

Sean Roberts

From: Rebecca Booth <rebecca@leithplanning.co.uk>
Sent: 01 November 2016 20:08
To: Programme Officer
Cc: Sam Nicholls
Subject: LPL628A Westbridge Park
Attachments: Modifications-Representation-Form.pdf; Officers Report Planning Committee - Additional Meeting - 31 October 2016.pdf

Dear Sean,

Re: Stafford Local Plan Part 2

Please find attached completed response form to the Main Modifications consultation to the Stafford Local Plan Part 2 which have been submitted to the Council. I am forwarding them to yourself as the Inspector may be interested to hear that the Council yesterday made a minded to grant resolution to approve the proposed Marks and Spencer retail store at Westbridge Park (also attached is a copy of the Officer's Committee Report). We are now awaiting a decision as to whether or not the planning application will be called-in.

Kind regards

Rebecca

Rebecca Booth

Associate Planning Director

[Leith Planning Limited](#)

 01253 795548

 leithplanning.com
planning-objections.com

14 South Clifton Street, Lytham, Lancs FY8 5HN



For Office Use Only:		
Date		
Ref		

Stafford Borough Council

Main Modifications to the Plan for Stafford Borough Part 2

Response Form

Stafford Borough Council is seeking representations on the proposed Main Modifications to the Plan for Stafford Borough Part 2. The changes are proposed by the Council to address issues of legal compliance and soundness, and we are only able to accept representations on these matters. Further guidance on completing this form can be downloaded at <http://www.staffordbc.gov.uk/examinationpart2>.

This form has two parts:

Part A - Personal Details

Part B - Your representation(s). Please fill in a separate Part B form for each comment you wish to make, and attach to Part A.

REPRESENTATIONS SHOULD ONLY RELATE TO THE MAIN MODIFICATIONS. THIS CONSULTATION IS NOT AN OPPORTUNITY TO REPEAT OR RAISE FURTHER REPRESENTATIONS ABOUT THE PUBLISHED PLAN OR TO SEEK FURTHER CHANGES TO THE PLAN.

PART A: PERSONAL CONTACT DETAILS

1. YOUR DETAILS		2. AGENT DETAILS (*if applicable)
Title		Mrs
Forename		Rebecca
Surname		Booth
Job Title		Associate Planning Director
Organisation	Keep Westbridge Park Green	Leith Planning Ltd
Address		14 South Clifton Street
		Lytham
		Lancashire
Postcode		FY8 5HN
Email address		Rebecca@leithplanning.co.uk
Telephone No.		01253 795548
Mobile No.		

Which is your preferred method of contact?	Email	X	Post	
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How we will use your personal information: *The information you provide will be used by the Council to help prepare the Plan for Stafford Borough Part 2 and will be shared with other employees or agencies (such as the Planning Inspectorate) who may be involved with the examination of the Plan. Please note that the Council is obliged to make representations available for public inspection, this means that with the exception of telephone numbers, email addresses and signatures, your comments and other personal details that you provide will be publicly available for inspection at the Council's principle offices and will also be published*

on the internet. Should you have any further queries please contact Stafford Borough Council on 01785 619000 and ask for Forward Plans.

PART B: YOUR REPRESENTATION

Name	Mrs Rebecca Booth	Organisation	Leith Planning Ltd
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Please fill in the questions below and clearly explain your comments in the relevant sections. Use one form per comment. Further sheets are available to download and you may use as many additional sheets as necessary.

Q1. To which part of the Main Modifications does your comment relate?

Main Modification Number	P2-MM3a and P2-MM3b
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Q2. Do you wish to support or object to this Main Modification?

Support	<input checked="" type="checkbox"/>	Object	<input type="checkbox"/>
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Q3a. Do you consider this Main Modification is:

Legally Compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Q3b. Please use this space to explain your answers above. Please be as precise as possible.

Keep Westbridge Park Green wish to wholeheartedly support the proposed Main Modifications detailed above as proposed by the Planning Inspector. Removing any part of Westbridge Park from within the settlement boundary will assist in securing its future as an important leisure/ recreation asset for the good of the wider community.

In addition, we share the concerns of the Planning Inspector as laid out within his note advising on the proposed modifications which stated:

“The full reasons for the above modifications will be given in my report but in regard to the third modification in the above list, the principal reasons are: the potential impact which could result from the location of the settlement boundary as submitted on the openness of the park and on the setting of the Stone Conservation Area and key listed buildings which can be viewed from the park; concern over flood risk; concern over the location and impact of retail development on the town centre; and the strong and clear physical boundary of the canal.”

It is of concern that the planning application for the new Marks and Spencer retail unit (application reference 16/024242) received a minded to grant resolution from Stafford Planning Committee on Monday 31st October, with little consideration paid to the comments made by the Local Plan Inspector as detailed above.

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Q4a. Do you consider this Main Modification is:

Sound?	Yes	X	No	
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Q4b. If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to by placing a cross by the appropriate box.

Please select	Test of Soundness
<input type="checkbox"/>	It is not positively prepared in that it is not prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements where it is reasonable to do so and consistent with achieving sustainable development.
<input type="checkbox"/>	It is not justified in that it is not the most appropriate strategy based on a robust and credible evidence base.
<input type="checkbox"/>	It is not effective in that it is not deliverable over its period.
<input type="checkbox"/>	It is not consistent with national policy .

Q4c. Please use this space to explain your answer to Q4a above. Please be as precise as possible.

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Q4d. If you consider the Main Modification unsound, please set out what change(s) you consider necessary to make it sound and give your reasons. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Please note: Your representation should cover all information succinctly and include all the information, evidence and supporting information necessary to support / justify the representation and suggested change.

Please note: Representations should only relate to the Main Modifications. This consultation is not an opportunity to repeat or raise further representations about the published Plan for Stafford Borough Part 2 or seek changes to the Plan. If the Inspector considers new issues or matters are raised as a result of these representations, he may decide to resume the hearings to enable these points to be discussed.

All representations must be received at the email or postal address given on this form by 12 noon on Friday 4th November 2016. Late representations cannot be accepted.

Completed Forms should be sent to the Forward Plans team at:

Email: forwardplanning@staffordbc.gov.uk
Post: **Head of Economic Development and Planning
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ**

Please tick this box if you DO NOT wish to be notified of publication of the Inspector's Report, adoption of the Plan for Stafford Borough or be involved in the preparation of future plans and policies.	
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Additional copies of this form can be accessed from the Council's website at <http://www.staffordbc.gov.uk/examinationpart2> If you have any further queries, please contact the Forward Plans team on 01785 619000.

Thank you for taking the time to complete this representation.



Civic Centre, Riverside, Stafford
Contact Andrew Bailey
Direct Dial 01785 619212
Email abailey@staffordbc.gov.uk

Dear Members

Planning Committee - Additional Meeting

An additional meeting of the Planning Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Monday 31 October 2016 at 9.30am** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

The Committee will meet at the rear of the Civic Centre and depart at **9.30am** to visit the first site as set out in the agenda and re-convene at the Civic Centre at approximately **11.00am** to determine the applications.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A.R. Well

Head of Law and Administration

PLANNING COMMITTEE (ADDITIONAL MEETING) 31 OCTOBER 2016

**Chairman Councillor B M Cross
Vice-Chairman Councillor A S Harp**

A G E N D A

- 1 Apologies**
- 2 Declaration of Member's Interests/Lobbying**

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3 Planning Application(s)	3 - 82

MEMBERSHIP

C A Baron	A J Perkins
M Bowen	D B Price
B M Cross	G O Rowlands
M G Dodson	P Roycroft
A S Harp	RM Sutherland
E G R Jones	C V Trowbridge
S O'Connor	

PLANNING COMMITTEE (ADDITIONAL MEETING) - 31 OCTOBER 2016

Ward Interest - Nil

Planning Applications

Report of Head of Economic Development and Planning

Purpose of Report

To consider the following planning applications, the reports for which are set out in the attached **APPENDICES**:-

		Page Nos
16/24242/FUL	Westbridge Park Sports Centre, Stafford Street, Stone	4 - 65
	This application was called in by Councillor J Hood	
	Officer Contact - John Holmes, Development Manager - Telephone 01785 619302	
14/20816/OUT	Land between Beaconside and B5066 Sandon Road, Hopton	66 - 82
	This application was called in by Councillor F A Finlay	
	Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324	

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

Application	16/24242/FUL	Case Officer:	John Dolman / John Holmes
Date Registered	24 May 2016	Target Decision Date	23 August 2016
Address	Westbridge Park Sports Centre Stafford Street Stone	Ward	Walton
		Parish	Stone Town
Proposal	Demolition of existing buildings and construction of a foodstore (Use Class A1) with ancillary cafe, car parking with associated access work, landscaping and other works		
Applicant	Liberty Properties Developments Ltd		
Recommendation	Approve subject to conditions.		

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to Committee as the Council is the owner of the site.

The application has also been called in by Councillor J Hood (Ward member for Walton) for the following reason:

“The proposed M&S Food Store will not be sympathetic to the natural landscape and will lead to loss of locally important open space. It will also adversely affect residents of the moorings”

Context

This is a detailed application for the construction of a foodstore including a café to be occupied by Marks & Spencer together with car parking with associated access work and landscaping. The overall site area extends to 0.68 ha.

The site is located just to the south-east of Stone Town Centre and the site is bounded by the Trent and Mersey Canal to the north-east with The Moorings apartments beyond, a play area to the north-west, with Stafford Street beyond, Stafford Road to the south-west, open land forming part of Westbridge Park to the south and by Westbridge Park Sports Centre to the south-east.

The canal to the north-east of the site is within the Trent and Mersey Canal Conservation Area. To the north and north-west is the Stone Conservation Area, which incorporates the adjacent section of canal. The Moorings is a Grade II listed building.

The site is at present occupied by three tennis hard-courts, car parking access roads and by a small building the Wells Blagden Centre used by the Girl Guides, which will be demolished as part of the proposals.

The Council is the owner of the application site together with the adjacent car park, leisure centre and surrounding parkland. The Council proposes to redevelop the area to provide a new leisure centre including a swimming pool. This development, which would be subject to a separate planning application, would in part be financed by the sale of the current application site. The current application, however, has been submitted as a stand-alone proposal and will be determined on planning considerations only in line with relevant government guidance contained in the National Planning Policy Framework and policies contained in The Plan for Stafford Borough.

The proposed building will essentially occupy the site of the tennis courts towards the north-eastern boundary of the site. It will have dimensions of 30.8 m x 34.4 m, with a shallow pitched roof to a ridge level height of 9.7 m. It will be set back 10 m from the site boundary with the canal towpath.

The building will have a floor area of 1521.5 sq m (external measurement), 462sq m of which will be as a mezzanine floor. The café will be located in the north-eastern section of the building at ground floor level facing the canal.

Plant will be located to the east of the building between the south-eastern elevation and the Sports Centre boundary screened by a 3/3.5 m high acoustic fence extending in line with the north-eastern (canalside) elevation with the service area below.

Car parking facilities will predominantly be provided to the south of the building. A total of 81 spaces are to be provided.

A new direct access is to be constructed onto Stafford Road in the south-western corner of the site with a ghost island right-turn facility provided within the existing carriageway. The store and car park will be served internally by a reconstructed roadway along the southern boundary of the site replacing the existing roadway serving the Sports Centre and car park. The new access point onto Stafford Road which will also serve the Sports Centre and the whole of Westbridge Park will replace the existing access to the south of the site onto the service road between Stafford Road and Westbridge Park. While this access point and the service road to the south will be retained it will be blocked off at its northern end as part of this development.

Amended plans have been received since the application was originally submitted. The physical amendments have involved repositioning the building 4 metres further away from the canalside boundary with consequent minor amendments to the car parking layout and the inclusion of a right-turn facility within the highway as part of the proposed access details. The provision of the right-turn facility has also necessitated a minor alteration to the red-edged application site. No changes, however, have been made to the dimensions of the proposed building or to the design and appearance. Some additional and amended information has also been submitted, most significantly a revised Flood Risk Assessment to address matters raised by the Environment Agency. These are not revisions of such a scale that would justify the submission of a revised planning application. Full re-consultations were undertaken following the receipt of amended plans and information at the end of August. More recently, Stone Council, all residents originally informed of the application together with those who commented subsequently and relevant heritage

consultees have also been invited to comment on additional plans and photo montages submitted showing the contextual setting of the proposed building.

Officer Assessment - Key Considerations

1. General Development Policy

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions. In assessing and determining development proposals, a presumption in favour of sustainable development should be applied (paragraphs 196/197 of the National Planning Policy Framework).

The local development plan in this case is The Plan for Stafford Borough. Part 1 of this plan was adopted in June 2014. Part 2 was published in December 2015 and was subject to Examination in Public in July 2016. The Inspector has now advised the Council that he is minded to include three main modifications which he considers are necessary in order to ensure the soundness of the plan.

In determining the current application, therefore, full weight must be given to the policies contained in Part 1 of the local plan and less significant weight to the Policies contained in Part 2 of the plan including modifications required by the Inspector. Part 1 of the local plan does not specify settlement boundaries. These are included in Part 2 of the local plan.

Although originally proposed for inclusion within Stone Town Centre in Part 1 of The Plan for Stafford Borough, the area of land occupied by buildings in the north-western corner of Westbridge Park incorporating the Sports Centre, access road, car parking area, tennis courts, play area and Girl Guide building, which includes all the current application site was withdrawn for proposed mixed-use leisure/retail development at the Examination stage following comments by the Inspector. At that time he advised that there was insufficient evidence to show that the site could be developed in the manner intended, but if it were to be decided that this scheme was needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. He advised that "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".

The area, however, was not included within the Green Infrastructure allocation for the main area of Westbridge Park. The Inspector acknowledged that "much of the disputed area comprises leisure facilities (including buildings, meeting halls and playing courts), along with surfaced car parks, which would not fit within SBC's original or revised definition of green infrastructure; this designation is also not supported by SBC's Green Infrastructure Plan".

The area, therefore, was included within the proposed settlement boundary for Stone in Part 2 of the Local Plan. Representations, however, were received that the area should be excluded from the settlement boundary. Following the Examination in Public of the Part 2 proposals the Inspector has now advised the Council that he is minded to include three main modifications which he considers are necessary in order to ensure the soundness of the plan. These would include amending the Stone settlement boundary to exclude the land on the edge of Westbridge Park which includes the current application site.

He has advised that, 'The full reasons for the above modifications will be given in my report but in with regard to the Westbridge Park exclusion, the principal reasons are: the potential impact which could result from the location of the settlement boundary as submitted on the openness of the park and on the setting of the Stone Conservation Area and key listed buildings which can be viewed from the park; concern over flood risk; concern over the location and impact of retail development on the town centre; and the strong and clear physical boundary of the canal'.

The Council undertook a Sustainability Appraisal on the modifications prior to launching the Main Modifications consultation alongside Additional Modifications, which was launched the week commencing 19 September 2016. There is a six week consultation period which ends on 4 November 2016

The exclusion of the area from the settlement boundary gives the site a much greater general protection from development as in principle other types of development, most notably residential development would have been policy compliant if it were to remain within the settlement boundary.

Spatial Principle 1 in The Plan for Stafford Borough requires a presumption in favour of Sustainable Development in line with the NPPF. This policy supports the prompt approval of sustainable development contained in the NPPF and that accords with policies in this Local Plan.

Spatial Principle 3 requires that the majority of future development will be delivered through the Sustainable Settlement Hierarchy, which includes the town of Stone. While the site is close to the heart of Stone, its exclusion from the settlement boundary means that development on this would be outside of any settlement, where the majority of development should be provided under Policy SP3. Consequently, development would only be acceptable outside such an area where there was specific justification.

Spatial Principle 7 seeks to support development within the hierarchy set out in SP3 appropriate to secure the sustainability of each settlement. With the exclusion of this site from the settlement boundary, the current proposal would constitute development in other locations which will only be supported where, inter alia it does not conflict with the environmental protection and nature conservation policies of the Plan and provision is made for any necessary mitigating or compensatory measures to address any harmful implications. This policy also seeks to maximise the use of brownfield redevelopment sites. Regardless of the settlement boundary, development of the current application site, which is a brownfield site and adjacent to the town centre would be preferable to a greenfield site.

Policy Stone 1 - Stone Town seeks to enhance the role of the town as the second settlement of the Sustainable Hierarchy set out in SP3 by enhancing its role by increasing both the range and quality of its services. With regard to retail development, the policy seeks to strengthen the Town Centre by encouraging its expansion, providing 1700 sq m of new convenience food retailing and 400 sq m of comparison non-food retailing and enhancing different uses in the primary shopping area as well as protecting its distinctiveness, vitality and viability through a greater diversity of independent specialist and niche retailers. This policy clearly recognises the need for a level of additional food

retailing as proposed in the current application. While this policy clearly recognises the need for a level of additional food retailing as proposed in the current application, it must be acknowledged that the current site is outside the Town Centre area to which this policy relates. A retail assessment, however, has been submitted with the application to demonstrate that a suitable site is not available in the town centre. That being the case, this site is adjacent to the town centre and in terms of sustainability is better located to the town centre than much of the area within the settlement boundary. This issue will be covered further in the Retail Assessment Section of this report.

It should be remembered, however, that although the exclusion of the site from the settlement boundary means that the proposed development would no longer clear a number of policy hurdles that it would have done previously by being located within the settlement boundary, this does not automatically mean that the proposal may not still be capable of satisfying relevant policies. Furthermore the Inspector's reasons for the proposed exclusion from the settlement boundary cannot be interpreted as prejudging the consideration of the current application. Clearly, the application must be assessed against the factors raised by him in excluding the area. This will be done in the relevant sections of this report. Furthermore, since the Examination in Public a revised Flood Risk Assessment has been submitted in respect of the current application site addressing concern over flood risk and the Council has received a detailed report from its retail consultants regarding the potential impact of retail development on the town centre.

It should also be emphasised that the area, even outside the settlement boundary will still not be included within the Green Infrastructure allocation for the main area of Westbridge Park. Consequently, consideration of this application will not require assessment against Policy N4 of The Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework - Achieving sustainable development paragraphs 6 10, The presumption in favour of sustainable development paragraphs 11 -16, Core planning principles paragraph 17, 7, Section 1 building a strong competitive economy paragraphs 18 - 22

The Plan for Stafford Borough - SP1 Presumption in Favour of Sustainable Development, SP3 - Stafford Borough Sustainable Settlement Hierarchy, SP7 - Supporting the Location of New Development, Policy Stone 1 - Stone Town, Policy E1 Local Economy, Policy E8 Town, Local and Other Centres

2. Open Space, Recreation, Leisure and Community Uses

The proposal will necessitate both the loss of the three existing tennis courts and the demolition of the Girl Guide building.

Policy C7 of The Plan for Stafford Borough states that development that results in the loss of existing open space, sport and recreation facilities will be resisted unless better facilities in terms of quality, quantity and accessibility can be provided or that redevelopment would not result in a deficiency in the local area.

A Leisure and Recreation Assessment has been submitted in which the applicants argue that there is a surplus of tennis court provision within Stone. Within this statement they have used figures from the KIT Campbell 2013 assessment which highlights that there is 1 court per 1200 persons available to the people in Stone.

The Council's Parks and Open Spaces Development Officer has pointed out that the original KIT Campbell 2009 Assessment identified that the provision of 11 courts in Stone with the population of 14,555 (2001 Census) was the right level of provision. Within the 2011 Census, however, the population Stone had increased to 16,385. If this population were to be divided by the identified 11 courts this would equal 1 court per 1489 persons.

The 11 courts identified are not all publically available as 6 are within the member only Stone Tennis and Squash Club. Five courts, therefore, are publically available to the Stone population and if the overall 2011 population were divided by this figure would be 1 court per 3277 persons. The Parks and Open Spaces Development Officer, however, does accept that the Stone Tennis and Squash Club provides a valuable facility.

Within the KIT Campbell 2009 Assessment the courts at Westbridge were identified being as Low Quality but High Value. It was advised that the courts be retained and improved. This view was maintained in the 2013 assessment.

The applicant has argued that the upgrading of the tennis facilities at Stonefield has increased capacity and, therefore, that there is no need for compensation. While the Parks and Open Space Development Officer agrees that the upgrade of these facilities has resulted in an increase of usage, they cannot fully cater for the demand if all tennis courts are lost at Westbridge. The Leisure Statement submitted also argues that the loss of the facilities is a key element of the Stone Leisure Strategy and is justified on the basis that the sale and development of this site will promote a capital receipt which will be available for direct reinvestment in new leisure facilities. While this principle is accepted the Parks and Open Space Development Officer nevertheless considers that there has to be compensation for the loss of the facilities.

A key element of the Stone Leisure Strategy is the proposed development of Westbridge Park as a Destination Park, similar to those produced at Victoria Park and Wildwood Park. As part of the Destination Standard, provision of sport facilities on the site are required.

Consequently, in order to compensate for the loss of the courts a monetary contribution for the provision of a one court, floodlit, multi-use games area at Westbridge as part of the overall Destination Park status will be required.

As the Council has already committed to use 100% of the capital receipt for the sale of land at Westbridge Park towards the overall Stone leisure strategy, the provision of a multi-use games area facility at Westbridge Park can be funded using this capital receipt.

Sport England have also confirmed that they are happy to accept that a multi use games area will adequately compensate for the loss of the tennis courts, taking into account the upgrades at Stonefield and wider leisure benefits arising from the leisure strategy. Consequently, the proposal would meet their Exception Policy E4, subject to the re-provision of the MUGA. They would normally seek to secure this by condition or through a Section 106 Agreement. A condition is not appropriate as the MUGA would be provided as

part of a subsequent development on a separate, albeit adjacent site. Furthermore as the Council is the land owner, this cannot be the subject of a Section 106 Agreement. Sport England, however, have been provided with a draft copy of the clause to be included in the sale agreement and are satisfied that the compensatory provision can be secured by this means.

