



Our Ref: LPL628a Objection 16-06-2016

Mr John Dolman
Case Officer
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ

16th June 2016

Dear Mr Dolman,

**Re: Application Reference 16/24242/FUL
Westbridge Park**

Please find enclosed a planning objection in relation to the above mentioned planning application.
Please confirm receipt of this document.

Thank you for your help with this matter.

Yours sincerely

Samantha Nicholls
MTCP MRTPI
Group Planning Director

Enc

Planning Objection

**Application Reference:
16/24242/FUL**

**Westbridge Park,
Stone**

June 2016



Prepared By:

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Checked By:	Samantha Nicholls MTCP, MRTPI	16-06-2016
Approved for issue:	Samantha Nicholls MTCP MRTPI	16-06-2016

SECTION 1 INTRODUCTION

Instructions

- 1.1 We are instructed by Keep Westbridge Park Green (hereafter referred to as KWPG). KWPG is a group of local residents who are committed to retaining Westbridge Park for leisure and recreational use.
- 1.2 We are instructed to consider the papers including the planning application form, supporting documents, the provisions of Government Advice and Development Plan Policy. My clients have particular concerns about the proposed development and have asked us to consider the substance of the application and to submit representations as appropriate.
- 1.3 Having reviewed the papers we have no option other than to object to the development which is grossly misconceived. For the avoidance of doubt, as submitted, the application is technically inchoate; given the scope of additional information required the application should either be refused outright or withdrawn.

Planning Application Reference: 16/24242/FUL Description of Development

- 1.4 The Description of Development for the application reads as follows, namely:

“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.”
- 1.5 It is noted that the description of development makes no direct reference to the loss of existing community facilities including the girl guides building and tennis courts, where such facilities are to be re-located to, or what mitigation is proposed for their loss. Given the importance of protecting existing community assets from re-development, it is considered that the published description of development should be more explicit regarding what ‘demolition of existing buildings’ means in reality. Failure to fully document the nature of the proposal under consideration could well leave the Council open to future challenge.

Planning History

- 1.6 There are no significant historic planning applications on the site which would have an impact upon the proposals under consideration, however it is necessary as part of the decision making process to make reference to the background to the now adopted Local Plan and the associated Inspectors Report.
- 1.7 Whilst it is noted that historically the Council were advocating a mixed use development on the site and an extension of the designated town centre to include the land subject of this planning application, it is noted that this was withdrawn at the Examination into the Local Plan given the concerns raised by both local residents and the Planning Inspector. Particular attention is drawn to the following extracts of the Inspector’s Report, which address this matter:

“91. Another locally contentious issue in Stone town is the proposed mixed-use development at Westbridge Park included in the submitted PSB. At the hearings, SBC clarified the nature of this proposal, which could include a medium-sized supermarket and leisure centre, but on reflection, proposed to delete references to this proposal in the Plan [MM42]. Although there may be a case to update and improve the existing leisure centre, the retail element of the proposal is questionable. Much of the need for additional convenience floorspace seems to stem from perceived over-trading at the existing Morrison’s store; a new Aldi store has now opened and the Co-op store could be under-trading. The proposal has not been subject to a sequential retail assessment, since the site lies outside the town centre; a late suggestion to include this site within the town centre boundary could be seen as a way of avoiding this assessment and giving undue priority to this site. It is also doubtful whether this is a strategic proposal, since it relates only to Stone. Parts of the site are subject to flood risk and the latest scheme has not been subject to a detailed sequential test in terms of flood risk and flood mitigation measures [J6]. The introduction of new buildings, car parks and roads 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, as well impacting on SBC’s Green Infrastructure Strategy [D28; D34; E54; E85].

92. At present, there is insufficient evidence to show that this site could be developed in the manner intended, particularly in terms of its retail location and flood risk; if it is decided that this retail/leisure scheme is needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. In the meantime, SBC is right to delete this proposal from the Plan and exclude the site from the amended town centre policy boundary. However, there is sufficient justification to extend the town centre policy boundary to encompass Morrison’s car park and Crown Wharf, as proposed in the latest amendments [MM109].

