public open space would assist in visually integrating the proposal into the landscape and townscape of the area.
29. I note the concerns expressed by local residents as to the effect of the proposed development on their living conditions with regard to outlook, light and privacy. However, based on the information before me, suitable separation distances could be achieved. Additionally, the enhanced landscaping proposed around the perimeter of the site could effectively screen existing dwellings from the proposed development. The proposal would therefore not be harmful in this regard.
30. The majority of notable features on the site with habitat potential for wildlife, such as the existing hedgerows and mature trees, would be retained as part of the appeal proposal. Additional planting proposed as part of the scheme could enhance the existing habitat potential on the site for wildlife. Based on the information before me, I am therefore satisfied that the proposal would not be harmful to protected wildlife, specifically bats and badgers which may use the site and also any bird species. Conditions could be attached to ensure that retained trees are protected during construction work via maintaining suitable Root Protection Areas, if the appeal were to succeed.
31. The consultation response from Natural England indicates that due to the proximity of the Cannock Chase SAC, there may be some effects as a result of the development proposed. This would be as a result of the potential for the proposal to increase visitor numbers to the SAC. However, based on the information before me, I am satisfied that suitable mitigation measures could be put in place to overcome those concerns.
32. A Flood Risk Assessment was submitted with the application. The site is within Flood Zone 1 and is not therefore considered to be at risk of fluvial flooding. The Assessment found that the development proposed will not be affected by current or future flooding from any source. It also found that the proposal would not increase flood risk elsewhere. I also note that the Environment Agency and the relevant water company responsible did not object to the proposal in relation to this issue, subject to conditions. Therefore, although I appreciate the concerns of local residents and Councillors, I am satisfied that the proposal would not be harmful in this regard.
33. A soil assessment was undertaken and submitted by the appellant with the original application. This indicates that the proposal would result in the

permanent loss of approximately 5 hectares of the best and most versatile agricultural land, classified as subgrade 3a. However, due to the limited size of the land involved and the extent of other agricultural land in the vicinity it concludes that agricultural productivity in the locality would not be significantly affected by the appeal proposal. Additionally, a condition could be put in place, were the appeal to succeed, requiring soils on the site to be safeguarded through best practise handling and stockpiling techniques to ensure they would be suitable for future use. I therefore find no harm in this regard.

Conclusion

34. Drawing matters together, I have acknowledged the benefits associated with the development proposed in my decision. These include the provision of 114 additional dwellings, of which 40% would be affordable units, the provision of recreational open space (both on and off site), a financial contribution towards education provision and the implementation of a transport plan. There are also areas of agreement that exist between the parties, including that the principle of the development proposed would be acceptable and that the appeal site is within a sustainable location. There are also several neutral matters, whereby a lack of harm does not weigh in favour of the proposal.
35. Whilst I have had regard to the benefits of the scheme, I conclude that they do not demonstrably outweigh the harm that I have identified above. This is because this particular appeal proposal would result in a significant increase in vehicle movements that would substantially increase the levels of noise and disturbance significantly above that currently experienced by residents in Spode Close in particular and other surrounding roads, albeit to a lesser extent. This would be significantly harmful to the living conditions of those residents as a result. I have also found that the proposal would not provide a safe and suitable emergency access and this adds to my concerns.
36. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hugh Richards	No. 5 Chambers
Jon Rowson	Barratt and David Wilson Homes
Frank Hayes	Wardell Armstrong
Mark Dawson	Wardell Armstrong
Damian Meehan	RPS Group

FOR THE LOCAL PLANNING AUTHORITY:

John Heminsley	Planning Officer (Part time), Stafford Borough Council
Matthew Ellis	Development Team Leader, Stafford Borough Council

INTERESTED PERSONS:

Mr J and Mrs J Jenkins	Local resident, Spode Close
Mr S Lovatt	Local resident, Spode Close
Mr Slater	Local resident, Essex Drive
Cllr Michal Williamson	Stafford Borough Council
Cllr Margaret Goodhall	Stafford Borough Council
Cllr Mrs Jill Hood	Stafford Borough Council

DOCUMENTS

BY THE APPELLANT:

- A map showing a proposed 3.7m Emergency Access Route – described during the hearing as an illustrative example
- A copy of a written costs application
- A draft Unilateral Undertaking

BY THE COUNCIL:

- A written response to the costs application
- Stafford Borough Integrated Transport Strategy 2013-2031 (November 2013)

APPENDIX 7 – MARLBOROUGH ROAD LAYOUT PLAN

LAND ADJ TO COMMON LANE STONE



A Red Line amended 06.12.13

DAVID WILSON HOMES
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Drawing Title
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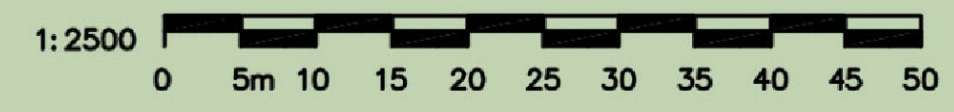
Scale
1:500 @ A1

Date
11/10/13

Drawn By

Drawing Ref
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Revision
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