The Inspector in recommending the exclusion of the site from the settlement boundary listed potential impact on the openness of the park and on the setting of the Stone Conservation Area and key listed buildings which can be viewed from the park. Impact on views across the park of the Conservation Area and listed buildings will be addressed elsewhere in this report. It should be noted in this Section, however, that the current proposal does not involve the loss of any greenspace. Almost all of the application site is occupied by hard surfaced tennis courts, access roads/car parking and by the Girl Guide building. Assessment of the loss of the tennis courts has been undertaken in preceding paragraphs and the impact on the guide building in the following paragraphs.

The demolition of the Girl Guide building will involve the loss of a social and community use from the site. Policy SB2 Protected Social and Community Facilities in Part 2 Of The Plan for Stafford Borough states that such uses need to be protected and changes of use to general commercial uses will be resisted unless it can be established that the facility is no longer required or that it can be served in an alternative location within the same settlement, or in a manner that is equally accessible to the local community. In this particular case the Head of Leisure and Culture Services has advised that a site location and facility mix with the Guides has been agreed and a sum of money has been allocated to relocate them. He has also advised that the Guides are happy with the facilities being offered and the location has been agreed with them on site. Initial drawings have been produced and there will be further progress once the site surveys have been completed later this month.

In the short-term it is proposed to provide a temporary modular building immediately to the south of the existing leisure centre building. A permanent replacement building would subsequently be constructed on part of the site of the existing leisure centre, which would be demolished on completion of the new centre. Both temporary and subsequent permanent buildings will be subject to separate planning applications. It is anticipated that an application will be submitted shortly and that the temporary facility would be available by April 2017.

Policies and Guidance:-

National Planning Policy Framework - Section 8 paragraphs 69, 70, 73, 74,

The Plan for Stafford Borough - Policies Stone 1 Stone Town C7 Open Space, Sport and Recreation, N4 The Natural Environment and Green Infrastructure, N8 Landscape Character

3. Retail Impact

As the proposed site lies outside Stone Town Centre as required by paragraph 24 of the NPPF a sequential test must be applied to this application, which is for a main town centre use not in a town centre and is not in accordance with an up-to-date local plan. Such uses

should be located in town centres, then in edge of centre locations and only then other locations. This is considered to be an edge of centre location. The NPPF states that outside town centres, preference should be given to accessible sites that are well connected to the town centre.

Local Plan Policy E8 Town, Local and Other Centres states that support will be given to maintaining and enhancing the functions, vitality and viability of the hierarchy of town, local and other centres, which include Stone. Development proposals providing greater than 500 sq m of floorspace in Stone for town centre uses in an edge or out-of-centre location should be the subject of an assessment of impact on existing, committed and planned public and private investment in centres and on the vitality and viability in the town centre and wider area. This is in accordance with paragraph 26 of the NPPF.

A retail assessment including both a sequential test and impact assessment was submitted with the current application.

With regard to the sequential test, sites and units capable of accommodating a foodstore between 1,263 sq m and 1,709 sq m of gross floorspace along with and between 68 and 92 car parking spaces would be required resulting in site search focuses on sites ranging between 0.42 ha and 0.56 ha. Apart from the application site, only one other site at Crown Wharf within the Town Centre was identified. Part of the site was not available currently used as a boatbuilding yard with a number of buildings designated heritage assets. Overall only an area of 0.375 ha would be available. A number of other constraints were identified, particularly the presence of a number of surrounding listed buildings and the Stone Conservation Area, with a foodstore proposal likely to lead to the loss of a number of buildings considered to make a positive contribution to the Conservation Area and would also have an impact on the listed buildings immediately adjacent to the site. A further constraint was considered to be that the site is accessed off a one-way street limiting ease of access for customers compared to the application site

This concluded that there were no sequentially preferable sites suitable to accommodate the proposed development and that the application site was available and is located in an edge-of-centre location very well connected to the Stone Town Centre.

The impact assessment concluded that the proposed development would not have a significant adverse impact on any defined town centres and that the redevelopment would not affect the ongoing vitality and viability of these centres. It was stated that the development would help to address issues of overtrading at the existing Morrisons store within Stone and help to retain a greater amount of local expenditure within the town by clawing back trade currently lost outside of the town. It was also stated that it would help to meet an identified need recognised by The Plan for Stafford Borough.

The retail need identified was a result of the expected increase in population within Stone over the plan period and the current overtrading of the existing Morrisons store. As the application site is located on the edge of Stone Town Centre, the development proposals would help to promote linked trips between the site and the rest of the wider town centre acting as an anchor store helping to increase footfall along Stafford Road and the south eastern area of High Street in particular. The level of footfall would be further enhanced within the town centre as the proposed development would be occupied by a retailer not currently represented within the town. Overall, the statement concluded that the proposed

development represented a major economic investment opportunity for the town and also offered a range of other benefits.

The Council has instructed its own independent retail consultant to assess the statement.

They confirmed that in their view there were no sequentially preferable sites within Stone Town Centre that are both available and suitable for the development proposed in the current application. They were also satisfied that there were no other available and suitable edge-of-centre sites that are more accessible and better connected to the town centre.

With regard to impacts on town centre interests, they were broadly satisfied with the methodology employed in estimating the future trade impacts of the proposed development and recognised that the proposal would not have any significant adverse impacts on in-centre development.

Additional information, however, was requested regarding the potential trade impacts on the Co-op store in Stone Town Centre and that additional evidence be provided in respect of the existing trading performance of the Co-op store and the degree of potential overlap with the convenience goods offer of the proposed M&S Foodhall.

Following the receipt of additional information both from the applicants and from the prospective occupiers, the Council's retail consultants have now confirmed that they are also satisfied that the proposed development would not be likely to have significant adverse impacts on the vitality and viability of Stone Town Centre. They have confirmed, therefore, that the proposal meets the requirements of paragraph 26 of the NPPF and that there would not be grounds to refuse planning permission under the terms of paragraph 27 of the NPPF or Policy E8 of the Plan for Stafford.

They have added that in reaching their conclusions on the impacts of the proposed development and its compliance with the NPPF and local planning policy, they have had regard to the specific trading characteristics of the proposed retail operator. While it appears that M&S is committed to the application scheme and that the scale and nature of the proposed development would have limited appeal to alternative operators in current market conditions, they consider that, if the Council was minded to grant consent, it should be subject to conditions restricting the total amount of retail sales floorspace to be provided within the proposed retail unit and to prevent its occupation by a non-food retail operator. The latter could include a restriction on the amount of comparison retail floorspace to be provided within the proposed foodstore, which they suggest be set at around 5-10 per cent of the net retail floorspace as this would provide Marks & Spencer with some flexibility but would limit the future appeal of the site to alternative convenience retail operators. Such a condition would be in accordance with the provisions of local plan Policy E8.

They have also now provided further comment on the sequential test particularly in the light of representations that the suitability of the Crown Street Wharf site be reassessed. They point out that the Stone Conservation Character Appraisal (2008) confirms that there are a number of listed buildings within the boatyard site. And that comprehensive redevelopment including the boatyard site (which in any case appears to be occupied by a number of small businesses) in order to deliver the proposed foodstore would appear to

be inappropriate. They have pointed out that the reasons for the recent refusal of planning application 15/23178/FUL in August 2016 for an apartments development containing retirement housing on the Crown Wharf site included concerns about the design of the proposed retirement housing and its impact on the established small-scale character of the canal frontage and its failure to enable the town to engage with its canal side function, character and setting.

They also acknowledge the site of the former garden centre provides just 0.025 ha of land and that even when combined with the 0.38 ha that was the subject of planning application 15/23178/FUL, would not provide a site of sufficient size to accommodate the proposed development in the current application, even when applying an appropriate degree of flexibility. For these reasons, they consider the sequentially preferable site at Crown Wharf to be unsuitable for the proposed development.

In terms of other sequentially preferable sites, their own high-level analysis of vacant units within the town centre suggests that the largest available retail unit is at 32 High Street and provides 341 sq. m of floorspace over four levels. This would clearly be unsuitable and we accept the applicant's conclusions that there are no other available and suitable sites within or on the edges of Stone Town Centre.

Although the adequacy of the retail assessment has been queried, it is considered that such criticism cannot be justified given that the assessment has been independently assessed on behalf of the Council and that as part this assessment, additional information was requested and submitted at the request of the Council's consultants.

Although the current planning application was submitted prior to the Examination in Public of Part 2 of The Plan for Stafford Borough, the outcome of the independent retail assessment undertaken on behalf of the Council had not yet been completed and, therefore, was not available to the Inspector.

Policies and Guidance:-

National Planning Policy Framework - Section 2 paragraphs 23, 24, 26, 27

The Plan for Stafford Borough - Policies Stone 1 Stone Town, E1 Local Economy, E8 Town, Local and Other Centres

4. Parking and Access

As previously stated, a new direct access is to be constructed onto Stafford Road in the south-western corner of the site. The store and car park will be served internally by a reconstructed roadway along the southern boundary of the site replacing the existing roadway serving the Sports Centre and car park. Amended plans submitted, at the request of the highway authority have added a ghost island right-turn facility provided within the existing carriageway.

The new access will also serve the Sports Centre and the whole of Westbridge Park. Although the existing access point and the service road to the south will be retained it will be blocked off at its northern end as part of this development and will no longer provide access to the Sports Centre and car park.

Eighty-one car parking spaces are proposed, predominantly to the south of the building, with a small number along the south-eastern boundary with the existing Sports Centre.

In addition to the original Transport Assessment submitted an Addendum has been forwarded with the amended plans, together with detailed Car Parking Assessment at the request of the highway authority. The level of car parking proposed is below what would be required in the Council's Car Parking Standards. Applying the food retailing standard would require 109 spaces.

The applicants have pointed to the retail parking standard applied to town centres and edge of centre locations such as this, which if applied in this case would require 87 spaces and suggest that there is a degree of overlap between the two categories and that based on these standards and the proposed floorspace, this would produce a requirement between 85 and 106 spaces. The report goes on to discuss site specific and development specific considerations, including measures both on and off-site to improve accessibility, the content of a Travel Plan, predicted traffic generation, the ability of mixed use developments to share parking space, the scope to use existing and available public parking in off-peak periods and finally commercial need.

The assessment concludes that the level of parking provision proposed is in excess of what is actually required by the proposed M&S operation with a total of 81 spaces proposed to help promote and support linked trips from the proposed foodstore to the wider town centre. It is claimed that while the level of parking proposed is below the requirements set out in the Council's Parking Standards, this is entirely appropriate as the site is in a highly accessible location on the edge of Stone Town Centre. They consider, therefore, that the proposed development, by virtue of the level of car parking provision, will not materially impair highway safety or traffic movement and accords with Policy T2.

The highway authority has now advised that it has no objections to the proposal subject to conditions requiring submission of full details of the access including a Stage 2 Road Safety Audit, a Construction Method Statement, a Traffic Management Plan, a Travel Plan and subject to the development being brought into use until the approved access, parking, cycle parking, servicing and turning areas have been provided.

They have referred to the Transport Assessment submitted which assesses the impact of the development on the surrounding highway network and includes mitigation measures to minimise any impact. They have noted that the modelling of the proposed access junction and surrounding network shows that they will operate within their practical capacity during peak hours in future years with the development traffic added.

In considering, the type of development, accessibility and public transport they have noted that the Transport Assessment has also calculated the number of parking spaces required for the development. With the development only being 50 m away from the town centre boundary, to ensure parking for the development does not affect the surrounding area, the highway authority has advised that parking surveys may be required to be undertaken as part of a condition requiring the submission of a Traffic Management Plan, which if necessary may have to include measures to restrict on-street parking, loading and waiting on roads surrounding the development.

In light of the submission of the additional information regarding parking provision and the subsequent assessment and conclusion of the highway authority, it is considered that the level of provision proposed is satisfactory, subject to the safeguarding conditions recommended. In reaching this conclusion, the accessibility of the site in close proximity to the town centre has been taken into account.

Policies and Guidance:-

National Planning Policy Framework - Section 4 paragraphs 32, 39

The Plan for Stafford Borough - Policies T1 Transport; Policy T2 Parking and Manoeuvring Facilities, Council Parking Standards

5. Design, Character and Appearance

NPPF Paragraph 56 states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. It goes on to state in Paragraph 64 that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The Building will be of two storey height with a hipped pitched roof to a ridge level height of 9.7 m behind a low parapet to a height of 8.2 m.

The main frontage entrance elevation will be the south-west facing onto the car park and access road elevation, will include two large area of double height glazing extending across two-thirds of the elevation.

The north-east elevation facing the Tent and Mersey Canal and towards The Moorings beyond will also have a significant area of double height glazing, extending across the northern half of its frontage, with access from the proposed café in this part of the building onto a paved terrace.

The north-western elevation facing the children’s playground will also have a smaller area of double height glazing,

The building will be clad in a combination of horizontal larch boards, steel faced composite cladding panels, powder coated light grey and high pressure laminate, dark grey panels.

The glazed shopfront sections will be set in polyester powder coated aluminium frames in dark grey and the areas above glazed areas protected at the upper level by aluminium louvres, powder coated light grey.

The applicants have stated that the proposed design of the building is in line with the well established requirements of Marks & Spencer and that it will use high quality materials, which they consider will enhance the site and the surrounding area.

The Design Advisor considers that two aspects of the proposed design, scale and massing, and elevational treatment and materiality, contribute to the scheme exerting a significant negative impact on the setting of the town centre.

The proposed building will sever or obscure some views into and out of Stone, and whilst the extent of this will depend on the scale and massing of the building, this is not an objection to the design of the building per se, but a comment on the impact of the proposed building on the setting of heritage assets.

Clearly this proposal is for a modern building of modern design. While the Design Advisor states that the elevational treatment and materiality of the building is not reinforcing the prevalent architectural scale, form and materiality which characterise the settlement, the site at present is adjacent to the existing Sports Centre, a modern relatively featureless structure clad in blue painted plastic coated steel sheeting.

The design does contrast with traditional buildings within the Stone Conservation Area on the opposite (northern) side of the canal, but clearly the proposed building compares favourably with the existing Sports Centre building. The Sports Centre building is due to be replaced, and a planning application for its replacement is expected soon. Inevitably the replacement will be a modern building, therefore any attempt to design a building of traditional appearance would be at odds with the design of a new leisure centre, and indeed the Design Advisor does not recommend “a purely pastiche approach to the architectural design”.

The design of the building proposed is considered to be satisfactory and consistent with the advice contained in Section 7 of the NPPF.

Policies and Guidance:-

National Planning Policy Framework - Section 7 paragraphs 56, 57, 60, 61, 63, 64

The Plan for Stafford Borough - Policy N1 Design

6. Residential Amenity

The nearest residential property to the application is The Moorings, a part converted Grade II listed former warehouse and part new build development containing 64 retirement apartments. This three-storey development contains apartments that have main elevations facing the application site.

While it is accurate to describe the proposed building as two storey height, at 8.32 m to parapet and 9.7 to ridge, it will be higher than two-storey residential properties. It will also have a significant width of 30.8 m facing properties at The Moorings, which itself has staggered 80 m elongated elevation facing the canal. There will be a minimum separation distance of 51.4 m between the two facing elevations. Notwithstanding any differences in levels between the two sites, this distance is such that the proposed development will not have any significant on privacy of neighbouring residents or prevent adequate levels of light reaching the neighbouring properties. While a minimum finished floor level has been specified by the Environment Agency, at 86.18 m, this is less than 200 mm above the ground level of the tennis courts currently occupying the site.

It is acknowledged that residents directly opposite will now look out onto a building on the opposite side of the canal rather across the open tennis courts at present to open playing fields beyond and there will consequently be some loss of visual amenity. Given that the

Council's own Space About Dwellings guidance specifies only a separation distance of 14 m between two-storey buildings to safeguard light and outlook (21 m between facing main elevations to safeguard privacy), it is not considered that the levels of visual amenity provided will be unacceptable.

Plant is to be housed next to the building along the canalside elevation, screened by a 3 m high acoustic fence. The service area to the store will be located to the south of the plant area.

A noise report has been submitted with this application together with a ventilation / extraction statement and a lighting assessment. The Head of Environmental and Health Services has confirmed that this indicates satisfactory mitigation measures. As the sound power values of the equipment and hence the sound pressure levels of the equipment on which the report is modelled are indicative values only, and not those of the equipment that is actually going to be installed, he has requested that a condition be attached to any approval requiring that the applicant provide details of the actual equipment to be installed, with an accompanying noise report in writing to the local planning authority to confirm that the proposed mitigation measures will still be satisfactory

He has also requested that the hours of operation of the store be restricted to be in line with those indicated in the application. These are 08.00 to 22.00 on Mondays to Saturdays inclusive and 08.30 to 18.00 on Sundays and Bank Holidays.

Additionally, in order to protect residential amenity during the construction phase conditions should be attached.

Subject to the imposition of the conditions recommended by the Head of Environmental and Health Services, occupiers of neighbouring residential properties will be protected from any significant levels of nuisance from noise and general disturbance.

Policies and Guidance:-

National Planning Policy Framework - Section 7 paragraph 61, Section 11 paragraph 123

The Plan for Stafford Borough - Policy N1 Design

7. Impact on Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects listed buildings, historic parks and gardens and conservation areas. Section 72 relates to Conservation Areas and requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area". The Heritage asset in this instance is the adjacent Trent and Mersey Canal Conservation Area.

Section 12 of the National Planning Policy Framework and specifically paragraphs 131 - 134 require that detailed consideration be given to the impact of development on heritage assets

Policy N9 of The Plan for Stafford Borough requires that development proposals should sustain and where appropriate enhance the significance of heritage assets and their setting. All potential harm to the significance of a heritage asset, including its setting, requires clear justification.

When facing the Trent and Mersey Canal from the application site and also from slightly further south of the application site, there are significant townscape views of Stone as a result of the settlement's topography. The townscape in question falls within the Stone Conservation Area, and consequently the impact of the proposal on this setting is a relevant consideration in the assessment of the application. These views also incorporate several listed buildings, with three particularly prominent examples: The Moorings, Stafford Street, The Priory, Lichfield Road and the Church of Saint Michael, Church Street. The Moorings, a former canal-side warehouse, is listed at grade II; The Priory, an eighteenth century residence, and the Church of Saint Michael are both listed at the higher grade of II*.

The Stone Conservation Area Appraisal (2008), which is a material planning consideration, states in the Landmarks, Focal Points and Views section that St. Michael's Church is the most important prominent landmark within the Conservation Area and beyond is the stone-built tower, which can be viewed from many parts of the town and from the canal towpath and is one of the defining features of the town. The most impressive view is obtained along the approach to Stone from Walton where the church stands well above its surroundings. The Appraisal comments that unfortunately this view is spoiled by the modern Westbridge Sports Centre.

The Borough Conservation Officer acknowledged that the Heritage Statement submitted with the application in assessing impact on the Conservation Area and on listed buildings, including St Michael's Church, concludes that there will be either no impact or no significant impact on these heritage assets. He pointed out, however, that there is an absence of fully detailed contextual elevations of the proposed building alongside existing buildings, or a townscape mock-up which might also have proved useful. Nevertheless, the site sections originally submitted provided an indication of the relative heights of the proposed foodstore and the existing Sports Centre, indicating that the highest point of the proposed building appeared to be close to the height of the upper eaves level of the Sports Centre.

He pointed out that the current open nature of the application site and the wider park in general allows for the significant townscape views that currently exist, albeit that they have already been compromised to some extent by the Sports Centre building. The townscape view, including that of St Michael's Church, from Westbridge Park and its environs, is an important aspect of Stone Conservation Area and consequently he raised some concern regarding the impact of the current proposal on the designated heritage assets. This, he acknowledged was, in a sense, a general one, rather than one relating to the specific setting of The Moorings or The Priory, for example. He stated that it was inevitable that there would be some loss of such views from the application site and the wider park with the construction of the proposed building, and some further erosion of the quality of the remaining views with this development in the foreground. Based on his assessment of the submitted information, he considered, therefore that the proposed development would cause harm to the setting of the Stone Conservation Area and the setting of St Michael's Church, but that the level of harm identified to be less than substantial.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional and to a Grade II* listed building, wholly exceptional. Paragraph 133 advises that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm.

Where a development will lead to less than substantial harm to the significance of a designated heritage asset, such as in this case, Paragraph 134 is applicable. This states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Inspector in indicating that he is minded to exclude the area including the current application site from the proposed settlement boundary for Stone gave one of his reasons as being impact on the setting of the Stone Conservation Area and key listed buildings which can be viewed from the park.

A detailed assessment was made in respect of the proposal originally submitted and the Council's Conservation Officer concluded that there will be some harm to the setting of the Stone Conservation Area and to the setting of St Michael's Church, but that will be less than substantial. It should also be borne in mind that no part of the site is within the Conservation Area and that the nearest building within the Conservation Area, The Moorings, which is also Grade II listed, would be more than 50 m from the proposed building. The application site itself is wholly hardsurfaced, most of which comprises the tennis hard-courts, part of a car park and roadways, together with the modest Girl Guide building. Essentially the harm to heritage assets, therefore, is through the further reduction in views and, therefore, the setting of part of the townscape of the Stone Conservation Area and in particular of St Michael's Church and this would be additional impact beyond that already resulting from the positioning of the existing Sports Centre. Set against this are the wider benefits that would result from the development directly from the provision of additional food retailing floorspace, a need for which is identified in Policy Stone 1 in The Plan for Stafford Borough.