93. SBC also proposes to amend the Stone town centre Key Diagram to reflect the proposed amendment to the boundary of the SDL and update references to the rail network [MM47]. Similar amendments are proposed to the Policies Map Inset, including the green infrastructure network, town centre boundary and Cannock Chase SAC zone of influence [MM109]. Some of these amendments have proved controversial, particularly the designation of that part of Westbridge Park which is excluded from the green infrastructure network and to be included within the urban area (although not within the town centre policy boundary). However, 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 [D34]. The proposed modifications merely correct inconsistencies between the Stone Town Key Diagram and Inset Policies Map,

94. Overall, the strategy for Stone town set out in Policy Stone 1 would contribute to the local economy, provide some of the new housing needed to meet the needs of the locality and help to protect the natural and historic environment. With the proposed amendments [MM40-48; MM109], it represents an appropriate, deliverable and sustainable strategy, which is fully justified with robust and proportionate evidence, soundly based and consistent with national policy.”

“11. There are two contentious matters at Stone which require further consideration. Firstly, the proposed mixed-use leisure/retail development at Westbridge Park is locally very controversial. SBC now proposes to remove most of the references to this proposal in the Plan, which is questionable in terms of retail need, has not properly been subject to sequential tests relating to town centre/retail policy or flood risk, and could have an impact on the character and appearance of this important gateway to the town. At present, there is insufficient evidence to show that the site could be developed in the manner intended, but if it is decided that this retail/leisure scheme is needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. In the meantime, this is an unsound proposal, and there is also insufficient justification to include this site within the amended town centre policy boundary.

c. Main Modifications

16. SBC has put forward Schedules of Proposed Changes to the Plan, including both “Main Modifications” and “Minor Modifications”. These amendments seem to cover most of the main changes needed to ensure that the Plan is sound and capable of adoption. However, further amendments will be needed to address the Inspector’s concerns outlined earlier in this report, including:

- ⊖ Amending the proportion of housing development to be distributed to Stafford town (70%) and Stone (10%);
- ⊖ Deleting reference to a moratorium of housing;
- ⊖ Amending the reference to the deferred phasing of housing development at Stone due to the possibility of adverse implications on the regeneration strategy of The Potteries;
- ⊖ Deleting the mixed-use proposal at Westbridge Park, Stone and the amendment of the town centre boundary to incorporate this site.”

- 1.8 It is our view that those concerns remain valid, and given that the land has not been proposed to be allocated for development within the emerging Local Plan Part 2, nor has any additional evidence been put forward on the basis of need, other than that contained within Local Plan 1, the reasons behind the removal of the site from the Development Plan remain equally pertinent and relevant to this application, and justify refusal. The provisions of the adopted and emerging Local Plan are to be addressed in more detail within later sections of this report, however the principles detailed above should be addressed within the officer’s report to Committee in due course.

Government Advice and Local Plan Policy

- 1.9 In preparing the comments made within this report we have considered the papers submitted with the application including the planning application form, supporting documentation, the planning history of the site and the provisions of Government Advice and Development Plan Policy. 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.

Principle of Development

- 1.10 It is considered that the proposed development is unacceptable in principle in that it is in clear conflict with the policies within the adopted Development Plan (as explained below).

Procedural Matters

- 1.11 It is our contention on the evidence submitted to date, that the applicant has failed to provide sufficient supporting information to judge the impact of the proposals. Further, that the applicant has not understood the live issues and has failed to deal with them; as such any grant of consent (based on that failure) may well fall foul of the tests laid out in the Crown Estates case mentioned below and, if approved, may well be susceptible to a claim for Judicial Review. As you will appreciate the matter of fairness in the determination of planning applications is discussed at [2004] J.P.L. 1316 with particular reference to *Auborn Court Ltd v Kingston and St. Andrew Corporation* [2004] WLR 62219 and *R. (on the applicant of David Rubin) v First Secretary of State, Harrow London Borough Council*, 9 February 2004. Whilst we have every confidence in the Council's diligence in processing this application I am instructed to evaluate the process against the legal requirements debated in the above cases.