The Council's Conservation Advisor has reviewed the additional information received on 6th October 2016 as the Borough Conservation Officer (BCO) is no longer employed by the Council.

The Conservation Advisor generally agrees with the BCO's comments, but additionally considers that the application does not meet Policies N1(g) and (h) Design, N8 Landscape Character and N9 i,-,v Historic Environment of The Plan for Stafford Borough, and also considers that the proposal fails to satisfy the requirements of s66 and s72(1) of the Planning (Listed Building and Conservation Area) Act 1990. He refers to paragraph 134 (less than substantial harm) of the NPPF and to the Barnwell case (High Court and Court of Appeal) where it was established that the duty the local planning authority has in considering whether to grant planning permission for development which affects a listed

building or its setting, is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66 of the Planning (Listed Building and Conservation Area) Act 1990) whether the harm has been assessed as substantial or less than substantial.

In determining this application the Planning Committee need to give considerable weight to the desirability of preserving the setting of the listed buildings, as well as to the desirability of preserving or enhancing the character or appearance of the Conservation Areas, regardless of whether harm is substantial or not. This should then be weighed against any public benefits delivered by the proposal.

In terms of the impact on heritage assets the proposal would cause harm to the Trent and Mersey Conservation Area and Stone Conservation Area and their setting, and to the setting of The Moorings (Grade II), The Priory (Grade II*) and St Michael's Church (Grade II*) listed buildings.

Policies and Guidance:-

National Planning Policy Framework - Section 12 paragraphs 128, 129, 132, 133, 134, 135

The Plan for Stafford Borough - N1 Design, N8 Landscape Character, N9 Historic Environment

8. Flooding and Drainage

Most of the application site lies within Flood Zone 2, with the south-western most section, which will form part of the proposed car park and access, including the site of the existing Guide Hut being within Flood Zone 3.

Paragraph 100 of the NPPF advises that inappropriate development in areas of risk of flooding should be avoided by directing development away from the areas at highest risk, but where development is necessary, making it safe without increasing the flood risk elsewhere.

Paragraph 103 advises that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development in areas at risk of flooding where, informed by a site specific flood risk assessment following a Sequential Test and if required an Exception Test it can be established that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons for a different location; and development is appropriately flood resilient and that any residual risk can be safely managed and it gives priority to the use of sustainable drainage systems.

The Sequential Test aims to steer development to areas with the lowest probability of flooding and development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower probability of flooding. If there are not suitable alternatives, the Exception Test can be applied in which it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment, and

by a site-specific flood risk assessment that the development will be safe for its lifetime while not increasing flood risk elsewhere.

A Flood Risk Assessment was submitted with the current application including a Sequential Test as well as a Sustainable Drainage Statement.

Seven alternative sites within Flood Zone 1 were assessed as part of the Sequential Test. These comprised: Strategic Development Location (land north of Eccleshall Road) allocated in The Plan for Stafford Borough; land south of Eccleshall Road; Whitemill Lane Sports Pitches; Walton Allotments and Sports Ground; Walton Industrial Estate; Stone Cricket Club; and Land to the rear of Stone Lawn Tennis and Squash Club.

All these sites were ultimately discounted primarily on the basis that they were either committed to residential development (3 sites) and sports/recreational/allotment uses (3 sites). In the case of Walton Industrial Estate although there were a number of undeveloped sites, these were located off internal access roads with no main road frontage and as such are unsuitable for the proposed use. In addition, six of the sites are located a significant distance from the Town Centre and would not accord with relevant retail policies even if they were suitable to accommodate the proposed development.

The Sequential Test undertaken concluded that none of the alternative sites which could be considered sequentially preferable in flood risk terms can be considered to be suitable or available to accommodate the proposed development. This being the case, the site can be considered as appropriate for the proposed development subject to it satisfying the requirements of the Exception Test. To this end, it has been established elsewhere in this report that the proposed development would provide wider sustainability benefits to the community, subject to consideration of the Stafford Borough Council Strategic Flood Risk Assessment and the site specific Flood Risk Assessment submitted with the application.

In the Strategic Flood Risk Assessment undertaken, the River Trent, Scotch Brook and the Trent and Mersey Canal were identified as the main water bodies flowing through Stone, with both the River Trent and Scotch Brook designated as Main River.

When originally consulted the Environment Agency objected to the proposal on the grounds that a blockage assessment of the Scotch Brook needed to be undertaken. The application site is located to the east of Scotch Brook, which is prone to heavy siltation and potential blockage of the canal syphon and culvert. They advised that flows from the Scotch Brook would be likely to impact on the site if a blockage were to occur.

On the issue of surface water drainage, the Lead Local Flood Authority initially advised that while the key objectives set out in the Sustainable Drainage Statement were acceptable in principle, there was insufficient detail about how these would be implemented to demonstrate that an adequate SuDS scheme could be achieved.

A Revised Flood Risk Assessment and revised Drainage Statements have now been submitted.

The Environment Agency have advised that they now have no objections in principle, to the proposed development subject to a number of conditions being attached to any consent granted. They have reviewed the updated Flood Risk Assessment which takes

into account blockage scenarios from the Scotch Brook. The proposed finished floor levels of the building are to be raised 300 mm above the 1 in 100 year plus climate change flood event, which is also 200 mm above the highest blockage scenario flood level, therefore providing freeboard in a blockage scenario. They advise, however, that flood resilience measures are incorporated into the design of the building and that a Flood Warning and Evacuation Plan is produced for the site to ensure all future occupiers remain safe. The site is located within a Flood Warning Area and the owner should sign up to receive EA free flood warnings.

The Lead Local Flood Authority have also now advised that the revised Sustainable Drainage Statement demonstrates that an acceptable drainage design can be achieved within the proposed development. Subject to the detailed drainage design being in accordance with the strategy and design parameters established in the submitted documents. They point out that some additional work will be required at the detailed design stage prior to final approval of drainage details to be dealt with by conditions attached to any approval.

Following the submission and consideration of the additional information requested, it is now considered that the development satisfies the provisions of the relevant guidance in the NPPF and of Policy N2 of The Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework - Section 10 paragraphs 100, 101, 102, 103, 104

The Plan for Stafford Borough - Policy N2 Climate Change

9. Public Safety

There is a high pressure gas pipeline running in the canal towpath to the north of the application site (WM1601 Barlaston/Sandon). The building as original proposed would have been located 10.8 m from the pipeline. The operators, however, National Grid seek a minimum separation distance of 14 m between high pressure pipelines and any building. The Health and Safety Executive apply inner, middle and outer zones, with development within 15 m of this particular pipeline falling within the Inner Zone.

Amended plans have now been submitted, with the building moved further to the south-west to be a minimum distance of 15 m from the high pressure pipeline.

National Grid have now advised that they have no objections to the proposal and the Health and Safety Executive do not advise against the granting of planning permission.

A Ground Investigation Report submitted with the application while considering that the site posed a low risk to human health and controlled waters receptors, identifies former potentially contaminating land uses including but not limited to landfilling and sewage treatment at or near to the proposal. The report recommends that preliminary ground investigation be undertaken to assess the geotechnical and environmental properties of the underlying ground conditions. Such an assessment will indicate whether remediation

or mitigation measures are likely to be required during construction of the proposed development and suitability of the ground for certain foundation solutions.

The Borough Pollution Control Officer has accepted the conclusions of the report and concurs that the further investigation identified in the Conclusions and Recommendations particularly for the potential for ground gas arising from the former landfill, be undertaken. This can be secured by conditions attached to any approval.

Given the sensitive site setting with respect to Controlled Waters receptors, the Environment Agency has recommended that a condition be attached to any planning permission granted to ensure that any unsuspected contamination encountered during development is dealt with appropriately.

Policies and Guidance:-

National Planning Policy Framework - Section 11 paragraph 121

10. Conclusion

The proposal would cause harm to the Trent and Mersey Conservation Area and Stone Conservation Area and their setting, and therefore would not preserve or enhance the character or appearance of the Conservation Areas. The proposal would also cause harm to the setting of The Moorings (Grade II), The Priory (Grade II*) and St Michael's Church (Grade II*) listed buildings. In giving special attention to the harm to the setting of the listed buildings it should be noted that these are over 50m away (The Moorings) and the grade II* listed buildings are approximately 200m away, and harm to their setting would only be in relation to views from certain directions.

Whilst the harms caused are considered to represent less than substantial harm, that in itself does not justify approval of the proposed development, and considerable weight must be given to the desirability of preserving the setting of the listed buildings and preserving or enhancing the character and appearance of the Conservation Areas

On the other hand, consideration and weight must be applied to any public benefits which would be delivered by the proposal. Having taken full account of the recommendations of the Inspector for The Plan for Stafford Borough Part 2 that the land including the application site be removed from the settlement boundary for Stone, there remains a need for additional food retail floorspace in Stone as identified in The Plan for Stafford Borough (Policy Stone 1). It has been demonstrated through the sequential test that there is no suitable site available within the town centre and that the proposed development would not have significant adverse impacts on the vitality and viability of Stone Town Centre and that the proposal is consistent with Policy E8. In principle, therefore, the proposed development provides the additional food retail floorspace in Stone, delivering the provision of Policy Stone 1, which carries significant weight.

The development would provide an improved junction onto Stafford Road, which would benefit users of the leisure centre.

If this development does not go ahead, the additional food retail floorspace in Stone would, unless there is extensive demolition in or on the edge of Stone Town Centre to accommodate a new foodstore, which would in itself have a heritage impact, be on a less sequentially suitable site in terms of retail policy.

The design is considered to be satisfactory and subject to conditions the amenities of neighbouring residential occupiers can be adequately safeguarded, consistent with Policy N1. The inclusion of a multi-use games area capable of use for formal tennis and the relocation of the existing Girl Guide building will satisfactorily compensate for the loss of those facilities necessitated by the development satisfying Policy C7 and SB2. There are no highway, flooding, drainage or public safety objections subject to appropriate safeguarding conditions being imposed on any consent.

Having assessed the proposal accordingly in terms of compliance with all relevant guidance and local plan Policies, it is considered that this proposal constitutes sustainable development which would deliver an overriding public benefit sufficient to outweigh the identified harm to heritage assets, and therefore it is recommended that planning permission be granted subject to the listed conditions.

Consultations

Stone Town Council - original consultation: Object for the following reasons:

The proposed development is inappropriate in design, size and layout. It bears no resemblance to any building in the surrounding area or indeed Stone. This results in over-development of the area. It is detrimental to the Park, the character of the conservation area and includes design features that are not in keeping with its surroundings. The proposal does not conform to development policies NPPF 56, 57, 61 and 64 and Local Plan policies N1 and N9. The proposed site lies adjacent to numerous listed buildings, and again, with its inappropriate design, size and layout will be to the detriment of the character and setting of the local vicinity. The proposal therefore does not conform to Development policies NPPF 129, 132, 133 and policy N9 of the Local Plan

Stone Town Council - amended plans: The revised plans and designs that have been submitted do not materially alter nor address the previously issued concerns that members have over a number of items, including and not limited to areas such as:

- (a) The impact of the design of the building being proposed is still deemed to be wholly inappropriate in keeping with architectural and heritage of Stafford Street and the rest of the Town Centre of Stone especially when entering the town from the Walton Roundabout. It is a large modern building in line with the standard M&S "Look and Feel" more appropriate to locations on Retail Parks such as Wolstanton near Stoke for example and not with a historic canal market town of Stone. It will destroy views of the historic landscape setting
- (b) Buildings of historical importance such as the St Michaels and Wulfads Church which today can be seen above The Moorings when approaching from Walton roundabout. This does not blend in sympathetically with the current image of Stone

- (c) At its highest point, the proposed building is around 1.5m taller than the current Sports facility to its right
- (d) The response given to our first objection of the plans seems to focus more on the m2 of the property being proposed rather than the m3 which is where the main issue comes in terms of the overall design and height / scale of the said building.
- (e) The height and sheer size of this proposal (as in the original proposal) will have significant impacts to local residents living close by at the Moorings
- (f) The impact of regular HGV deliveries and refuse removal within the car park area and the delivery bay of the proposed building would impact on pedestrian safety, parked cars, noise and light pollution (Reversing warning devices as well as engine noise/refrigeration noise etc). This has not been addressed and we feel would seriously impact the area.
- (g) The safety of pedestrians and especially school children, across the revised entrance has not been considered. Twice a day, Monday to Friday, school children use this route crossing where the new entrance is proposed. Additional school traffic entering the store would make this even more hazardous.
- (h) The new slightly wider entrance still does not address the issues around Stafford Road and traffic congestion even with an additional widening/filter lane. The likely congestion backing up to both the Town Centre One Way System to the North West and the traffic coming into Stone from the East down from Walton Roundabout would be potentially excessive to the point of causing a huge "Bottle neck or Pinch Point" in traffic movements in and around Stone. The normal location of such stores is often in Retail Park developments or in High Streets where there are existing traffic networks designed to cope with extra traffic and certainly new stores such as that being proposed have caused similar traffic chaos in other towns such as Stafford with the Tesco store and the backup of traffic at times through the traffic lights and back past the Station. Not only is this detrimental to overall traffic flow but also deeply frustrating for travellers and can undermine the desire to visit the locality in the first place.

Does not provide a wider opportunity to enhance an existing space resulting in improved natural environment for the neighbourhood amenity. Contrary to SBC policy for acceptable development. ie P4SB Spatial Principle 7 which supports new development sited in Settlement Boundaries providing it:

- (f) will not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including, Listed Buildings, Conservation Areas and locally important buildings, especially those identified in Conservation Area Appraisals..." (eg Grade II listed buildings, canal and green open space).
- (i) "will not lead to the loss of locally important open space or, in the case of housing and employment, other locally important community facilities (unless adequately replaced); (eg three tennis court – not replaced)
- (j) will not be located in areas of flood risk or contribute to flood risk on neighbouring areas;" (area is on the Trent Flood Plain in level 2 and 3 flood)

- (k) will ensure adequate vehicular, pedestrian and cycle access as well as cycle and short stay parking facilities on the site;
- (l) will not adversely affect the residential amenity of the locality.” (HMI Pratt P4SBP1 ...“could also begin to change the character of this fringe of the park, and erode the appearance of this important gateway into the town and its historic Conservation Area”

Attempted mitigation against these factors is not acceptable eg Impact on Grade II listed residential amenity eg “The Moorings” for our elderly residents, specifically, size and location of intended building will result in:

Increase of unwanted noise from traffic including 16.5m deliveries lotteries - Noise survey gives an inadequate profile noise profile for “the Moorings” (duration/time of experiment/weather condition, poor position of microphone, exclusion of short duration noise and no consideration of actual plant used on site).

Reduction in direct sunlight falling on these buildings and their gardens will decrease the benefits of passive solar heating to the flat and reduce light intensity. Rooms will be colder and darker. No consideration on well-being of elderly residents.

Historical views completely destroyed forever the view of these building and others from the main gateway entry into Stone. (Stone Conservation Area Character Appraisal: Adopted 2 October 2008: “The most prominent landmark within the conservation area and beyond is the stone-built tower of St Michael’s Church which can be viewed from many parts of the town and from the canal towpath and is one of the defining features of the town. The most impressive view is obtained along the approach to Stone from Walton where the church stands well above its surroundings.”)

Flood mitigation still using the same flood models for level 2 and 3 flood plains (1 in 100 probability + 20% climate change). Last winter, serious questions were asked regarding it “fitness for purpose” in this age of climate change. Locally, last winter floods occurred a Tesco and Sainsbury’s Stafford, A34 Meaford road, Stone. Indeed, Scotch Brook calculations are considered using silt accumulation models when really flash flooding (volume flux) of precipitation and subsequent obstruction of water courses due to storm would be better considered if possible. eg Scotch Brook 1987. Indeed, an earlier report from Stafford Borough (Feb 2008) “Delivering the Plan for Stafford Borough- issues and options”. It clearly states that “floodplain areas in Stone should not be used for new housing and employment development.

Protected playing fields in the form of three tennis courts have no mitigation to date despite Sport England’s request.

M&S customer are already served by a wider range of goods at M&S Stafford and more locally Food store at Stone Services (1mile away).

The application removes green space from the children’s play area and makes it space smaller with the same facilities space and indeed there is an overall reduction in the green space on this side of the park.

The park as whole gives the town's people a capacity to celebrate, enjoy leisure, recreation and play and a fundamental change in use to any part of the park would endanger the well-being of Stone people.

These changes to availability of the car park will have a significant and adverse impact on the vitality and viability of Stone town centre as per NPPF Paragraph 27.

Traffic Assessment: Doesn't identify traffic on the current site.

Highway Safety: - The application poses a serious risk to public safety as there is no consideration of pedestrian density or flow at peak times.

No account has been taken of the festival/destination nature of the park or indeed of the role of its existing car parks in supporting the town centre on markets days. As such, the large number of visitor to the site, both now and with future developments intended under the Stone Leisure Strategy, poses a serious risk public safety. eg Joe Clarke celebration brought over 3000 visitors to the park and Food and Drink festival (Sept/Oct 2016) will bring over 15,000 visitors the park during the week.

Is the children's play area an appropriate location?

Delivery vehicles of 16.5 m entering the park, then reversing in front of "disabled" car parking spaces into a loading bay is not a safe manoeuvre.

Pedestrians from the town centre enter the park through the proposed store area and car park area. This includes school children using the gym facilities at Westbridge Fitness centre. This is not a safe option.

Loss of an existing amenity car park: Replaces the current freely available public car park (Fitness Centre, Town Centre over spill and Park users) with a private facility beyond the control of SBC and directed at M&S customers. The intended car park is simply not big enough to support the total activity of this site.

The current car park is a public amenity and already provides an opportunity for residents to park their vehicles as and when and for as long as they want. This becomes particularly important at festival/market times when thousands of visitors descend onto the park and most afternoon and evening when Westbridge Fitness Centre and the park are used by the public. This limited space is already supplemented with park and ride facilities at peak times and its loss would seriously hamper and disadvantage access to park. The application replaces existing readily accessible provision with a private amenity mostly for the benefit of M&S customers. The operation and pricing policy of which has not been defined. M&S Northwich used a Car Parks contractor -People had to pay £1 to park for one hour in the car park which can be redeemed when customers spend £5 or more in Marks and Spencer. Motorists who fail to comply with the car park regulations will receive a £70 penalty charge notice, or £40 if it is paid within 14 days of being issued. M&S Stockton Heath's Forge car park had a free for first hour period,

unfortunately the period wasn't long and other traders noticed a distinct drop in footfall since M&S arrived ... "The days of free parking are over"

The car parking spaces allocate for supermarket is not consistent with Plan for Stafford Borough standards as set out by Policy T2. This is NOT a new car park; it is an existing car park. Furthermore, there appears to be no consideration for trips or parking due to the mixed use of this site. The current car park, which serves the fitness centre, (particular in the evenings) shoppers from the town centre, as well people using the parks open spaces for casual sport and recreation. It does not meet the criteria in NPPF para 39 in considering the type, mix and use of development and is inconsistent with Plan for Stafford Borough, Policy T2. The demand in this space will far outstrip the supply of spaces and it is probably that M&S will protect their customers by imposing appropriate tariffs.

The existing site is the only large venue in the town capable of parking coaches for visitors eg Twinning organisations, organised trips and clubs. it is also used as a destination for international scouts visiting the International Scout Camp. It is the home of Stafford and Stone Canoe Club. This club is the nursery for world class canoeist whose competitions are organised on the park.

The application is unwanted and contrary to designation of Westbridge Park in the Stone Neighbourhood Plan. The majority residents of Stone have expressed their wishes on numerous occasions building a supermarket on the park is not acceptable and Leisure and Recreational facilities on the park should be improved.

- In 2013 Public meeting at Alleyne's Academy;
- 4771 signature petition against the supermarket build;
- Beattie Consultation - majority against. - Cllr Mike Heenan, said: "It is obvious from the feedback that people would rather not have another food store in Stone - but they do support better leisure facilities";
- HMI at Plan for Stafford Borough (P4SB) Part 1, commented that the introduction of new buildings, could also begin to change the character of this fringe of the park, and erode the appearance of this important gateway into the town and its historic Conservation Area";
- 2015 Survey conducted "A little bit of Stone "social media site found 71% of respondents said 'no' to an M&S on Westbridge Park;
- 2016 saw Westbridge Park identified as 2nd most important issue in the Stone Neighbourhood Plan. This site forms one of fifty-six recently identified and recorded green spaces in the parish of Stone. The evidence gathered forms part of the Stone;
- Neighbourhood Plan evidence base which is used to shape and inform the policies. The site identified is number 55 known as Westbridge Park. We would welcome the opportunity to enhance this open green space with further planting and formal landscaping to provide a natural screen and buffer for the neighbouring development. (note P4SB p32 6.65 states "In due course, it is intended that development allocations for specific sites will be identified within the Settlement Boundaries (and the Boundaries themselves) through the Neighbourhood Planning process, or through the preparation of a Site Allocations Development Plan Document"

There is no evidence of a “link” between the M&S planning application and the Stone Leisure Project despite SBC proclamations. This is confirmed by the: absence of a Grampian Condition (ref: NPPF 2012 Planning Guidance, Para 009); M&S application being submitted before the Leisure and Recreation and contrary to information given by SBC in the Beattie Consultation (April 2013) which states: “Q) When would the leisure centre and food store be delivered if this were to go ahead? (A) The replacement leisure centre would come first in 2015 and the food store would follow.” This application actually replaces protected Sports and Recreation facilities in the form of three public tennis courts which are to be removed to build the store. The applicant has still to respond to Sport England request on this matter.

With the latest SBC proposal of a multicourt to be built on Westbridge Park to mitigate for the loss of three tennis courts, the re-sighting of the store (10m), the easement required around sewage and high pressure gas supplies, there are serious questions concerning the space for the recreation development. Exactly where is Girl Guiding hut and the Multicourt going to go?

We are led to believe that retail development is required to supplement the Stone Leisure Project, yet SBC cabinet minutes and press releases imply otherwise: Ref: Agenda of Cabinet. 5 November 2015. “5.3.15 “The plan currently assumes the continuation of the borrowing requirement for Stone Leisure Strategy, however the predicted increase in surpluses to 2017-18 and available capital resources now available are likely to negate that need. The actual borrowing requirement will be assessed as part of this year’s budget process.” and local press in March 2016 responds to SBC comments concerning improvements to Victoria Park: “The plans will now go back to the Heritage Lottery Fund (HLF), which will make a decision whether to fund the project. The council has set aside around £800,000 and is aiming to get another £1.7 million from the HLF. Final plans will be assessed next summer and work would begin in 2018.”

Stone Town Council - amended information 6 October: The photographs only substantiate previous comments that the suggested footprint will be overbearing, out of character and will dominate the skyline and local views. It will destroy the setting of numerous local heritage assets. The images provided do not provide a true perspective. Attach their own images showing realistic perspective.

Borough Conservation Officer (original consultation): Comments as follows:

The proposal is for the construction of a food store with associated works on a site within Westbridge Park, Stone. The existence of a number of listed buildings and a conservation area in relevant proximity to the application site requires the proposal to be assessed against section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting. Section 72 requires that with respect to a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In addition to the legislation cited above, relevant content, policy and guidance within The National Planning Policy Framework (hereafter the NPPF), Historic England’s Historic Environment Good Practice Advice in Planning: 3 (The Setting of Heritage Assets) and the Plan for Stafford are pertinent in the determination of the application.

As the NPPF makes clear, and Historic England's The Setting of Heritage Assets confirms, the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. The Setting of Heritage Assets observes that extensive heritage assets, such as townscapes, can include many heritage assets, as well as having a setting of their own. A conservation area will include the settings of listed buildings and have its own setting.

When facing the Trent and Mersey Canal from the application site and also from slightly further south of the application site, there are significant townscape views of Stone as a result of the settlement's topography. The townscape in question falls within the Stone Conservation Area, and consequently the impact of the proposal on this setting is a relevant consideration in the assessment of the application. These views also incorporate several listed buildings, with three particularly prominent examples: The Moorings, Stafford Street, The Priory, Lichfield Road and the Church of Saint Michael, Church Street. The Moorings, a former canal-side warehouse, is listed at grade II; The Priory, an eighteenth century residence, and the Church of Saint Michael are both listed at the higher grade of II*.

The Plan for Stafford Borough, in Section 12 Environment, states (paragraph 12.45) that the Council recognizes its duty concerning heritage assets and seeks to maintain a quality historic environment by protecting, conserving or enhancing its heritage assets and their settings. Within Section 12, Policy N9 states that development proposals will be expected to sustain the significance of heritage assets and their setting by understanding the heritage interest...All potential loss of, or harm to, the significance of a heritage asset, including its setting, will require clear justification, taking into account [among other issues] significant views and vistas; and the setting of heritage assets.

The Stone Conservation Area Appraisal, adopted in 2008 and a material consideration in the planning process, provides a spatial analysis under part 6 of the document. This includes a section entitled Landmarks, Focal Points and Views, which states at paragraph 6.7 "The most important prominent landmark within the conservation area and beyond is the stone-built tower of St. Michael's Church which can be viewed from many parts of the town and from the canal towpath and is one of the defining features of the town. The most impressive view is obtained along the approach to Stone from Walton where the church stands well above its surroundings. Unfortunately this view is spoiled by the blue Westbridge modern sports centre (outside the conservation area) in the foreground".

The application submission includes a heritage statement which makes reference to Stone Conservation area and concludes that the proposed development will have no impact on its significance. It also refers to several listed buildings, including St. Michael's Church. In each case it concludes that there will be either no impact or no significant impact on these heritage assets by the development. Unfortunately, within the application there is an absence of fully detailed contextual elevations of the proposed building alongside existing buildings, or a townscape mock-up which might also have proved useful. That said, the site sections provide an indication of the relative heights of the proposed food store and the sports centre, such that the highest point of the proposed building appears to be close to the height of the upper 'eaves' level of the sports centre.

The current open nature of the application site and the wider park in general allows for the significant townscape views that currently exist, albeit that they have been compromised to some extent already by the sports centre, as the conservation area appraisal notes. The townscape view, including that of St Michael's Church, from Westbridge Park and its environs, is an important aspect of Stone Conservation Area and as such my concern

regarding the impact of the current proposal on the designated heritage assets is, in a sense, a general one, rather than one relating to the specific setting of The Moorings or The Priory, for example. It is inevitable that there will be some loss of such views from the application site and the wider park should the food store be constructed, and some further erosion of the quality of the remaining views with this development in the foreground.

The glossary of the NPPF confirms that significance - the value of a heritage asset to this and future generations because of its heritage interest - derives not only from a heritage asset's physical presence but also from its setting. Based on my assessment of the information within the application, my site visit and the content of the appraisal document I consider that the proposed food store would cause harm to the setting of the Stone Conservation Area and the setting of the Church of Saint Michael.

As paragraph 132 of the NPPF states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

I consider the level of harm identified to be less than substantial. Therefore the policy within paragraph 134 is applicable, which states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I leave it to others to judge whether in the present case there are public benefits associated with the proposal that would off-set the harm I have identified.

Conservation Advisor (Comments on additional information received 6 October) as follows:

Generally I agree with the Conservation Officer comments tabled on 29 June 2016 but would add the following remarks and conclusion.

The application site lies within the Trent Washlands, an area identified as former water meadows in the applicants' Heritage Statement. This forms part of a wedge of open green land extending north-south along the western edge of Stone town centre, separating it from development at Walton and reaching out into wider countryside at either end. The tree lined banks of the Trent and Mersey canal conservation area form a very visual demarcation of the town boundary along this western edge: only the modern unsightly sport centre has broken this line and intruded into the greenspace in recent times. This belt of greenspace with its connectivity to surrounding countryside forms a significant part of the character and setting of both town and conservation area and offers, as pointed out in the earlier conservation comments, significant views of the townscape of Stone conservation area. The latter is characterised by the vernacular design, materials and form of its many small scale properties randomly arrayed on the slope leading up to the grade II* St Michael's church (a significant architectural landmark), or north-eastwards towards the rear of High Street.

The construction of a large new retail unit within this green foreground to both Stone Town and the Trent and Mersey Canal conservation areas will be highly intrusive into their settings. It will alter the character of the greenspace of which Westbridge Park forms part and sever many of the views towards the historic town centre and their contribution to its significance as an ancient town still revealing its historic rural context. The adverse impact of the new building will be exacerbated by its height, plain unrelieved box-like

massing, and a choice of facing materials which offer no sense of place or reference to its position adjacent to two conservation areas or the historic town centre. It is worth noting that elements of the large new building will also be visible from various vantage points in the town centre (including St Michael's churchyard – notwithstanding the recent photomontage) where it will intrude equally adversely into outward views from the conservation area. It is unfortunate, as pointed out previously, that the applicants' Heritage Statement (eg para 6.13 and Executive Summary) has concentrated on impacts on individual listed buildings (albeit I dispute its conclusions) and failed to take account of the bigger conservation picture.

I consider that the application fails to meet the requirements of PFSB policies N1(g) and (h) design in context and which respects heritage assets ; N8 (passim) - protection of landscape character and setting of heritage assets ; and N9 I, ii, iii, iv, v. protection of the historic environment. It also fails (as commented previously) to satisfy the requirements of S66 (impacts on setting of listed buildings) and 72(1) (preservation and enhancement of conservation areas) of the Planning (LB and CA) Act 1990. Finally in relation to the NPPF (para 134) the High Court in the Barnwell case (followed in subsequent appeal and court cases) has ruled that any harm (not just "substantial" harm) to heritage assets is not acceptable per se unless there is a clear and convincing justification that the development would deliver an overriding benefit. The applicants' Planning Statement argues that erection of a retail unit will be of benefit to Stone and that the capital receipt from sale of the site will underwrite the costs of a new sports centre. While these may be valid benefits there is no evidence in the application to show they can only be realised by building on this site or that they are of sufficient weight to override the presumption against harm to heritage assets set out in S66 or S72(1) of the 1990 Act or to set aside the relevant local plan policies.

In the circumstances I advise that the harm which would be caused by the proposal to the significance of the Trent and Mersey Canal and Stone conservation areas and their settings, and to the settings of the grade II listed Moorings, the grade II* listed Priory and St Michael's Church by virtue of its intrusive presence, overbearing scale, massing and unsympathetic facing materials warrants refusal of the application

Design Advisor: (Comments on additional information received 6 October) as follows:

Having visited the site and reviewed the submitted application documents I would make the following comments in respect to design matters;

I generally concur with the Conservation Advisors description and analysis of the character and quality of the urban and landscape context and setting of the town, and I also agree that the proposals will exert an intrusive and negative visual impact on the intrinsic character and quality of the settlement on what is the principal approach route and a key threshold of the town centre.

It could also be argued that this scheme effectively alters the psychological edge and boundary of the settlement and that this could begin to erode the character and quality of the settlement in respect to its special relationship with its wider landscape setting. However, it is my opinion that if those aspects of the design that are contributing most to

the schemes negative impact on the setting of the town were reconsidered and modified, that the scheme could mitigate the concerns expressed.

In my opinion there are two key aspects of the proposed design that contribute to the scheme exerting a significant negative impact on the setting of the town centre;

- The first is that the scale and massing of the proposed building in this location will sever and/or obscure views into and out of the town with the result that observers will be less able to appreciate and understand the towns urban character and it's relationship to its surrounding landscape setting (both of which form intrinsic parts of the towns identity and character). In effect, the character, legibility and identity of the town in this location will be diminished by the insertion of these proposals.
- The second is that the elevational treatment and materiality of the building is not reinforcing the prevalent architectural scale, form and materiality that characterise the settlement and it is considered that the proposed elevational treatments exacerbate the overall impact of the proposals on its setting by being visually at odds with the overarching character of the towns built environment.

Based on the above, I would suggest the following as being potential ways of mitigating against the proposals being an incongruous and potentially damaging addition to the townscape;

- The overall height of the building should be reduced to a point where views into and out of the town over the building are maintained. This would reduce the impact of the proposals on the ability to appreciate and understand the settlements urban characteristics and it's important relationship with its wider landscape setting from several key locations.
- The elevational treatment of the building should be more visually recessive and more reflective of the prevalent architectural materiality that characterises the town. However, while this revised approach to the articulation of the elevational treatment may help to mitigate the scheme being a visually incongruous and intrusive feature at what is the principal approach to the town, it is not a recommendation to adopt a purely pastiche approach to the architectural design.
- It is also suggested that the elevational compositions be reconceived to present a more horizontal emphasis to the overall architectural expression. It is considered that this would help to mitigate the highly intrusive visual impact that the current proposals would have on the character of the Westbridge Park greenspace and indeed it's wider setting.

Highway Authority: Comment as follows:

As part of the application the developer has submitted a Transport Assessment (TA) which assesses the impact of the development on the surrounding highway network and includes mitigation measures to minimise any impact. The modelling of the proposed access junction and surrounding network shows that they will operate within their practical capacity during peak hours in future years with the development traffic added.

While considering, the type of development, accessibility and public transport the TA also calculates the number of parking spaces required for the development. With the development only being 50 m away from the town centre boundary, to ensure parking for the development does not affect the surrounding area, parking surveys may be required as part of a condition Requiring a Traffic Management Plan.

No objections on subject to the following conditions being included on any approval:

Development not be commenced until full details of the proposed site access as illustrated on submitted plan and to include a Stage 2 Road Safety Audit and details of construction, surface water drainage, street lighting, signing and road markings as deemed necessary;

No development including any works of demolition until a Construction Method Statement has been submitted and approved;

Prior to the commencement of development a Traffic Management Plan to be submitted and approved shall include if necessary measures to restrict on-street parking, loading and waiting on roads surrounding the development;

Development not to be brought into use until the access, parking, cycle parking, servicing and turning areas have been provided in accordance with the approved plans;

No part of the development to be occupied until a Travel Plan has been submitted and approved.

Environment Agency: Comment as follows:

In light of the information submitted we are now in a position to remove our objection to this application and have no objections subject to conditions.

Flood Risk:

We have reviewed the updated Flood Risk Assessment (FRA) for this site which takes into account blockage scenarios from the Scotch Brook. The proposed finished floor levels of the building are to be raised 300mm above the 1 in 100 year plus climate change flood event, which is also 200mm above the highest blockage scenario flood level, therefore providing freeboard in a blockage scenario;

We would however, strongly advice that flood resilience measures are incorporated into the design of the building and that a Flood Warning and Evacuation Plan is produced for the site to ensure all future occupiers remain safe. The site is located within a Flood Warning Area and the owner should sign up to receive our free flood warnings;

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the FRA submitted with this application are implemented and secured by way of a planning condition on any planning permission:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref: NTE-2229-FRA, revision P4, dated 08/08/2016, prepared by BWB Consulting Ltd) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 86.18m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Also request further recommendation that The applicant and all future occupiers should sign up to the Environment Agency's free flood warning service.

Contamination Issues:

We have reviewed the report 'Liberty Properties Developments Ltd, Westbridge Park, Stafford Road, Stone - Phase 1 Geo-Environmental Assessment' (BWB, 30th March 2016) submitted in relation to this Planning Application (16/24242/FUL). We have the following comments to make which relate solely to the protection of 'Controlled Waters', matters relating to Human Health should be directed to the relevant department of the local council;

Reference to the 1:50,000 scale geological map Sheet 139 (Stafford) indicates that the site is located on Triassic Mercia Mudstone which is designated a 'Secondary (B) Aquifer' by the Environment Agency. Superficial deposits of Alluvium are indicated for the site which are designated as a 'Secondary (A) Aquifer'. The Trent and Mersey Canal is located 20 metres to the north of the site, Scotch Brook is located 25 metres to the west and the River Trent 150 metres to the south;

The information submitted identifies that the site has not been subject to any previous significant development and consequently we have no requirement for any further investigation into the presence of contamination;

It should be noted that in accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 120), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination, not assessed by virtue of this report, subsequently become apparent responsibility remains with these parties;

The report submitted highlights some uncertainty over the possible presence of a historical landfill on the site. Given the sensitive site setting with respect to 'Controlled Waters' receptors we recommend that the following condition be attached to any Planning Permission granted to ensure that any unsuspected contamination encountered during development is dealt with appropriately (ie such that any risk to 'Controlled Waters' receptors are addressed);

Unsuspected contamination: We consider that planning permission could be granted for the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this

unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination identified during development is dealt with appropriately (ie in order to mitigate any risks to 'Controlled Waters' receptors).

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Groundwater policies: Groundwater Protection: Principles and Practice - The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including: waste management; discharge of liquid effluents; land contamination; ground source heating and cooling; drainage; storage of pollutants and hazardous substance; and Management of groundwater resources. All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

Waste on site: The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution; treated materials can be transferred between sites as part of a hub and cluster project; some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to: the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and; The Environmental regulations page on GOV.UK.

Waste to be taken off site: Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes: Duty of Care Regulations 1991; Hazardous Waste (England and Wales) Regulations 2005; Environmental Permitting (England and Wales) Regulations 2010; and The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed

treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays;

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Lead Local Flood Authority: Comment as follows:

Flood Risk

Regarding flood risk to the development, the updated Flood Map for Surface Water shows minor ponding that would be rationalised through development. The main source of flood risk at this site is fluvial. The site lies within Flood Zones 2 and 3 and therefore the Environment Agency should be consulted for comments.

Surface Water Drainage

The Sustainable Drainage Statement (Document No WBP-BWB-HDG-XX-RP-PD-0001_SDS, Revision P4, 08/08/2016) demonstrates that an acceptable drainage design could be achieved within the proposed development;

The detailed drainage design should be in accordance with the drainage strategy and design parameters established in the submitted documents. Some additional work will be required at the detailed design stage prior to final approval.

Point of Discharge

The Sustainable Drainage Statement states that surface water discharge from the site will be restricted to 5l/s for all rainfall events up to the 100 year critical storm, with an additional allowance for climate change, which would be acceptable;

Given the constraints of the high pressure gas main, discharge to the combined gravity sewer crossing the site has been identified as the only feasible option, and therefore should be acceptable to Severn Trent Water.

SuDS Management Train

The Sustainable Drainage Statement proposes treatment of surface water with filter strips and oil interceptors before entering the attenuation tank.

Staffordshire County Council Flood Risk Management position

The proposed development will only be acceptable if the following measures are incorporated in an acceptable surface water drainage scheme, to be secured by way of a planning condition on any planning permission:

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme must be based on the design parameters and proposed strategy set out in the Sustainable Drainage Statement (Document No WBP-BWB-HDG-XX-RP-PD-0001_SDS, Revision P4, 08/08/2016).

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);.

SuDS design to include adequate water quality treatment including filter strips and oil interceptors;

Limiting the discharge rate generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed 5.0l/s;

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system;

Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Severn Trent Water: No objections subject to conditions requiring the following: the submission, approval and implementation of drainage plans for the disposal of foul and surface water flows. Also advise of existence of public sewer located within the application site and encourage the applicant to investigate this, subject to statutory protection and that at building regulations stage Severn Trent can direct refusal of proposals located over or within 3 meters of a public sewer.

National Grid: There is a Local High Pressure Distribution pipeline (Barlaston/Sandon (WM1601)) number 1134 running adjacent to the boundary of the development. The building proximity distance (BPD) measured from the centre of the pipe to the nearest building is 14 metres. National Grid has no further objections subject to the development complying with the revised Site and Building layout Plans (9642PL03V and 9642PL14A) providing a minimum BPD of 14 metres. Any future proposed developments should be sent to our Plant Protection team. National Grid encourages liaising with developers to order maximise the potential of sites with National Grid assets in the vicinity.

Health and Safety Executive: Does not advise against development.

Sport England: Comment as follows:

Sport England initially had concerns relating to the loss of 3 tennis courts mainly due to poor distribution of courts resulting from the loss rather than overall numbers. It has since been agreed that a MUGA could be provided on site, as part of the overall leisure redevelopment project, and that the MUGA could incorporate 1 tennis court - there being no demonstrable need to replace all 3 courts due to existing supply and the upgrade of the playing surfaces at Stonefield from grass to tarmac. Sport England consider this to

be suitable compensation, together with the planned replacement of the built sports facilities on the wider site.

The revised details submitted in August do not appear to change the impact of the proposal on the tennis courts, or other sports provision, therefore there are no further detailed comments to add in this regard.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the our policy to protect playing fields and bullet 2 of NPPF Par 74. The absence of an objection is subject to: there being a legally secure mechanism to ensure delivery of the MUGA, and the MUGA being fit for purpose - the tennis court size, surface, run-offs etc. must accord with technical specifications of the LTA.

**Head of Leisure and Culture Services (Parks and Open Space Development Officer):
Comments as follows:**

This proposal forms part of a comprehensive leisure strategy for Stone approved by the Cabinet on the 11 December 2014. The main elements of that strategy comprise: a new leisure centre at Westbridge Park including a six lane 25 m swimming pool, 100 piece gym and activity studios; improvements to Walton Common football pitches; a 3G surface at Alleyne's ATP; decommissioning and adaptation of Alleyne's pool to a sports hall; new play facilities at Westbridge Park particularly aimed at older children and teenagers

The total cost of this package was estimated at that time at £6m and assumed a contribution towards this total from the sale of land at Westbridge Park for a food store.

Within the Leisure and Recreation Assessment supplied by the applicant they argue that there is a surplus of tennis court provision within Stone. Within the statement they have used figures from the KIT Campbell 2013 assessment which highlights that there is 1 court per 1200 persons available to the people in Stone.

The KIT Campbell 2009 Assessment identified that the provision of 11 courts in Stone with the population of 14,555 (2001 Census) was the right level of provision. Within the 2011 Census, the population of the wards that make up Stone had a population of 16,385 (Stonefield and Christchurch was 5,575, St Michael's 4990, Walton 5,820). If this population were to be divided by the identified 11 courts this would equal 1 court per 1489 persons.

However it is argued that the identified 11 courts aren't all publically available as 6 are within Stone Tennis and Squash Club of which you have to be a member to use the facilities. It is therefore argued that 5 courts are publically available to the Stone population and if the overall 2011 population were divided by this figure would be 1 court per 3277 persons. We do however accept that the Stone Tennis and Squash Club provide a valuable facility.

Within the KIT Campbell 2009 Assessment the courts at Westbridge were identified being as Low Quality but High Value. It was advised that the courts be retained and improved. This view was maintained in the 2013 assessment.

The applicant argues that the upgrading of the tennis facilities at Stonefield has increased capacity and therefore there is no need for compensation. Whilst we agree that the

upgrade of the facilities has resulted in an increase of usage at this facility they cannot fully cater for the demand if all tennis courts are lost at Westbridge. The Leisure Statement also argues that the 'loss of the facilities is a key element of the Stone Leisure Strategy and is justified on the basis that the sale and development of this site will promote a capital receipt which will be available for direct reinvestment in new leisure facilities' (para 5.3). Whilst this principle is accepted we do consider that there has to be compensation for the loss of the facilities.

A key element of the Stone Leisure Strategy is the development of Westbridge Park as a Destination Park, similar to those produced at Victoria Park and Wildwood Park. As part of the Destination Standard, provision of sport facilities on the site are required.