Localism Agenda

- 1.12 On 15th November 2011 the Localism Act 2011 received Royal Assent. The Act contains provisions amending the principal planning statutes, including the Town and Country Planning Act 1990 in a series of fundamental reforms to most aspects of the planning system. The Localism Act sets out a series of measures with the potential to achieve a substantial and lasting shift in power away from central government and towards local people. A guide to the Localism Act outlines the principles of the Act as follows:

“There are, however, some significant flaws in the planning system that this Government inherited. Planning did not give members of the public enough influence over decisions that make a big difference to their lives. Too often, power was exercised by people who were not directly affected by the decisions they were taking. This meant, understandably, that people often resented what they saw as decisions and plans being foisted on them. The result was a confrontational and adversarial system where many applications end up being fought over.”

“The Localism Act contains provisions to make the planning system clearer, more democratic, and more effective.”

“Instead of local people being told what to do, the Government thinks that local communities should have genuine opportunities to influence the future of the places where they live.”

- 1.13 Our clients, Stone Town Council and numerous other local residents have concerns with the proposed development. As such, 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 the local authority uphold the position of the local community and seek to refuse this application outright. Failure to take account of the views of the majority of the local community would fly in the face of the Localism Agenda.

SECTION 2 FURTHER INFORMATION REQUIRED

Planning Application Form: Requirement of Accurate Completion

- 2.1 The local planning authority should see to it, in the public interest, that questions on the application form are answered in sufficient detail to enable the true nature of the proposal to be understood. We have concerns that the applicant has failed to complete the application form diligently and the answers to some questions are incomplete or inadequate. Under s.327A (2) introduced by s.42 of the Planning and Compulsory Purchase Act 2004:

“The Local Planning Authority must not entertain such an application if it fails to comply with the requirement.”

- 2.2 The requirement in this case is the formal manner in which the application must be made and the formal content of any document or other matter which accompanies the application.
- 2.3 **Question 1: Applicant Details:** It is noted that the Applicant is detailed as Liberty Properties Developments Ltd. It is assumed that this is the company under which Marks and Spencer will operate this new facility in Stone, however, failure to disclose the operational agreements, particularly given that the applicants are purchasing the land from the Council, could well raise some concerns amongst local residents. In circumstances such as these we would ask for complete transparency on such matters in order to allay the concerns of the community.
- 2.4 **Question 3: Description of Development:** Attention is drawn to the concerns raised at Section 1 of this report in relation to the lack of information within the description of development regarding the nature and use of the buildings to be demolished as part of this development. Failure to detail in full the potential impact upon existing community uses will raise some concern.
- 2.5 **Question 5: Pre-Application Advice:** It is noted that the applicant sought pre-application advice from Mr John Holmes, Planning Officer at Stafford Borough Council on the 22nd May 2015. It is noted that the case officer advised on design related matters, however we would welcome the opportunity to review in full the pre-application advice received to assess the nature of the comments made. Whilst it is noted that the applicants went through the formal pre-application procedure with the local planning authority, albeit some 12 months ago, it is noted that there has been no direct engagement with the local community prior to submission of this application. Instead the applicant relies on the representations submitted to the now adopted Local Plan and Tourism Strategies. Whilst residents have been able to make comment on the principle of the development through the development plan process, it is noted that there have been no endeavours to engage with the community on design related matters, issues on build height, layout etc. Given the contentious nature of this proposal one would have thought that the views of residents would have been sought, particularly given that the development will be sited on land which is currently publicly owned.
- 2.6 **Question 6: Rights of Way:** It is noted that the applicants advise that there will be no impact upon existing rights of way, however confirmation is sought that access to the existing canal towpath will not be restricted by way of this development, and that full

community access to the canal network will be protected, and where possible improved by way of this development.