In order to compensate for the loss of the three tennis courts a monetary contribution for the provision of a 1 court, floodlit, multi-use games to be developed at Westbridge as part of the overall Destination Park status will be required.

The Council has already committed to use 100% of the capital receipt for the sale of land at Westbridge Park for the M&S store towards the overall Stone leisure strategy and the provision of a one court floodlit multi use games area at Westbridge Park can be funded using this capital receipt. It is understood that a covenant to this effect can be included as part of the control of sale between Liberty Properties and the Council.

Leisure Services will not be seeking the adoption of any footpath or cycle way and associated infrastructure including lighting as part of this development unless it forms part of the POS and is not a through route as part of the highway. These paths should be adopted by the County Council who are the Highways Authority for the Borough.

All planting undertaken on the development should be done to give the development a distinctive feel and should not be generic. Given the changing climate, all planting should be able to withstand periods of drought and require minimal watering. All trees should be native to the UK. Sycamore should not be planted under any circumstances. Where trees are planted adjacent to footpaths or hard standing, trees should be planted in tree pits and liner pavement protection should be installed.

Trent and Mersey Canal Society: In principle we are supportive of the creation of a new facility which would provide a service to canal users - walkers, bikers and, particularly, boaters. We also welcome the inclusion of a large window in the cafe area which would allow sight of the activities on and beside the waterway. However, we feel that the creation of a large building in its present position will dominate the only part of the Westbridge Park site that is highly visible from the canal and in very close proximity to the towing path. We believe that the building should be positioned further south-west where existing trees and hedgerows would provide a degree of visual and aural barrier to reduce the impact of the development on the conservation area.

Trent and Mersey Canal Society - additional information 06 October: Building too intrusive on the canal and proximity of delivery area industrialising an existing open space. Repeat previous suggestion that building be resited onto footprint of existing sports centre so that it would be partly screened by trees reducing visual intrusion and retaining open aspect nearer bridge.

Canals and Rivers Trust: Comment as follows:

We consider that further investigation would be appropriate in order to fully understand the potential impacts of the historic landfill near the site, as pollutants from the landfill could potentially have leached into the soil and could therefore be released during construction operations. The release of pollutants could adversely affect the local water environment and may, directly or indirectly, adversely affect water quality in the adjacent Trent and Mersey Canal. We would suggest that investigations should also consider the likelihood of asbestos being present in the Girl Guides building to be demolished. If asbestos is identified as being present, it will be important to ensure that the canal is protected during all demolition/removal operations in order to minimise the risk of adverse impacts on water quality. Request condition requiring site investigation to establish the nature and extent of any contamination within the site has to be carried out in accordance with a methodology to be first agreed and if any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development permitted to be submitted, agreed and implemented. If any additional contamination is found which was not identified in the site investigation, additional measures for the remediation of this source of contamination should also be submitted, agreed and implemented before development of the site proceeds further;

The Landscape Strategy appears to be broadly appropriate and identifies the importance of including planting on the canalside boundary in order to soften the visual impact of the building when viewed from the canal and towpath. A detailed landscaping scheme has not been provided, and it is noted that the Design and Access Statement suggests that this will be the subject of further work and could be controlled via a planning condition. As part of any detailed boundary treatment proposals, we would also ask that suitable barriers are included to prevent shopping trolleys from being removed from the site and being left on the towpath or in the canal.

No details of the location of any external lighting have been provided. Canal corridors often provide foraging and migration routes for bats and other wildlife, and their presence in the vicinity should not be discounted. We would suggest that an external lighting scheme for the development should be secured to ensure that any lighting to the access roads, car parking areas and around the building itself is installed and directed to avoid unnecessary glare and light spill onto the canal, in order to minimise potential adverse impacts on wildlife and the wider character of the canal itself. This would be in line with the recommendations at paragraph 4.10 of the submitted Ecological Report and could be secured by condition;

We note that no surface water drainage to the canal is proposed, but would be happy to discuss the feasibility of discharging to the canal should the applicant so wish. Advise that the Trust is not a land drainage authority and discharges are not granted as of right; any consent to discharge to the canal would be subject to completion of a commercial agreement. We would further comment that should the Applicant wish to consider the potential for using canal water as part of the heating/cooling systems for the building, we would also be happy to discuss matters further. Request that an informative should be attached any decision notice if approved.

Borough Tree Officer: I have no objections to the proposed development. The site hoarding that will be erected adjacent to the footpath on the northern boundary of the site will act as suitable tree protection fencing in relation to the mature Oak located to the north. There is also an existing higher level wall in the west of the proposal that will be a suitable tree protection measure for the trees located in the west of the site outside the application boundary. Request standard landscaping and means of enclosure condition.

Borough Biodiversity Officer: Comments as follows:

Ecological appraisal of the site undertaken in February 2016 indicated the site to have a low ecological value and that there were no protected species issues;

Report recommends that external lighting should be designed to avoid or limit light spill onto the northern boundary and the adjacent canal to protected bats;

Works to vegetation should not be undertaken in the nesting season (March to August), unless it can be demonstrated through a method statement required by condition for the protection/avoidance of nesting birds that breeding birds will not be affected. This may include timing of work, pre-work checks, avoiding nesting areas etc, All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981.

Head of Environmental and Health Services: Comments as follows:

The noise report submitted with this application shows satisfactory mitigation measures to reduce the likelihood of complaints. However, the sound power values of the equipment and hence the sound pressure levels of the equipment on which the report is modelled are indicative values only, and not those of the equipment that is actually going to be installed. Therefore, it will need to be conditioned that the applicant provides details of the actual equipment to be installed, with an accompanying noise report in writing to the local planning authority to confirm that the proposed mitigation measures will still be satisfactory to reduce the likelihood of complaint;

The hours of operation of the store should be in line with those indicated in the application; Additionally, in order to protect residential amenity during the construction phase conditions should be attached requiring that: All works, including demolition, site works and construction together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 Monday to Friday, 08.00 to 14.00 Saturdays and not at all on Sundays or Bank Holidays; Delivery vehicles not park on the access highways to the site; no burning on site during development; facilities be provided and used when necessary for damping down to prevent excessive dust; road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust; any equipment which must be left running outside the allowed working hours to be inaudible at the boundary of occupied residential dwellings; screening be provided to the site to protect residential dwellings from exposure to excessive noise, with details to be agreed and carried out before other works begin.

Borough Pollution Control Officer: The report submitted identifies former potentially contaminating land uses including, but not limited to, landfilling and sewage treatment at or near to the proposal. The recommendations of the report are accepted and the further investigation identified in chapter 5 is required particularly for the potential for ground gas arising from the former landfill.

Crime Prevention Design Advisor: Recommends that development attains Police Secured by Design (SBD) accreditation and provides detailed advice to include: lockable barrier at the entrance to the store car-park to prevent the car-park becoming a meeting point generating vehicle related anti-social behaviour when the store is closed for trade; maximum growth height for planting; car parking to be to the same high standard as Council car parks; provision of secure bicycle parking; site lighting layout should to cover all areas; building to have all elevations and recesses illuminated; all walls to a height of 2 m, internally and externally to be brickwork or materials of similar strength; ground floor windows to be SBD standard (suggest additional security by installing internal grilles or

open slatted external roller shutters); glazed curtain walling must be installed using a secure glazing retention system; perimeter double doors to be fitted top and bottom with key operated rack mortise bolts and the meeting styles rebated; emergency or panic exits must be fitted with the hardware appropriate to the specific use; electrically operated shutters to have an electrical cut off switch fitted away from the doors to disable them when the premises are closed, with contacts fitted and linked to the alarm system; bollards, planters, large pieces of masonry etc. with gaps no greater than 1.2 m around the building to negate ram-raid attacks; any ATM's to be located in an area of maximum surveillance and free from adjacent street furniture; stainless steel sanitary ware in toilets and all service pipes and fittings to be fully enclosed to prevent vandalism, with anti-vandal light fittings and the use of an anti-graffiti coating; installation of an intruder alarm system compliant with BS Grade 3, with the management of the system to include a unique reference number for a Police response; and a full operational requirement to be written to highlight threat and vulnerability prior to installing a detector activated, recording CCTV system.

18 neighbour representations from 16 properties together with a petition signed by 37 residents of The Moorings stating that they are not happy with the proposals. Original consultation (94 consulted). Points raised:

- Application is premature, being made before the results of Stage 2 of the Local Plan and the Stafford Borough Leisure Strategy have been resolved. In discussions on the latter exercise, it was stated and has been made clear that the sale of land on Westbridge for retail development was necessary to fund leisure development in the town, however one of the objectives of the exercise was to determine how leisure developments can be funded. The proposals for the leisure strategy have not yet been published. Therefore the planning as the need to sell the land has not been agreed as necessary to raise these funds;
- The park is outside the settlement boundary and as such is not an area for development. Furthermore, the designation of the park's space for development as defined by the proposed settlement boundary contains mostly space which protected through its Community Facilities suggesting that it's marking for development is unjustified;
- There is no evidence or sound thinking to support to build another Store as concluded by the Inspector at the Plan for Stafford Borough Part 1;
- Enough Shops and cafes in Stone;
- Stone does not need more food stores/cafe with no connection to local products - we want our town to be an interesting unique place to shop with farmer's markets and local producers and quality;
- Any new retail outlets should be on High Street;
- Retail Statement justifying the need for the store is based on the survey of shopping habits carried out for the Plan for Stafford Borough 2013. Consider that that the methodology was flawed as it applied shopping habits of a high proportion of Stone residents to a zone which was almost twice the population of Stone and included areas where people were more likely to shop in Stafford or Newport. The Local Plan Inspector found the case for overtrading to be unproven, yet the survey is still be used to justify proposal;
- Laughable to suggest that it will not affect the two supermarkets in town - concerned that the Co-op already undertrading could be forced out leaving a large empty shop at that end of town;

- Although proposed site is close by, High Street is unlikely to benefit as access will involve crossing a busy road and walking through an area with no other retail outlets;
- No hard facts have been put forward by the developers about the health of Stone High St, under more threat with the proposed food store. There are currently 9 charity shops, 5 empty shops and empty offices first and second floor offices to let;
- Believe it to be a myth that a foodstore away from the High Street would turn around this situation. More than likely it would speed up the process of decline;
- Assertions of massive over-trading at Morrison's do not match my own experience, the claimed under-trading at the Co-op looks accurate and Aldi should be covered in the planning docs, it's been open long enough - need for a fourth large foodstore is not proven;
- If we need better supermarket provision, is there any chance of talking to the Co-op about improving their proposition or allowing M&S to take over the town centre site;
- The required retail capacity could easily have been targeted along the High Street in place of the underperforming Co-op or in the old Woolworths store;
- Some of the articles supporting this proposal have not been totally truthful, referring only to the building of a Marks and Spencer store, giving the impression that that would have a full range of M&S products when in fact it would only be a small store supplying food product;
- Desirable to have M&S in Stone but it is not a good fit to site it out of the centre in a park;
- No further building on Westbridge Park - should be left as green space;
- Not an appropriate site for commercial development - green space should be kept for sport and recreation including the sports centre and an improved play area;
- Council going to great lengths to move town boundary so that a retail outlet can be sited on Westbridge Park;
- The Park is an important Local Green Space and has protection under the draft Stone Neighbourhood Plan and SBC Environmental policies;
- The building of a store represents a change in usage of the land which has been used for recreation as a park for over 50 years;
- Effect on the canal side environment and loss of public open/green space for community activities;
- Planning Statement reports that the existing tennis courts were the poorest quality in 2014 - the tennis courts were poorly maintained because this was the year the Council decided to embark on this project;
- Much has been mentioned over overprovision of tennis facilities - there are two Council grass tennis courts in Stonefield Park with a cost of £5 per hour per court, whereas the other hard court facilities are in private ownership with full adult membership at £175 per year and £40 for 10-18 year olds. While this is ample, it is only for those able to afford the services;
- The Westbridge Park/Crown Meadow open space is a gem. The tennis courts, while in need of refurbishment, are open to all (unlike Stone Tennis and Squash Club). And aesthetically, putting a 9m+ high building at the "gateway" to Stone is regrettable;
- The building would replace 3 protected public tennis courts which would not be replaced and this would disadvantage casual tennis users in Stone. These "playing fields" are protected;
- Concerned over the impact of a pool at Westbridge Park on the current facility at Alleyne's School as usage by the school could not support the running costs;

- It will completely destroy the view of Grade II listed buildings on approach to Stone via an important gateway along the Stafford Street. The Stone Conservation Report, 2008 stressed the importance of this view;
- Would drastically alter both the outlook for residents of The Moorings and view of the building from the south-west;
- Significant noise and light pollution causing disruption by day and particularly at night from delivery vehicles, refrigeration plant and security lighting;
- Significant planting should be provided between the canal towpath and the proposed building to reduce the impact of the proposed building for residents of The Moorings;
- Has consideration been given to moving the proposed building further away from The Moorings, as there are no other properties in this area that would be affected;
- From other M&S developments we know there is no environmentally positive outcome here with deliveries from early in the morning;
- Developer should contribute towards funding soundproofing and blackout alterations to avoid excessive noise and light pollution, but also concerned that replacement windows at The Moorings could only be single glazed due to the building's Grade II listing - no justification if residents cannot protect themselves from the obvious noise and disruption;
- It has been asserted that there is greater noise from canal boats than predictions for the foodstore, but the canal boat noise is part of the canal scene which residents of The Moorings residents were aware of when purchasing property;
- A 3.5 m acoustic fence may deflect sound upwards and create a nuisance for residents. Although direct noise will be reduced by about 17Db with such a fence, this would be at a distance of 5 m. Noise will flow over the top of the fence the further you are away from it;
- Will result in loss of light and outlook affecting The Moorings;
- The height of the building would be 8.22 m to parapet and 9.22 m to ridge. The height is exacerbated by the requirement to have the floor level raised to 86.18 m for flood mitigation reasons - this will have a significant visual impact from The Moorings and even more so from the road entrance to Stone where the height is 85.3 m;
- Some residents on the canal side of The Moorings may feel that the large cafe window facing across the canal may become an invasion of their privacy;
- Building too large, in width and height, for its position as proposed - building would block out late sunshine and severely limit the view of Westbridge Park from apartment windows;
- Propose moving the store further south-west, perhaps on the site of the existing Sports Centre, so that it would be less intrusive and offensive. This would also allow the tennis courts to be retained or the area converted back to grass land. Moving the structure would also reduce the visual conflict between the shop and the listed buildings across the canal located in the centre of The Moorings complex. The new sports facility could be built next to the store further down to the south-west. Appreciate that the sewage pumping station might need to be relocated;
- Although the residents of the Moorings are relatively few in number and a small percentage of the total population of Stone, who may be in favour of the scheme, the elderly's needs should be placed in higher regard in consideration of this development than is currently the case. The residents are elderly, some close to moving into care homes or hospital, and ongoing disturbance in the future from a development in the present position is to be deeply regretted;

- Concern over siting a foodstore in a park mixing commercial activities with attendant noise, lighting at night and traffic movements with children playing, people enjoying leisure pursuits and town events and festivals;
- Building a food store next to the canal at Westbridge Park would have a negative impact on the Conservation Area. It would be "large scale" with "associated signage" and "large advertisements" developments described as being detrimental to character of the Conservation Area in the Conservation Area Appraisal;
- The proposed foodstore would also dilute character - point to the Conservation Area Appraisal states that "Further works that harm the significance of the area, identified in this appraisal, should be avoided";
- A foodstore next to the Conservation Area would not protect an important view as required by the Conservation Area Appraisal - the view would be affected and there would also be concerns about the impact on listed buildings such as The Moorings and also the Church of St Michael, which is Grade II*;
- Saddened that building proposed is a grey, two-storey industrial style building, unsuited to park location;
- Design of building should be consistent in use of materials and design with existing surrounding architecture of The Moorings so as to protect, conserve and enhance heritage assets, but current proposal does not;
- Building would overlook a listed building and Conservation Area and design should be more in keeping;
- Believe that prospective occupiers do not have a good record at looking after areas around their stores;
- Access off Stafford Street will cause additional congestion to traffic passing through Stone in both directions. The numerous crossings and traffic direction measures on the Stone ringway should be reconsidered to improve flow in light of this application: The pelican crossing at Morrison's hasn't worked. Access out of Morrison's is still poor due to the number of lanes provided in their access. This crossing should be removed and Morrison's should modify their access so there are two lanes to exit and an additional one to enter. Their car parking should return to free parking for anyone shopping on the High Street as was the original agreement with Safeway's. The temporary island between Lichfield Street and High Street should be removed to allow better flow of traffic along Stafford Street and Lichfield Street;
- A store here would increase the cross town traffic;
- Access off Stafford Street should be near to where present access road enters the park as Stafford Street is a busy artery through Stone;
- Will add to the bottle neck and traffic in to Stone and increase parking problems;
- Extra traffic control measures will be required - stretch of road from northern access to Town along Christchurch Way and Walton roundabout is already badly congested for several hours reach day - extra traffic lights and crossings will worsen situation;
- While priority control on the Walton roundabout could alleviate existing traffic pressure, overall putting more traffic along the stretch between Christchurch Way, Stafford Road and the A34 doesn't look feasible - query whether the traffic estimates are robust;
- The increase in traffic flow in the park would be a danger to children playing and a serious and unacceptable risk to health and safety of people particularly at the time of festivals. The current service road is totally unsuitable;
- Car parking evidence is also questionable - most drivers will also go into town afterwards as they can park for over two hours regardless of time spent in store, thereby increasing the car park usage;

- The site is located within Flood Zone 2 and partly Zone 3 - consider that any planning permission granted may create future problems. Refers to an ASDA Store in Kilmarnock approved in a similar location and where people had to subsequently be rescued when the River Irvine burst its banks
- Submit photographs of flooding in the area. To refute statement from the Environment Agency in a letter to the Flood Risk Assessment team that they have no record of flooding in the area;
- The construction of the foodstore would increase run off as reported in Drainage Report - the existing run off for a 100 year 6 hour storm would increase from 275mK to 313K which is a 13.8% increase. It is also suggested that run off could increase by 20% due to climate change - drainage exceedance would be directed towards the road (the lowest area), which could result in flooding;
- A Stafford Borough Document "Delivering the Plan for Stafford Borough - issues and options Feb 2008" clearly states that floodplain areas in Stone should not be used for new housing and employment development. This was in line with NPG 25 in force at the time. Severn Trent Water also did not support new development on low-lying land adjacent to the river Trent due to water resource implications and the council stated in this document that it agreed with this approach;
- The Flood Risk Assessment originally submitted acknowledges potential problems by encouraging occupants to sign up to the Environment Agency Flood Warning Scheme and suggesting that a Flood Management and Evacuation Plan could include evacuating the site if open/occupied and including specific measures to be taken if flooding is expected;
- The statement that as Scotch Brook is culverted through much of the town the risk posed along its route is limited does not match experiences of August 1987 and other occasions when it has created serious flooding;
- The sequential test has serious flaws in as much as the developer has outlined his requirements to exactly fit the site with the knowledge that other non flood sites cannot accommodate his plan;
- Site is on floodplain of River Trent - where development should not be permitted;
- Question if flood risk mitigation can be purposefully undertaken;
- Query how is the area used by Stone Festival and other festivals is going to be affected by this application and require reassurance that Festivals will continue;
- Many of the events generated by the Town would have reduced access, thus reducing the community spirit of the Town;
- Council has used language and imagery to suggest that the proposal is a fait accompli, referring to Cabinet meeting (December 2014) Strategic Partnership (January 2016) and statements included in press reports regarding the exchange of contracts for the sale of the land and cabinet approval for a new leisure centre, play areas and Marks & Spencer store - consider all these actions an attempt to predetermine the outcome;
- Will be a welcome boost to the local economy and only a short distance from the High Street believe that it will bring people into the area who would normally only drive through;
- High Street is limited in the "big names" that it can draw due to parking and logistical issues, but having this development may encourage more into the Town and more independents boosted by the increased footfall and traffic;
- As a local resident would be pleased to see investment with an improved Westbridge Park play area, which is worn out with outdated play equipment, compared to other

facilities such as Wildwood Pak and also a new leisure centre/swimming pool being built within close walking distance;

- Many residents, particularly those living on the north-eastern side of The Moorings facing away from the canal will welcome new quality grocery provision in Stone and benefit from its convenient location, but those living facing the canal will greatly regret their loss of privacy;
- Pleased to note that several of previous objections have been remedied in the final plan, such as placing the delivery area alongside the building rather than the canal-side, the addition of acoustic barriers, timber cladding on the canal-side rear wall and the car park being placed at the front of the shop only;
- If approved request that no store development take place until after replacement leisure centre has been built;
- If approved restriction be placed on any consent prevention 24-hour opening and deliveries - suggest not after 22.00;
- The vast majority of people in Stone do not want to see a supermarket built on the park. A 4770 signature petition against development and as recently as last year, a 72% vote against the proposal on the local Social Media site A Little Bit of Stone;

31 neighbour representations from 27 properties including 25 from new addresses - amended plans. (These also include one letter from a resident of The Moorings inviting fellow residents to attach their names and addresses, but which only includes one additional name and address, but partial information from what appear to be 18 occupiers of 16 other properties): Points raised:

- Draw attention to Inspector's recommendations in examining the soundness of Part 2 of Plan for Stafford Borough with regard to steps fundamental to soundness of the Plan involving modification to the Stone Settlement Boundary to exclude the land occupied by the car park and community uses at Westbridge Park, which includes the application site. These observations as to why this land should be excluded are relevant to the current application;
- If Marks & Spencer or any similar organisation wants to have a presence in Stone, they should use one of the empty units in the High Street, which is need of a boost and encourage shoppers and canal users to the High Street;
- Would have damaging effect on existing foodstores and restaurants in Stone
- Stone does not need another foodstore or restaurant, with four existing supermarkets:
- Stone is struggling to survive, with stores closing and converting to charity shops, which adversely affect independent retailers- current proposal would adversely affect character of Town and its environment;
- Seems little need for M&S to open another supermarket as they have just opened a large one in Stafford;
- Co-op store underused - evidence of lack of need;
- Boaters will only use supermarket and move on;
- Inclusion of a cafe within the foodstore offers a direct threat to the eating and drinking establishments already located on the High Street;
- Siting will take away historical and aesthetic view when entering Stone of The Moorings, The Priory and St Michael's Church as well as pleasant open greenness of the park and trees;
- The stone-built tower of St. Michael's Church St identified in Stone Conservation Area Appraisal as the most important prominent landmark within the conservation area and beyond which can be viewed from many parts of the town and from the canal, with

most impressive view being along the approach to Stone from Walton where the church stands well above its surroundings. This document acknowledges that view is spoiled by existing leisure centre - little sense to exacerbate the position by erecting another shed style structure;

- Historic England advise that where the significance of a heritage asset has previously been compromised by unsympathetic development and consideration needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting;
- Historic England also advise that a development proposal that blocks, dominates, or detracts from a heritage asset due to its scale, position in a view, or design is likely to result in an adverse impact on the asset itself and the way it can contribute to the heritage significance in the view;
- Concern that Heritage Statement submitted considers that proposal has no direct impact on heritage assets and no significant impact on their setting;
- Inspectors for both Parts 1 and 2 of Local Plan have raised concerns over the impact of development on this part of Westbridge Park on the appearance of this gateway into the Town and on the setting of the Conservation Area and listed buildings;
- Borough Conservation Officer consider that proposal would cause harm to the setting of the Stone Conservation Area and to St Michael's Church;
- Supermarket in this location against the heritage asset The Trent and Mersey Canal will be out of keeping, dominating area as you approach the historic Star Lock and Star Inn;
- Planning (Listed buildings and Conservation Areas) Act requires authorities to have special regard to the desirability of preserving the building or its setting and to pay special attention to the desirability of preserving and enhancing the character and appearance of Conservation Areas. In law this means doing no harm. Legal judgements have established that this consideration should be given considerable importance and weight;
- Proposal does not fulfil requirements of paragraph 137 of NPPF;
- Development would drastically change outlook for residents of The Moorings and would also result in significant noise and light pollution, both day and night;
- Concerned over noise nuisance from night-time unloading;
- Significant landscaping would be necessary between the canal towpath and the store;
- Design of the building should be consistent with existing architecture of The Moorings a Grade II listed building - not demonstrated at present;
- No effort has been made to adapt the design to its setting - development fails to make a positive contribution to local character and distinctiveness;
- Developer should make financial compensation to residents of The Moorings to ensure sound proofing and blackouts to avoid noise and light pollution, but if double glazing would not be permitted at The Moorings, current development proposal should not be considered;
- Outlet could be moved further away from The Moorings nearer to the present access road;
- Building could be positioned further into the Park;
- Westbridge Park must remain green area;
- The area of parkland will be reduced;
- Increased noise and traffic flow will spoil atmosphere of parkland;

- Would prefer the area to be kept as a park for sport and leisure and not for a retail development, though a café would be acceptable. Once any area of green space is lost, it is very difficult to get it back again;
- There must be numerous other brownfield/unused locations where a store could be built if required;
- While accepted that modern indoor sports facilities are needed, do not consider that building a store is the answer to obtaining monies to provide and develop elsewhere;
- Query whether there have been any updates from the applicant with regard to mitigating for the loss of Tennis Court provision and any further attempt by the applicant in obtaining current, up to date, user data information on tennis courts in Stone;
- Tennis courts are used constantly and it would be a sad loss if they were removed;
- No idea what is planned to replace the guide hut and tennis courts. Would replacements be provided at the same time or would we have to put up with nuisance from construction, with no alternative facilities subsequently in place;
- Believe that Sport England have objected to the loss of certain sporting facilities;
- Westbridge Park was given to the residents of Stone for their use and benefit, not to be developed for profit by a large company;
- Replacement of Girl Guide Headquarters elsewhere on Westbridge Park will lead to further reduction in open space;
- Increase heavy traffic on Stafford Street;
- Will cause severe traffic disruption, resulting in build-up and queues particularly at rush hour both at the entrance to and along the one-way system around the Town;
- How would traffic be managed - cannot cope at present with queues between Langtree's (Radford Street and Stafford Street);
- Will also be queues and blockages at entrance and exit to the Park as Stafford Street is not wide enough to cope;
- Only safe entrance is where current entrance is:
- Detrimental to pedestrian safety because of increased traffic generated;
- The applicant (M&S) should give details of the "car park policy" to be used on this site - would find a charging policy very useful in assessing its possible impact;
- Area subject to flooding;
- Site for many years was a rubbish tip and subject too flooding due to poor drainage and floodplain location;
- Fully support objection made on behalf of Keep Westbridge Park Green;
- Council Chief Executive previously promised that a store would not be built in Stone without the agreement of the people of Stone and a referendum result showed that a significant percentage objected to any changes - local democracy should be respected;
- Stone Town Council has objected in strong terms to this application and has previously argued against both the designation of this part of the Park within both Town Centre and Settlement boundaries - approval would conflict with paragraph 150 of the NPPF and would contradict with the localism agenda;
- Council Cabinet minutes (5.3.15 05 November 2015) contradict stance that the land needs to be sold to bridge a gap in funding for a new leisure development;
- Support proposal so long as footprint stays where buildings and tarmac already exist and does not infringe on areas supporting wildlife;
- Stone needs to expand to bring more shoppers in;
- Would like to see anything that brings more people to Stone and increases choice for the actual residents and can be accessed easily;

- As a fellow business owner believe that if development goes ahead it will attract both residents and visitors to the town;
- Despite concerns raised by others, have never known the area around the sports hall to flood, only the lower-lying areas around the river;
- If parking similar to Morrison's it would give people time to visit the town as well;
- While parking is paramount, not everyone has a car;
- Understand that M&S would contribute towards sport and leisure activities on the park;
- Would like to see a decent swimming pool for the people of Stone.

Five neighbour representations - additional information 06 October: Points raised:

- Should be retained as a park;
- Will impact adversely on The Moorings, which is Grade II listed;
- Lack of explanation with contextual information submitted. Ambiguous: no reference to the focal length of the camera lens which will have an impact on the viewer's perception of the impact; the photographs were taken in summer., but in winter vegetation will not shield the view; there is also no sketching in of extra traffic and parking; the list of photographs shows 12 photos which include an imposition of the store, but 5 are duplicates; 6 photographs do not have the supermarket imposed; and the Google satellite image is also not properly explained. The whole collection is not particularly helpful in understanding the visual impact of the store;
- Alternative put forward using the sketches made available by the developer by using a grid is located over the sketches and calculating the percentage of visual impact. Without a store the impact is 0%. The top sketch has 248 squares. The store covers approximately 19 squares which makes the visual impact from this side at 7.7%. The bottom sketch has a grid of 216 squares with approximately 16 squares covered by the store. This approximates to a visual impact of 7.4%. The visual impact will increase the closer to the store especially as seen by the outer residents of the Moorings. This assessments demonstrates that the visual impact is too high for such a sensitive location edging the Conservation Area;
- No need for an extra foodstore;
- More supermarkets will threaten existing businesses - need to support independent businesses;
- Empty shop units should be occupied before any new building;
- Road infrastructure is inadequate;
- Concern over pedestrian safety due to narrowness of section of footpath linking site with the Town Centre;
- Adverse visual impact of building in direct line of sight from apartments in The Moorings;
- Suggest proposed building be constructed on present site of sports centre;
- Will cause noise disruption;
- Increased pollution from road traffic;
- Proposal will benefit older people who have no transport.

Keep Westbridge Park Green - original submission (three representations): Points raised:

- The proposed extension of the town centre to include this site was withdrawn from the Examination into Part 1 of the Local Plan given concerns raised by residents and the Inspector who acknowledge that there may be a case for updating leisure centre commented that the retail element of the proposal was questionable - believe that these concerns still remain valid as land has not been proposed for development in Part 2 of the Local Plan and additional evidence has not been put forward on the basis of need;
- Applicant has failed to provide sufficient supporting evidence to judge the impact of the proposals and has not understood the live issues and has failed to deal with them - any grant of consent (based on that failure) may be susceptible to a claim for Judicial Review;
- Our clients, Stone Town Council and numerous other local residents have concerns with the proposed development. In the interests of the Localism Agenda and the desire to hand power back to local communities to influence the places where they live, we would strongly request that this application be refused outright. Failure to take account of the views of the majority of the local community would fly in the face of the Localism Agenda;
- Valid concerns raised by local residents through application consultation have not been addressed - these need to be listened to and considered;
- Wholeheartedly support the comments made by the Town Council and trust that Highway authority will take account of the traffic and highway safety issues identified above.
- Further information required: failure to disclose operational requirements as the applicant is Liberty; should be more explicit regarding what demolition of buildings means in reality and potential impact on community uses; pre-application advice, which was 12 months ago; no direct engagement with local community, but instead reliance on representations submitted to the Local Plan and Tourism Strategies and no discussion on design related matters; confirmation required that access to towpath will not be restricted; no provision for recycling - clarification required given potential impact from noise and smells from bin stores; Council's ownership should be clearly detailed in application form; request samples of construction materials and photomontage of development; justification for level of off-street parking below Council standards and impact on leisure centre; possibility of more suitable sites to the north with no risk of flooding; clarification of proposed drainage details; sufficiency of ecological survey work; replacement provision for Girl Guide troupe and tennis courts; more detailed assessment of ground conditions; impact on trees; clarification of floorspace loss; Visual Impact Assessment required; Sustainability Assessment required;
- Council clarification regarding decision not to require an EIA;
- Application is inchoate and should be refused;
- The application constitutes an unacceptable development which causes damage to the vitality and viability of the High Street, amenity of nearby properties and the surrounding area in particular the character and appearance of the adjacent Conservation Area, the amenity of neighbouring residents, the safety of the local highway network and fails to protect existing community facilities from loss;
- The scale and location of new retail developments should be identified through the Local Plan process for the reasons set out in paragraph 17 of the NPPF - given that

the site was withdrawn from Local Plan Part 1 and has not been identified for such uses within the Local Plan Part 2 demonstrates that the Council do not consider this site suitable for the use proposed. Debate about where this additional retail unit will be sited should be taking place within the development plan process and without a suitable allocation must be deemed to be premature and inappropriate;

- The site is within the proposed settlement boundary of Stone, but remains outside of the defined town centre, and therefore will represent a town centre use in an out of centre location. The above comments regarding Local Plan Part 1 policy remain valid and have not been superseded by any potential land allocations with Part 2 of the Plan - maintain that there is a policy presumption against the application (20 page appendix attached containing representation on Local Plan Part 2);
- Proposal fails to accord with the principles and requirements of both the adopted and emerging local plans and should be refused;
- Loss of the existing facilities will detrimentally impact on the provision of community facilities within Stone, with insufficient mitigation being proposed to overcome these concerns and also being within a flood zone - not sustainable development and contrary to Policy SP1 of Local Plan;
- Although proposed inclusion of the site within the settlement boundary for Stone through Part 2 of the Local Plan seeks to ensure that proposal would comply with main objective of Policy SP7, contend that proposal would still be contrary as it does not meet the other requirements of this policy;
- Due regard should be paid not only to job creation but also to potential existing job losses elsewhere. Concern that development will create job losses at other local retail stores in Stone - conflict with paragraph 18 of NPPF;
- Provision of a greater retail offer within the defined town centre of Stone is what is required to satisfy key local plan objectives, not further development on the periphery which will draw further trade from the High Street;
- No mention of a need for additional out of town retail opportunities in Vision for Stone in 2031 with the focus on the existing character of the town and its canal side vistas and objectives for only make reference to new town centre development to enhance Stone for retail, leisure, canal and river based activities and community facilities;
- Without any form of legal agreement included within the application that provides assurances that the capital receipts will be reinvested into the Park and its facilities, there will be scepticism - assurances could only be provided through a single mixed use application comprising all elements of the sites development;
- While a need for 1,700 sq m of convenience retailing is identified in Policy Stone 1, this relates to the existing town centre of Stone and not simply to a need for retail use somewhere within the settlement;
- The development offers no opportunity to assist in the regeneration of the town centre, which is in need of investment and improvement and, therefore, is not in compliance with Local Plan Policy E8.
- Provision of a retail use outside of the defined town centre will have detrimental impacts upon footfall and spend on the High Street - do not consider this to be an 'edge of centre' site, but an out of town location as there are physical breakages between the main shopping area and the site including a main road and canal network. Site will not result in the provision of linked trips into the town centre and will result in greater trade draw than detailed within the application given the likely peak hours of trade and the fact that shoppers will drive to the site, do their shopping and then return home;

- Sequential search undertaken was not sufficiently flexible in its methodology and robust enough to justify approval of this application - conflict with paragraph 27 of NPPF;
- No clarity in Retail Impact Assessment as to how sites were identified, other than a focus on site size, and from which sources the sites were located. Without detailed site search criteria there can be no conclusions reached that the assessment is suitable and fit for purpose;
- The red-edged site is larger than the site area stated and larger than the upper threshold of sites evaluated. Given that sites should be assessed on the basis of not just the built development - the sequential evaluation needs to be corrected;
- Concerned over the justification for discounting some sites such as Crown Wharf which would otherwise be sequentially preferable. Although this site is deemed too small as it is within the town centre the need for a significant level of on site car parking is questioned and this would in turn impact upon the required site area. This site has also been discounted because of impact on heritage assets and over access issues, which also apply to the application site;
- Following the refusal of the proposal for a retirement development at Crown Wharf, request confirmation that the applicants will be requested to undertake a more detailed review of the Crown Wharf's site potential for a retail use as part of the sequential evaluation for their current application, which they discounted on the basis of the then yet to be determined application;
- It is also noted that the Crown Wharf application was refused on a number of Grounds, which are equally valid to the current application and look forward to a comparable robust evaluation particularly in relation to design, impact on the heritage environment and site drainage;
- Much is made on the basis of the deemed over trading of the Morrison's store, but this site is well related with the High Street and wider town centre and with free parking provision secures linked trips and increased footfall, neither of which could be achieved from proposed development;
- The applicants own submission advises there that the Co-op store located on the High Street is under trading - this demonstrates that a focus needs to be placed on regeneration and investment in the town centre as opposed to supporting further trade draw out of the town centre;
- The potential closure of the Co-op store in late 2017 as part of wider changes within the organisation could result in this site becoming available for an alternative retail use - request that this site, which also provides on site car parking be sequentially assessed as part of the deliberations on the current application;
- Applicants draw attention to the Inspectors report into the Local Plan Part 1 but make no comment is made his view that there was no need for the development proposed at Westbridge Park;
- Dispute potential for linked trips and increased footfall within the town centre and believe that shoppers will drive to the new store, undertake their food shopping and then return home, without walking into the town centre to increase visitor spend - highlighted by the likely hours of peak operation and the provision of an on-site café;
- Too many assumptions in Planning Statement have been made in relation to the potential to reduce the numbers of residents on Job Seekers Allowance, as there is no guarantee that those currently unemployed will take up the jobs created by the development;
- Traffic generated, particularly at peak times, and the associated access design is likely to create highway safety issues at the junction with Stafford Road, with vehicles

turning right either into or out of the site creating a blockage and congestion on the main highway network. It is also noted that HGV delivery trucks will need to utilise the opposite carriageway in order to manoeuvre into and out of the site, which would be unsafe. This issue is further highlighted by the need for large vehicles to enter the main customer car park area in order to reverse into the delivery bay, a dangerous manoeuvre in itself but given that such only heightened that this would take place to the rear of proposed disabled parking bays;

- It is stated that deliveries it is noted that such operations will take place between the hours of 08.00 - 09.00 and 17.00 - 18.00 which they deem to be outside of the peak highway periods - these times would coincide with peak commuting times and are also likely to coincide with peak on site activity, heightening concerns regarding potential on site manoeuvres from HGV's during deliveries;
- While reference is made in the TA to financial contributions for other developments, there is no reference to any proposed contributions as a result of this scheme and what impact the other contributions and associated developments will have on this development and on the highway network;
- Include four draft reasons for refusal relating to: design; impact on heritage assets; impact on the vitality of the Town Centre; and highway safety;
- Not demonstrated that the scheme can be accessed safely and will not create detrimental traffic flow impacts on the local highway network - conflict with NPPF;
- Development will clearly generate significant levels of traffic, which the local highway network simply cannot accommodate - proposal contrary to Local Plan Policy T1;
- Development will increase vehicles within close proximity of the site and will not promote linked trips to the High Street given the poor linkages on foot and by bicycle;
- Plans included within the Transport Assessment demonstrate that the site cannot be accessed by bicycle from the town centre as Stafford Road is not identified as an 'advisory route' and given the layout and form of the local highway network concern is raised as to whether the site can be safely accessed on either foot or bicycle, and whether it is well positioned for access to alternative modes of transport;
- Insufficient off street car parking proposed to meet needs, which will result in on street car parking and heightened risks to the safety of other road users and pedestrians. Only 80 car parking spaces proposed grossly under the council requirements - applicants own Transport Assessment advises that a development of this scale would require 113 spaces to meet Council standards;
- Also request that consideration be given to the parking implications on the leisure centre as a result of the proposed loss of spaces created by the scheme;
- Given sensitive location, development has had little regard to the relationship with adjacent buildings, particularly in relation to the form, design, use of materials and scale of development being proposed. Will result in a mass/bulk which is wholly out of character for the local area or reflect the appearance and existing fenestration of surrounding buildings and the wider historic environment - contrary to NPPF;
- Proposal represents poor design and a lack of respect for its setting and local character. There is a notable lack of available space on site to service the needs of the development resulting in a cramped appearance and poor manoeuvrability throughout the site - development conflicts with Local Plan Policy N1;
- Given the scale, form and location of the development it would not be appropriate for landscaping matters to be dealt with by condition;
- The development will have significant detrimental effects on neighbouring properties, through over development, loss of privacy and detrimental impact on amenity;

- The proposal will result in both noise and light pollution, through increased activity and vehicle movements and the extensive levels of glazing proposed within the development would also lead to detrimental levels of light pollution with unacceptable negative impacts on neighbouring properties and any protected species in the local area;
- The proposal would have a serious detrimental effect on the visual amenities of the locality;
- On the basis of the as submitted information the applicant has failed to address the requirements of the Local Plan Policy N2;
- Applicant has failed to liaise with the local community contrary to paragraph 66 of the NPPF;
- Proposal would have a long term negative effect on the defined Green Infrastructure of Westbridge Park, as it represents an erosion of the open nature and community focus of the park and the scheme as submitted does not offer any real betterment for the park, nor promotion of its wider community benefits. It is a stand-alone development which would be isolated from the existing and wider use of the park. This will create a disjointed layout and a lack of cohesion contrary to the requirements of Local Plan Policy N4;
- Case that these existing tennis courts are surplus to requirements is not supported with a sufficiently robust assessment of alternative provision, nor would it appear to be supported by some of the conclusions in the updated Stafford Open Space, Sport and Recreation Assessment - the loss of courts is contrary to paragraphs 73 - 74 of the NPPF;
- The analysis undertaken appears to be inconsistent and incorrect with the number of tennis courts available within Stone understood to be 13 and not 17 as claimed. In addition, future needs including the increased population as a result of higher housing need to be considered, not just current leisure needs;
- The loss of the existing Girl Guide hut and tennis courts has not been suitably demonstrated to be justified as part of these proposals. There is no information as to where the girl guides will be relocated to;
- While it is understood that the capital receipts from the sale of the site are proposed to be being reinvested into improvements in leisure facilities, this is not supported within the application by any form of legal agreement and without such clarity residents will remain sceptical regarding future provision. On the basis of the evidence as submitted the scheme does not comply with the requirements of Local Plan Policy C7;
- In the light of Sport England comments, the applicant has failed to demonstrate that the site is suitable for the use proposed, nor that sufficient mitigation can be provided to compensate for the loss of the tennis courts.
- Seek assurances that the existing public rights of way in the vicinity of the site will not be affected;
- Considered that the applicant has failed to pass the sequential test as the potential for preferable locations from flood risk for the development have not been robustly assessed given that much of the land to the north of the application site falls outside of the risk of flooding. This site is not suitable for the use proposed given the on-site and wider risks of flooding;
- Note that applicants consider the site to be located within Flood Zone 1, but it is clear from the Flood Maps produced by the EA that the site is located partly within Zones 2 and 3 - this is further supported within the flood response submitted by the County Council. We trust that the assessment of the application will be undertaken on the basis of the correct flood zone and that the application will not be determined without

- clear assurances that the site is not at risk from flooding and that the development will not increase flood risk elsewhere;
- Applicant has failed to submit sufficient information to address concerns over potential surface water flooding, water demand and has not submitted any information regarding minimising energy consumption, contrary to paragraphs 94 and 96 of the NPPF;
 - The applicant should submit additional information in order to seek to address the matters raised by the Lead Local Flood Authority;
 - Applicant has failed to submit sufficient information for potential ecological impacts of the development, or of impact on existing trees and vegetation contrary to the provisions of paragraphs 118 and 125 of the NPPF;
 - Harms the character, setting and views of numerous Grade II and Grade II* Listed buildings and structures including the adjacent warehouse on the canal, canal bridges and the adjacent Conservation Area due to incongruous design, poor layout and gross overdevelopment. It is not considered that the justification for the development outweighs the level of harm caused and therefore the application should be refused;
 - Remain of the opinion that the applicant should prepare contextual elevations and viewpoints from key vantage points such that the full visual impact and harm to the designated heritage assets can be assessed. It is clear that the Conservation Officer has reservations with the application and it is somewhat surprising that his approach to the assessment of the application is not consistent with the approach taken elsewhere, especially when the nature of the issues to be considered are the same;
 - While the Conservation Officer considers there to be less than substantial harm, we remain of the view that the effect on the character and setting of numerous heritage assets will be significant and would justify refusal of the application;
 - List cases where The Courts have held that Councils and Inspectors on appeal have failed to take into account relevant matters. Concern is expressed that on the evidence submitted to date, that the applicant has failed to provide sufficient supporting information to judge the impact of the proposals on the vitality and viability of the High Street and on the character and appearance of the local area. It is also suggested that the applicant has not understood the live issues and has failed to deal with them and that any grant of consent may fall foul of the tests laid out in the cases mentioned above and would be susceptible to Judicial Review.
 - Seek assurances that comments and recommendations made by other consultees are taken into account and fully addressed.

Keep Westbridge Park Green - amended plans: Points raised:

- Concerned that the level of proposed car parking provision on site is lower than the Council's own standards and understand that this is a concern shared by the highway authority - still concerned that there will be detrimental impacts on highway safety from this under provision and this demonstrates that the site is not suitable for the scale of development proposed;
- Welcome the provision of swept path analysis in relation to the internal manoeuvring of delivery vehicles, but note that in order for delivery vehicles to turn within the site, they still need to perform manoeuvres to the rear of disabled parking bays and could encroach onto other parking spaces - this could be potentially dangerous and is therefore unacceptable;
- Previously drew attention to the lack of clarification on the re-location of the girl guides hut. Although the submitted plans now advise that it will be relocated, there is still no

clarification as to where this will be. Given the importance of protecting existing community uses, clarification must be provided;

- For the reasons laid out earlier we do not consider that sufficient justification or mitigation has been provided for the loss of the existing tennis courts.
- We would seek assurances from the local planning authority that the variation of the red-edge does not require the submission of a further planning application given the scale and nature of the alteration. Quote case law and suggest that with provision of a larger application boundary there are concerns that this is a fresh application not an amendment of a submitted scheme;
- To date our previous comments on the robustness of the Retail Sequential Test remain;
- May well be concerns in relation to the current status of the emerging Local Plan Part 2, and the fact that the site at Westbridge Park is being considered by the Planning Inspector. Suggest that any planning decision taken in advance of publication of the Inspectors Report could be deemed to be premature;
- Do not consider that the revised scheme has sufficiently addressed concerns on design, scale, impact to neighbours and the impact on heritage assets and remain of the opinion that the principle of a retail in this location is unacceptable and contrary to policy.

Keep Westbridge Park Green - additional information 06 October: have confirmed that objections previously stated still stand and have forwarded a copy of a letter to the Secretary of State requesting that he call in the application if the Council is minded to approve, setting out Local Plan context including extracts from Inspector's comments on both parts 1 and 2 Examinations in Public.

Relevant Planning History

12826 - Erection of timber building for use of Girl Guides - Approved February 1982.

14216 - Change of use from disused toilet block to storage room for Girl Guides - Approved February 1983.

19696 - Westbridge Park Recreation Scheme - Approved January 1987.

28947 - Installation of floodlighting to existing tennis courts - Approved April 1993.

35684 - New vehicular access - Approved February 1998.

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the following submitted drawings numbers:

9642 PL 01 H;

9642 PL 02 M;

9642 PL 03 V;
9642 PL 04 N;
9642 PL 05 J;
9642 PL 06 G;
9642 PL 07 ALT H;
9642 PL 08 G;
9642 PL 09 E;
9642 PL 10 E;
9642 PL 11 F;
D5615.001B.

except insofar as may be otherwise required by other conditions to which the permission is subject.

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include (proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg drainage and sewers, power and communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant). Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.
4. The development hereby permitted shall not be commenced until full details of the proposed site access as illustrated on drawing number 9642 PL03 V have been submitted to and approved in writing by the local planning authority and shall include a Stage 2 Road Safety Audit and details of construction, surface water drainage, street lighting, signing and road markings.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. a site compound with associated temporary buildings;
 - ii. the routing of construction vehicles to and from the site;
 - iii. the removal of demolition materials from site;
 - iv. the parking of vehicles of site operatives and visitors;
 - v. the loading and unloading of plant and materials;
 - vi. storage of plant and materials used in constructing the development;

- vii. measures to prevent the deposition of deleterious material on the highway including wheel wash facilities.
6. Prior to the commencement of the development a Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The scheme shall include, if necessary, measures to restrict on-street parking, loading and waiting on roads surrounding the development. The approved scheme shall be fully implemented prior to the first occupation of the development hereby permitted.
 7. The development hereby permitted shall not be brought into use until the access, parking, cycle parking, servicing and turning areas have been provided in accordance with the approved plans.
 8. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals to promote travel by sustainable modes which are acceptable to the local planning authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the local planning authority for approval for a period of five years from first occupation of the development permitted by this consent.
 9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref: NTE-2229-FRA, revision P4, dated 08/08/2016, prepared by BWB Consulting Ltd) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 86.18 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme must be based on the design parameters and proposed strategy set out in the Sustainable Drainage Statement (Document No WBP-BWB-HDG-XX-RP-PD-0001_SDS, Revision P4, 08/08/2016).

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
SuDS design to include adequate water quality treatment including filter strips and oil interceptors;

Limiting the discharge rate generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed 5.0l/s;
 Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system;
 Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

11. The development hereby permitted shall not commence until drainage plans for the disposal of foul water have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
12. No development shall be commenced until the extent of any contamination of the site or adjacent sites which may affect the development have been assessed by investigation and if necessary resulting from the investigation a scheme of works to safeguard the development from the effects of any contamination of the site or adjacent sites identified by the investigation has been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until any necessary approved scheme of works has been implemented.
13. Notwithstanding any details submitted as part of the application and prior to commencement of development, full details of all fixed plant equipment to be installed in connection with the approved development together with an accompanying noise report including mitigation measures shall be submitted to and approved in writing by the local planning authority. All equipment shall subsequently be installed and operated at all times in accordance with the approved details.
14. No works, including the demolition of any buildings, shall be undertaken on the site until facilities replacement facilities for the Girl Guides commensurate with existing facilities to be displaced to facilitate the approved development have been provide.
15. All external lighting shall fully conform to the provisions of the External Lighting Assessment (WSP Parsons Brinckerhoff Project no: 70013421 Date: April 2016 - Rev 1) including the Design Strategy submitted as part of the application.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent order no additional doors vents or openings shall be created in the elevations of the building without the prior permission of the local planning authority.

17. Hours of operation of the store shall be restricted to between 08.00 to 22.00 on Mondays to Saturdays inclusive and 08.30 to 18.00 on Sundays and Bank Holidays.
18. All site works and construction works together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays and not at all on Sundays or Bank Holidays. In addition: delivery vehicles shall not park on the access highways to the site; any equipment that must be left running outside the permitted hours of work shall be inaudible at the boundary of occupied residential properties; screening shall be provided to protect dwellings from exposure to excessive noise; facilities shall be provided and used when necessary for damping down to prevent excessive dust; road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust; and there shall be no burning on site during development.
19. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.
20. The use of the building shall be restricted to purposes within Class A1 retail as set out within the Schedule to the Use Classes Order with the amount of A1 retail floorspace to be provided within the building restricted to a maximum of 855 square metres, no more than 10% of which shall be given over to the sale of non-food retail goods.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent amended or replacement Order, no additional mezzanine floorspace shall be created within the building other than that included in the submitted approved plans and no part of the approved mezzanine floorspace shall be used as retail or cafe floorspace.

The reasons for the Council's decision to grant permission for the development subject to the conditions listed above are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In the interests of amenity and to ensure a satisfactory form of development. (Policy N1 (g) of The Plan for Stafford Borough)
4. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

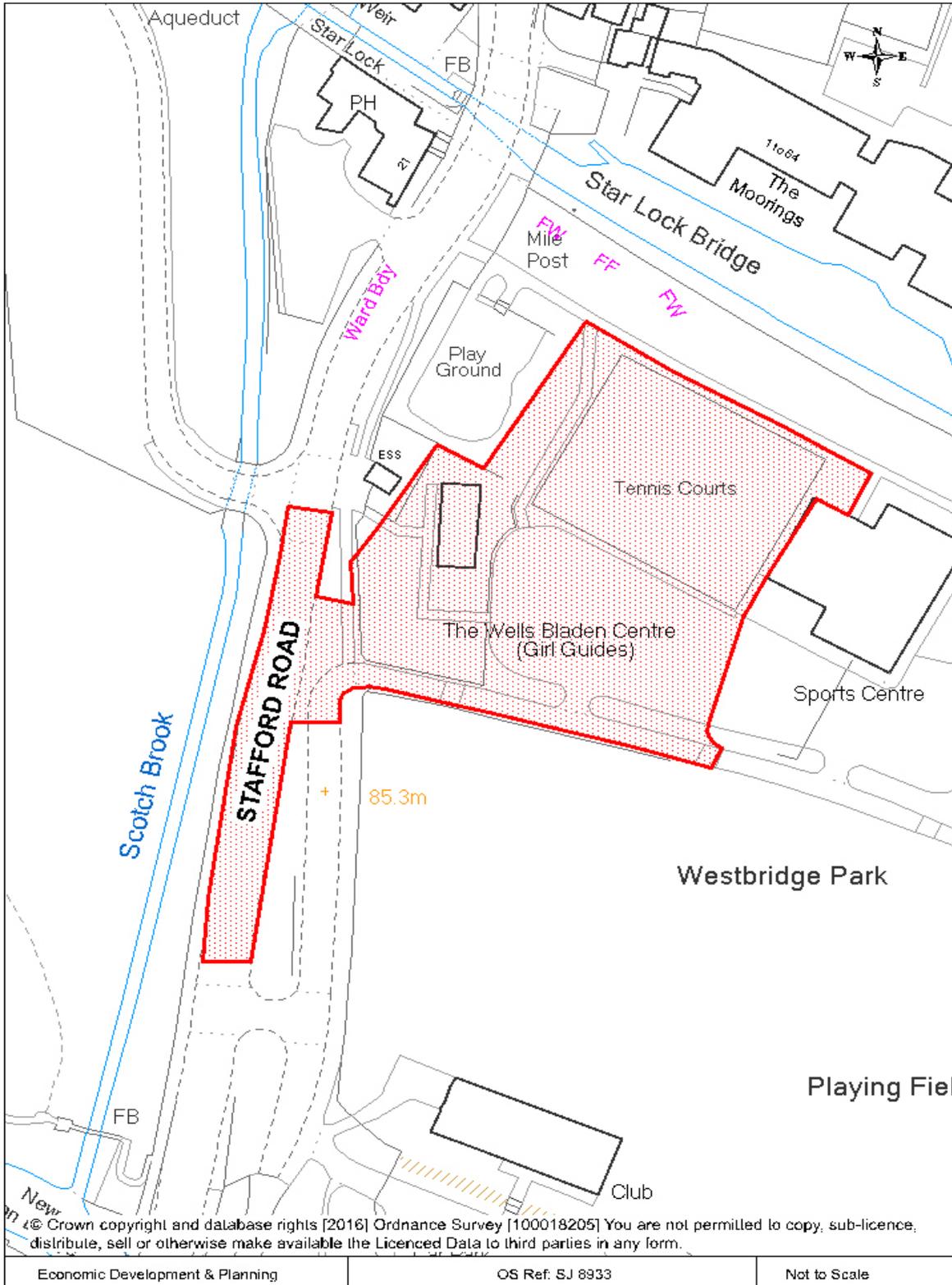
5. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
7. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
8. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
9. To reduce the risk of flooding to the proposed development and future occupants. (Paragraph 103 of the National Planning Policy Framework)
10. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. (Paragraph 103 of the National Planning Policy Framework)
11. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. (Policy N2 of The plan for Stafford Borough)
12. In the interests of public safety and to ensure that any contamination identified during development is dealt with appropriately. (Paragraphs 109 and 121 of the National Planning Policy Framework)
13. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
14. To secure the retention of adequate facilities to meet on-going local community needs. (Policy SB2 OF The Plan for Stafford Borough: Part 2)
15. To safeguard the amenities of the area and in particular the occupiers of adjacent properties from nuisance from light pollution. (Policy N1 of The Plan for Stafford Borough)
16. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
17. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
18. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
19. To safeguard protected species. (Paragraph 118 of the National Planning Policy Framework).

20. To safeguard the vitality and viability of Stone Town Centre. (Policies Stone 1 - Stone Town and E8 of The Plan for Stafford Borough).
21. To safeguard the vitality and viability of Stone Town Centre. (Policies Stone 1 - Stone Town and E8 of The Plan for Stafford Borough).

Informative(s)

- 1 The local planning authority considers the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
- 2 The applicant's attention is drawn to the comments of the Highway Authority, the Environment Agency, the Lead Local Flood Authority, Severn Trent Water, the Borough Biodiversity Officer and the Police Crime Prevention Design Advisor as submitted in response to consultations on this application. All comments received can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).

**16/24242/FUL
Westbridge Park Sports Centre
Stafford Street
Stone**



Application	14/20816/OUT	Case Officer:	Sian Wright
Date Registered	25 July 2014	Target Decision Date	24 October 2014
Address	Land Between Beaconside And B5066 Sandon Road Hopton	Ward	Milford (at submission) Milwich (following boundary change)
		Parish	Hopton and Coton
Proposal	Redevelopment of site to form up to 120 dwellings including formation of new vehicular access onto Sandon Road. All other matters reserved		
Applicant	UKLD (Stafford) Limited		
Recommendation	Approve, subject to a Section 106 Agreement to secure a travel plan monitoring fee, off-site highway works, open space and sports provision, affordable housing, education and SAC contributions and subject to conditions		

REASONS FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor F A Finlay (Ward Member for Milford) for the following reasons:-

“For the committee to consider whether the access to this site is safe for the amount of traffic coming on the B5066 also the site is not identified on the local plan.”

Councillor Finlay subsequently withdrew the call-in as the site is no longer within Milford Ward. The Ward boundary changed after the expiry of the call-in period and therefore the current Ward Members did not have the opportunity to call the application in.

Context

The application site is a roughly triangular shaped parcel of agricultural land of approximately 4.4 hectares in area which is currently used as a field. It is located due north of the junction of Beaconside and Sandon Road on the northern edge of Stafford. The land is largely enclosed by hedges and there are a small number of trees on the site. Outline planning permission is sought for the residential development of the site with access to be considered at this stage.

The applicant contends that the land is capable of accommodating up to 120 dwellings with associated access roads, open space and landscaping. However, whilst details have been submitted which illustrate how this could be achieved these not for formal consideration at this stage.

Officer Assessment - Key Considerations

1. Principle of development

Given the nature and location of the proposed development Policies SP1, SP3, SP4, SP7, Stafford 1, Stafford 2, T1, T2, C1, N1, N4 and N8 of the Local Plan are considered to be relevant, together with the relevant provisions of the National Planning Policy Framework (NPPF). It is considered that the proposal essentially meets the aims and requirements of these for the reasons given below.

- a. Stafford is identified in Policy SP3 as being the prime location for future development. The application site immediately adjoins the main built up area of the town.
- b. The site is located within the Settlement Boundary for Stafford as defined in Part 2 of the Plan for Stafford Borough which is currently at Examination. It is located on the edge of the main built up area of Stafford and immediately next to land that is identified as the Stafford North Strategic Development Location for housing. This means that it would have good access to existing and proposed facilities, infrastructure and public transport services.
- c. Whilst the Council can currently demonstrate a five year supply of housing land (including a 20% buffer) the development of this site can reasonably be justified in the context of paragraph 17 of the NPPF which requires, in part, that Council's should proactively drive and support sustainable economic development to deliver homes that the country needs.
- d. The approval of this proposal would help the Council to meet its aim of accommodating 70% of new housing and providing 7000 new market and affordable homes within the Stafford Town Area over the plan period. It would also assist in the aim of providing an appropriate mix of residential properties in line with the requirements of Policies SP4, Stafford 1 and C1.
- e. The development would lead to the loss of an area of open space. However, given that this site is located in between an MOD site (which lies to the immediate north) and Tollgate Industrial Estate (which lies to the south) and given that new housing is being constructed/ proposed on the nearby Strategic Development Site, it is considered that the development of the site would not unduly impact upon the open character of its surroundings.

The site falls within the settlement boundary for Stafford as defined in Part 2 of the Plan for Stafford borough. In view of the above, the proposal is considered to be acceptable in principle subject to other material planning considerations being satisfied.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 9 (Achieving Sustainable Development)

Paragraph 14 (The Presumption in Favour of Sustainable Development)

Paragraph 17 (Core Planning Principles)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 10 (Meeting the challenge of climate change, flooding and coastal change)

Section 11 (Conserving and enhancing the natural environment)

The Plan for Stafford Borough:

SP1 (Presumption in Favour of Sustainable Development)

SP3 (Stafford Borough Sustainable Settlement Hierarchy)

SP4 (Stafford Borough Housing Growth Distribution)

SP7 (Supporting the Location of New Development)

Stafford1 (Stafford Town)

Stafford 2 (North of Stafford)

T1 (Transport)

T2 (Parking and Manoeuvring Facilities)

C1 (Dwelling Types and Sizes)

N1 (Design)

N4 (The Natural Environment and Green Infrastructure)

N8 (Landscape Character)

2. Highways

The application seeks approval for access only. The application is supported by a Transport Assessment (TA) and a Travel Plan. The TA concludes that the travel demand created by this development is acceptable in terms of the existing infrastructure

Access to the site is proposed from Sandon Road. Sandon Road is a single carriageway road which is essentially rural in character.

It is also proposed to construct a new roundabout at the junction of Sandon Road with Beaconside. The consideration of this proposed roundabout has also taken into account the future needs of the wider area in terms of the neighbouring Stafford North Strategic Development Location for housing.

Objections have been raised about the significant traffic impact of the proposed development on Sandon Road and the wider area. Objections have highlighted the existing traffic congestion problems at the junction of Sandon Road with Beaconside.

The Highway Authority have been consulted and do not raise any objections to the proposal subject to conditions.

Policies and Guidance:-

National Planning Policy Framework:

Section 4 on sustainable transport

Plan for Stafford Borough:

T1 - Transport

T2 - Parking and Manoeuvring Facilities

3. Flood Risk/Surface Water Drainage

The application is supported by a Flood Risk Assessment (FRA).

The site is located entirely within Flood Zone 1. The FRA demonstrates that the site is not at significant flood risk subject to flood risk mitigation strategies being implemented.

The Environment Agency and the Lead Local Flood Authority do not raise any objections subject to appropriate conditions.

Policies and Guidance:-

National Planning Policy Framework:

Section 10: Meeting the challenge of climate change, flooding and coastal change

The Plan for Stafford Borough:

N2 (Climate Change)

4. Trees

The application is supported by an Arboricultural Assessment. This report identifies and assesses trees on the site. There are three trees within the site that are protected by Tree Preservation Order 585 of 2014. These trees are shown to be retained within the illustrative layout.

The Tree Officer raises no objections to the proposal in principle, but states that any future final design layout submitted for consideration must consider the tree constraints identified within the submitted tree report, with high quality trees being retained and sufficient space provided to allow for their long term retention. An arboricultural impact assessment, tree protection plan and arboricultural method statement (if required) would be required with any future application for consideration.

Policies and Guidance:-

National Planning Policy Framework:

Section 11 - Conserving and enhancing the natural environment

The Plan for Stafford Borough:

N4 (The Natural Environment and Green Infrastructure)

5. Biodiversity and Cannock Chase Special Area of Conservation (SAC)

The application proposes the creation of 120 new dwellings on a site that is located within 8 kilometres of the Cannock Chase Special Area of Conservation (SAC). It therefore has the potential to impact upon usage of that area. In view of this it is recommended that the applicants be required to make a financial contribution of £19,080 towards the upgrade and maintenance of the existing facilities and the provision of new ones.

The application is supported by an Ecological Appraisal. This report confirms that the site is not covered by or is adjacent to any sites of international, national or regional

importance. The report confirms that the site has negligible nature conservation value. The report also confirms that there are no badger setts located within the site or immediately adjacent to it and that the site has limited suitability for bats. The report does make recommendations in relation to light on the site and suggest the installation of bat boxes. Great Crested Newts (GCN) have also been considered and are not considered to provide a statutory constraint to the development proposal despite the presence of a breeding population of GCN within an off-site pond north of the site.

The Biodiversity Officer does not raise any objections subject to the recommendations within the Ecology Appraisal being undertaken, including the provision of bird boxes.

Policies and Guidance:-

The Plan for Stafford Borough:

N4 (The Natural Environment and Green Infrastructure)

N6 (Cannock Chase Special Area of Conservation (SAC))

6. Residential Amenity

The layout is illustrative only therefore it is difficult at this stage to comment specifically on issues relating to residential amenity. The submitted illustrative layout has been amended since the initial submission due to revised numbers of dwellings and highways works.

Whilst it is acknowledged that the layout is not under consideration by this application, the submitted plan shows that 120 dwellings could be accommodated on the site. The Council's Design Advisor comments on the latest illustrative layout states (summarised):

"The latest proposed layout (P-102 A3 D)... the changes that have occurred are considered to have marginally improved the clarity and legibility of the design. The rationalisation of the two south-eastern blocks into a larger single block has simplified the overall form of the development while still providing principal frontages to overlook both the public open space and Beaconside. This rationalisation of layout also appears to have facilitated an improved architectural response in relation to how the street scene "turns the corner".

Given that this is an outline application with an illustrative plan only, it is not possible at this stage to ascertain whether the proposed layout would accord with the Council's Space about Dwellings guidance. At the reserved matters stage the applicant would need to provide a layout which accords with the Council's SAD guidance and therefore 120 dwellings may not be achieved.

A Noise Report has been submitted with the application. This report considers the existing noise effects on the proposed development. The report indicates that to meet the internal noise targets for residential properties acoustic glazing and ventilation will be required for any properties overlooking Beaconside. The report also recommends that no gardens are located on the Beaconside frontage due to unacceptable noise levels

The Environmental Health Officer does not raise any objections but suggests a number of conditions. The suggested conditions relating to hours of works and deliveries, construction method statement and noise are all considered necessary and reasonable for this proposal.

No objections have been raised by Environmental Health Officer to the submitted geotechnical report subject to the recommendations of the report being followed and a condition attached requiring intrusive ground investigation and gas assessments

Policies and Guidance:-

The Plan for Stafford Borough
N1 (Design)

7. Planning Obligations

A Section 106 Agreement would be used to secure, open space (30% provided on site and 70% as an off-site contribution), sports provision, affordable housing, education contributions, off-site highway works, travel plan monitoring fee and SAC contributions.

It is noted that some of the figures are based on 120 houses being provided and these would therefore need to be adjusted in the event that this number of houses is unable to be satisfactorily accommodated on the site.

8. Conclusions

The site is in a sustainable location within the settlement boundary for Stafford. It is adjacent to the built up area of Stafford, immediately adjacent to the Stafford North Strategic Development Location and therefore has the benefit of existing and proposed new infrastructure, services and facilities in the locality.

Consultations

Highway Authority:

No objections subject to conditions and a legal agreement to secure a travel plan monitoring fee of £6,430 and £125,000 contribution towards highways improvements.

Forward Planning:

The proposed development is on a green field site adjacent to the built up area of Stafford, immediately adjacent to the Stafford North Strategic Development Location and therefore has the benefit of existing and proposed new infrastructure, services and facilities in the locality. The proposed development accords with Spatial Principle 7 of the Plan for Stafford Borough, being adjacent to an existing settlement and is of an appropriate scale whilst being well related to existing services and facilities. The Council can demonstrate a 5 year supply of housing land, including a 20% buffer, with a significant quantum of housing land identified at the Strategic Development Locations in the Plan for Stafford Borough to meet the requirements of Stafford town. The Plan for Stafford Borough has demonstrated that, for the plan period, objectively assessed need can be fully met. The proposal is in accordance with Spatial Principle 3 and Spatial Principle 4 of the Plan for Stafford Borough and the plan - led approach established in paragraph 17 of the National

Planning Policy Framework. Whilst a number of other factors and consideration will need to be taken into account when determining this planning application, the planning policy advice is to approve this proposed development.

Design Advisor:

(latest comments dated 30/06/2016)

The latest iteration of the proposed layout (P-102 A3 D), has been modified in response to the potential need to provide additional land for highways improvements to the junction of Sandon Road and the A518 Beaconside. While this has not effected the vast majority of the layout, (and so previous comments provided still remain pertinent), the changes that have occurred are considered to have marginally improved the clarity and legibility of the design. The rationalisation of the two south-eastern blocks into a larger single block has simplified the overall form of the development while still providing principal frontages to overlook both the public open space and Beaconside. This rationalisation of layout also appears to have facilitated an improved architectural response in relation to how the street scene “turns the corner”.

Environment Agency:

No objection subject to a condition to ensure that the development is implemented in accordance with the approved FRA and mitigation measures limiting surface water run-off.

Lead Local Flood Authority:

No objections subject to conditions relating to the development being implemented in accordance with the FRA.

Housing Policy and Research Officer:

Affordable Housing Policy

Policy C2 in the Plan for Stafford Borough states that developments of 12 or more dwellings within Stafford, Hixon, Great Haywood, Little Haywood, Haughton and Weston must deliver 30% affordable housing.

Policy C2 in the Plan for Stafford Borough states that developments of 12 or more dwellings within Stone, Eccleshall, Gnosall, Woodseaves, Barlaston, Tittensor and Yarnfield must deliver 40% affordable housing.

Other areas of the borough are expected to deliver 30% affordable housing in developments of 3 or more dwellings.

This development of 120 dwellings is therefore required to deliver 30% affordable housing, which equates to 36 affordable homes.

Housing Need and Type

As of 01 March 2016 there were 1442 households on the Housing Register in Stafford Borough. In addition to this, the Strategic Housing Market Assessment completed in October 2012 suggests that Stafford Borough has an annual affordable housing shortfall of 210 dwellings.

The Strategic Housing Market Assessment identified an annual shortfall in general needs accommodation of approximately 154 units and a shortfall of 55 for older person's accommodation.

This development will help to reduce the housing shortfall.

Housing Tenure

Council Policy suggests that affordable housing should be provided at a ratio of 80% social rent and 20% intermediate affordable housing.

The affordable element of this development should therefore deliver 29 social rented homes and 7 intermediate affordable housing.

Housing Size and Standards

The Strategic Housing Market Assessment identifies an undersupply of 1 and 2 bedroom homes and an oversupply of 3 bedroom homes. A mix of these required properties would be expected on site.

Affordable housing must at least meet the standards recommended by the Homes and Communities Agency in terms of size (floor area) and rent level as well as other factors, which affect the work of Registered Providers.

It is recommended that sites not only provide a mix of bedroom numbers but also a mix of property sizes, able to accommodate more than the minimum persons. For example, some 2 bed homes may be expected to accommodate 4+ occupants rather than the minimum of 2.

It is preferred that any 1 bedroom accommodation contain a minimum of 3 habitable rooms, particularly in units designed for older people that are not part of flexi-care style scheme.

Where a 2 or more bedroom affordable home is intended for rent, it is recommended that this is not delivered as part of flat/apartment units, particularly when based in rural areas. This is because such properties are unaffordable for single people or couples on benefits and are not favoured by Registered Providers as being the best environment for families with young children.

On large developments with a mix of affordable and open market housing, it is expected that the affordable housing be spread across the development in clusters of roughly 15 units to allow for easy management by Registered Providers. The look of the affordable properties should be indistinguishable from the open market housing on the site.

The affordable housing on this development should provide a mix of properties to meet the identified needs of residents and must meet the identified design standards.

Schools Organisation:

Based on the calculation methodology used in the original application response (dated 7 August 2014), the reduction in the number of dwellings proposed for this site reduces the secondary education contribution to £604,093 (120 x £5,034.11).

The number of primary places to be generated from this development reduces to 25, which provides a reduced contribution of £275,775 (25 x £11,031).

The total education contribution for the revised number of dwellings is £879,868.

As indicated in our original response, the total contribution could reduce if 1 or 2 bedroomed apartments are to be delivered on the site, as these are excluded from our calculations, and the inclusion of any social rented housing as part of the affordable housing allocation on this site would reduce the secondary education contribution.

The above comments are based on a development providing 120 market houses.

Environmental Health Officer:

This Service has no objection to the application. Due to the proximity of the existing residential properties on Sandon Road, conditions should be attached to protect their residential amenity during the construction phase. The proposed houses are close to a main highway, and industrial estate, and the Beacon Barracks, therefore a condition should be attached to protect future residents of the houses from noise.

Any consent should be conditioned as follows:

(1) The development hereby permitted shall not be commenced until a Construction method statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- (i) location of the site compound;
- (ii) the parking of vehicles for site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development
- (v) wheel wash facilities
- (vi) provision of perimeter fencing to reduce noise from construction and demolition activities.

(2) All works, including demolition, site works and construction together with any deliveries shall only take place between the hours of 8.00 am and 6.00 pm Monday to Friday; 8.00 am to 2.00 pm Saturdays and not at all on Sundays or bank holidays. Any equipment left running outside of the approved working hours shall be inaudible at the boundary of any occupied dwelling, facilities shall be provided for the damping down to prevent excessive dust and road sweeping shall be carried out at regular intervals.

(3) There shall be no burning on site.

(4) Details of the proposed external lighting shall be submitted to, and approved in writing by the Local Planning Authority.

(5) The proposed houses should be constructed with suitable noise mitigation measures as outlined on pages 8 and 9 of the noise assessment submitted by Tree Environmental, Noise Assessment May 2014, TECC/00091-Repv1.

No objections raised to the geotechnical report. The recommendations of the report need to be followed and a condition should recommend an intrusive ground investigation and gas assessments

Biodiversity Officer:

FPCR undertook an ecological appraisal of the site in April 2013. The presence of protected species was not found on site other than breeding birds.

Bats

The three mature trees on site were assessed as having some potential for bats. A bat survey would be required prior to any major works to these trees. Recommendations include careful consideration of lighting which would include avoiding light spill on existing trees and hedgerows

Nesting birds

All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that works to vegetation should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected.

This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition – this may include timing of work, pre-work checks, avoiding nesting areas etc,

It is recommended that a number of Schwegler style woodcrete bird boxes are installed in appropriate locations.

Habitats

The Ecological Appraisal (p. 24) and the Design and Access Statement (Section - 3.1), identify a number of opportunities for habitat retention/creation. These should all be incorporated into the landscaping strategy and will include retention of trees, hedgerows and pond. Creating meadow areas of species- rich grassland within retained open space and enhancing the existing pond by linking it within the SUDS are also welcomed.

Tree Officer:

No comments received to latest plan. Previous comments state:

06/05/2015

There are three TPO trees on the site which appear to be retained within the proposals. From initial desk top observations the Oak tree located in the north west of the site will possibly have a large diameter, therefore I would suggest an initial offset of a radius of 15m in relation to this tree for a Root Protection Zone. The RPZ of the other trees will also have to be taken into account to prevent any detrimental impact.

19/08/2014:

I have no objections to this in principle, but any future final design layout submitted for consideration must consider the tree constraints identified within the submitted tree report, with high quality trees being retained and sufficient space provided to allow their long term retention. An arboricultural impact assessment, tree protection plan and arboricultural method statement (if required) must be submitted with any future application for consideration.

The indicative layout appears to affect T1 (A) category tree, this would be considered unacceptable and alterations must be made for any final design layout.

Parks and Open Spaces Development Officer:

In regard to the amended plans, I advise that a development of 120 dwellings results in a capital cost of £108,454.20 and a maintenance fee of £202,036.28 if the Authority were to adopt.

A development of this size would result in an open space requirement of 8503.56m² (0.2ha). As per my previous responses it is recommended that the open space requirement be split with 30% provided on site and 70% provided as an off-site contribution. This equates to 2550.9m² (0.2ha) being provided offsite to a value £75,917.94.

Due to the size of the development it is essential that there is an element of onsite open space and this should cater for toddlers and juniors. We therefore would not accept a provision less than that stated above.

Sports Provision

In regard to the questions raised about Sport Provision contributions, these contributions are from the Sport Facility Calculator. This is a recognised tool which estimates the amount of demand for key community facilities.

An updated calculation on 120 units requires contributions to the value of:

Table 2. Sports Contributions for the per dwelling and for the development

Category	Per Dwelling	Contribution for 120 units
Pool	£168	£46,405
Sport Courts / Halls	£140	£38,642
Artificial Turf Pitches (3G)	£25	£6,764

The contributions should be directed towards the following facilities:

Swimming pool - either: Walton High School or Sir Graham Belfour School;

Sport Courts/Halls - either: Walton High School, Sir Graham Belfour School or the new secondary school built as part of the North Stafford SDL

Artificial Turf Pitches - either: Walton High School, Sir Graham Belfour School or the new secondary school built as part of the North Stafford SDL

Natural England: No objections raised in relation to the impact upon Cannock Chase SAC.

Ramblers Association:

Consider that the development should incorporate a wide cycle refuge crossing across Beaconside to facilitate the safe passage of pedestrians and cyclists across that highway. Suggest that this should be located in the same position as the footpath link proposed by the developer ie close to the Beaconside/Sandon Road junction.

County Archaeologist:

No objections subject to a condition requiring the developer to undertake an archaeological watching brief as part of the development.

Police Architectural Liaison Officer:

Recommends that the development attains Police Secured by Design (SBD) accreditation.

Hopton Parish Council:

A total of 6 responses have been received from the Parish Council all objecting to the application. All responses raise objections relating to highways safety issues. Response dated 16 June states the following:

The proposed access to the development off the Sandon Road, B5077 is dangerous. It is located close to a bend in the road. Cars travel quickly along that road up to the junction at Beaconside. Cars already back up in peak periods to the entrance to Hopton, ie. Hopton Lane. Additional traffic from the development will cause more traffic congestion.

Shouldn't there be an access link to the proposed developments along Beaconside and stretching to the rear of Hopton garage to avoid numerous access points onto the B5077 so that there is a well-planned transport and access infrastructure as opposed to silo development.

To allow pedestrian/cycle access across Beaconside Road from such a large settlement requires a Toucan crossing.

The public consultation being held at Chebsey which is around 7 miles away can only be described as a "sham". There is no easily accessible public transport to Chebsey by the local neighbourhood. Why wasn't Hopton Village Hall or the Baptist Village Hall on the Sandon Road not used both local to the area.

2 later responses received in July 2016 confirm that their objections still stand.

Other Representations

MOD: Object on the basis that the red edge to the site includes land within their ownership. They do however state:

"I anticipate that these are just drafting errors and the applicant does not intend to include Crown land within the site boundary of the application"

Neighbours:

(26 notified) 12 letters of representation received from 7 separate addresses raising the following objections (summarised):

The site is not part of the SDL

Non compliance with policy

Impact upon traffic and significant highway safety concerns.

Proposed access is an accident waiting to happen

Road is too narrow.

Poor visibility on the B5066

Impact upon the surrounding area

Impact upon wildlife/tree and hedgerows

Previous planning application for an access was refused in the 1980's due to highway safety issues

Pond will need to be infilled

Provision of cycle crossing is required

Relevant Planning History

None relevant to this application

Recommendation

Approve, subject to a Section 106 Agreement to secure a travel plan monitoring fee, off site highway works, open space and sports provision, affordable housing, education and SAC contributions and subject to the following conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

drawing no: P-102-A3 rev D

5. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - Disposition and layout of dwellings and roads
 - Provision of parking, turning and servicing within the site curtilage;
 - Means of surface water drainage
 - Surfacing materials

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

6. No development shall be commenced unless and until full details of the proposed site access junction onto Beaconside have been submitted to and approved in writing by the Local Planning Authority. Such details shall include further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety

Audit and in accordance with engineering details, together with construction, surface water drainage and street lighting details. The development shall thereafter be implemented in accordance with the approved details and be completed prior to the first occupation of the development

7. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority
- The provision of a ghost right turn facility and associated works serving the proposed site access.
 - The provision of a 3.5m cycle path and associated works linking the site to the south side of Beaconside.

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

8. No development shall be commenced unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Construction Management Plan shall include the following details:
- The routing and operational characteristics of construction vehicles to and from the site;
 - Parking facilities for vehicles of site personnel, operatives and visitors;
 - Arrangements for the loading and unloading of plant and materials;
 - Areas of storage for plant and materials used during the construction of the proposed development;
 - Measures to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.

The Construction Management Plan shall thereafter be adhered to for the duration of the construction phase.

9. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.
10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) reference BMW/2171/FRA produced by BWB dated March 2014 and the following mitigation measures detailed within this document:

1. Limiting the surface water run-off from this site to below existing greenfield rates so that it will not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

11. All works, including demolition, site works and construction together with any deliveries shall only take place between the hours of 8.00 am and 6.00 pm Monday to Friday; 8.00 am to 2.00 pm Saturdays and not at all on Sundays or bank holidays. Any equipment left running outside of the approved working hours shall be inaudible at the boundary of any occupied dwelling, facilities shall be provided for the damping down to prevent excessive dust and road sweeping shall be carried out at regular intervals. There shall be no burning on site.
12. The proposed houses should be constructed with suitable noise mitigation measures as outlined on pages 8 and 9 of the noise assessment submitted by Tree Environmental, Noise Assessment May 2014, TECC/00091-Repv1.
13. The proposal shall be implemented fully in accordance with the recommendations set out in the submitted geotechnical report (report ref: BMW2/71/01/V2) including intrusive ground investigation and gas assessments.
14. The development shall be implemented in full accordance with the recommendations set out in the submitted Ecology Appraisal report dated March 2014 by fpcr together with the provision of Schwegler style woodcrete bird boxes to be installed in appropriate locations.
15. No development shall take place within the area of the proposed scheme until the applicant, or their agents or successors in title has secured the implementation of a programme of archaeological work (to include post-excavation, reporting and appropriate publication) in accordance with a written scheme of investigation which has been written by the applicant and approved by the Local Planning Authority.
16. No development shall be commenced unless and until details of perimeter fencing to reduce noise from construction and demolition activities have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

The reasons for the Council's decision to grant permission subject to the above conditions are:

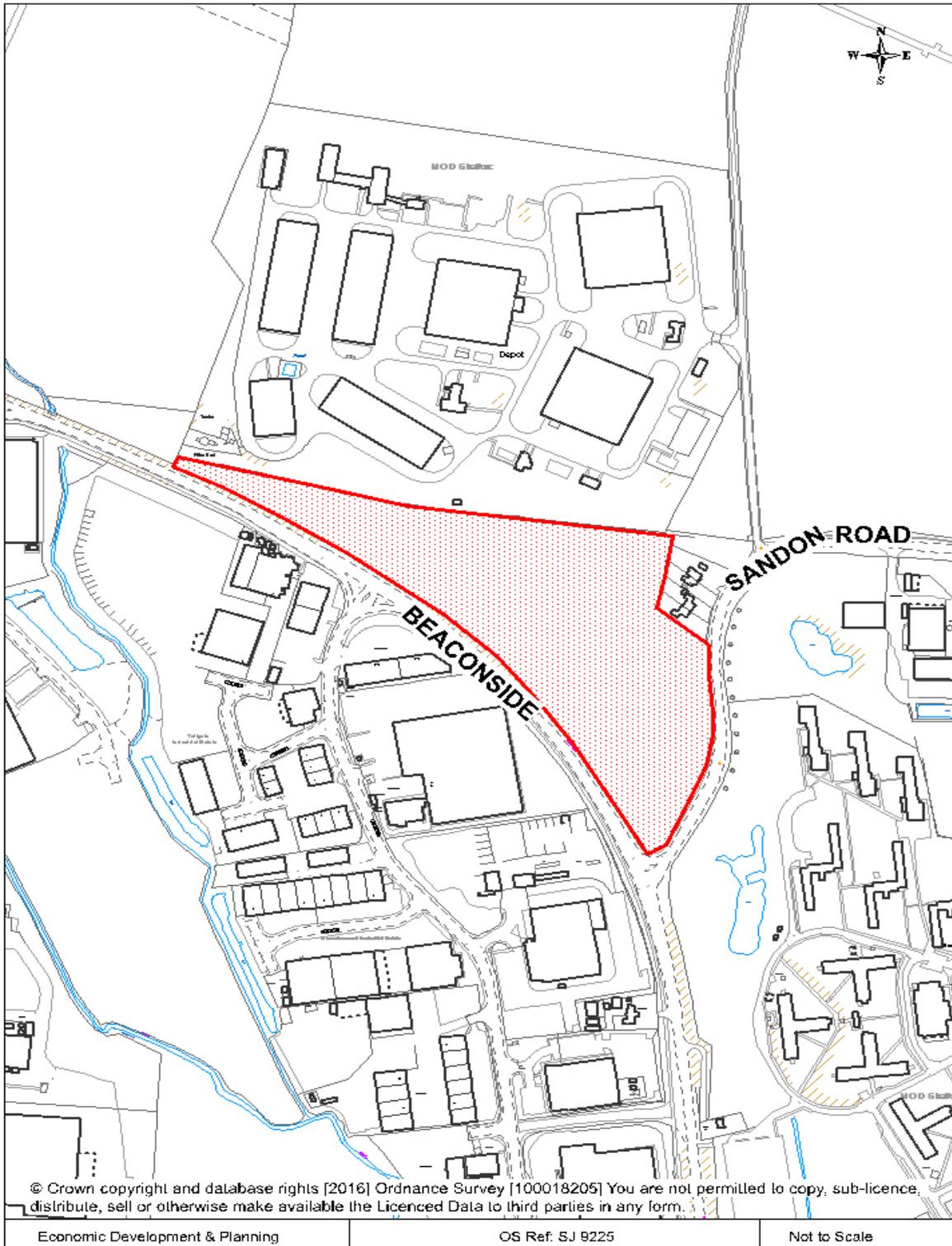
1. For the avoidance doubt as to what is permitted as this is only an approval of an outline planning permission
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

3. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To define the permission.
5. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
7. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
8. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
9. In the interests of the safety and convenience of pedestrians. (Policy T1 and N1 of The Plan for Stafford Borough).
10. To ensure the provision of adequate drainage facilities and to prevent the pollution of any adjacent watercourses, wells and aquifers. (Policy N2 of The Plan for Stafford Borough).
11. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
12. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
13. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
14. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 118 of the National Planning Policy Framework).
15. In order to afford proper archaeological investigation recording and protection. (Policy N9 of The Plan for Stafford Borough).
16. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

Informative(s)

- 1 The Local Planning Authority consider the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
- 2 The applicants attention is drawn to the comments of the Highway Authority as submitted in response to consultations on this application. All comments received can be viewed online through the planning public access pages Council's website (www.staffordbc.gov.uk)

14/20816/OUT
Land between Beaconside and
B5066 Sandon Road
Hopton



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Economic Development & Planning

OS Ref. SJ 9225

Not to Scale