- 2.7 **Question 7: Waste Storage and Collection:** Whilst the applicant advises that consideration has been paid to the location of bin stores, it is noted that no provision has been made for recycling. Given the importance placed on such matters by planning policy, and the applicants themselves within their supporting application, one would expect such provisions to be included within an application of this scale. Without recycling facilities in place there are real concerns that this scheme will not be as sustainable as has been presented within the various supporting reports. Clarification is therefore sought on this point particularly given the potential impact to neighbouring properties by way of noise nuisance, smells etc from bin stores.
- 2.8 **Question 8: Authority Employee/Member:** Whilst the form has clearly been completed correctly in that the applicant is not an employee of the Council and is not an elected representative, given that the land on which the retail unit is to be sited is currently in the Council's ownership, it is considered that this fundamental point should be explicitly and clearly detailed within the application form. Reference is made to it within some of the supporting reports, however some form of note on the application form would have made this even clearer to those unable to access the application in its entirety.
- 2.9 **Question 9: Materials:** It is noted on the planning application form that reference is made to the proposed palette of materials for the development. Given that this is a full application, we would kindly request that samples of the construction materials and a photomontage of the development showing the proposed palette of materials are submitted. This will assist third parties in understanding the potential visual impact of the development.
- 2.10 **Question 10: Vehicle Parking:** It is noted that the provision of off street car parking is proposed to be for 80 vehicles, including five disabled and three parent and child spaces. It is noted that this provision falls somewhat short of the Council's own standards which would in fact require the provision of 113 car parking spaces for a retail use of this size (according to the applicants own Transport Statement). Provision of insufficient car parking could well result in cars parking sporadically across the site and on the local highway network with resultant impacts upon vehicle and pedestrian safety. We would therefore ask that the matter of off street car parking be given close consideration by the local authority in the decision making process, given that it appears to contravene national and local policy.
- 2.11 There should also be some clarification provided regarding the impact of the proposed development on the car parking provision associated with the leisure centre and how the development will not detrimentally impact upon parking for this existing and adjacent use.
- 2.12 **Question 12: Assessment of Flood Risk:** It is noted that the applicant advises that the site is within an area at risk from flooding, namely part in flood zone 2 and part in flood zone 3. Whilst it is noted that a Flood Risk Assessment has been submitted with the application and a sequential search carried out, we would question whether or not there are more suitable sites for a retail use than the one under consideration, particularly as much of the land to the north of the application site is outside of any risk from flooding.

- 2.13 It is noted that surface water is to be disposed via the mains sewer and a SuDS system, and we look forward to a detailed review of all relevant consultee responses to matters on flood risk and site drainage, to ascertain whether the site is really suitable and capable of accommodating the proposed development. It is noted from the recent Severn Trent Water response that there could be drains under the application site which will need to be dealt with during the development construction. Given the issue of potential drainage capacity and flood risk we would ask that this matter be clarified prior to determination of the application.
- 2.14 **Question 13: Biodiversity and Geological Conservation:** It is noted that the applicant has advised that there are no protected and priority species on site. Having reviewed the content of the Preliminary Ecological Appraisal concern is raised as to whether sufficient survey work has been undertaken for a development of this scale and form, particularly given its position adjacent to a large area of greenspace and the canal. We would welcome confirmation that both Natural England and the Council's own ecologist have been consulted on this application, in circumstances where we are of the opinion that additional information should be provided in this regard.
- 2.15 **Question 14: Existing Use:** It is noted that the applicants advise that the existing use of the site is a Girl Guide hut, tennis courts and car parking. They do not however detail anywhere within the application what will happen to the Girl Guide troupe and where they will be relocated to. The loss of the tennis courts will be addressed elsewhere within this submission.
- 2.16 It is noted that the applicants advise that there are no known issues with contamination on site. However, from a review of the consultee replies received to date, it is noted that there may be some potential for ground gas. Given that site contamination could well undermine the viability of the development, it is imperative that a more detailed assessment of ground conditions is undertaken prior to determination of the application, such that the full details of what is on site and the mitigation to address such matters can be identified. This is deemed to be an issue which falls to the principle of the development and cannot therefore be dealt with by way of condition.
- 2.17 **Question 15: Trees:** It is noted that the applicant advises that there are trees or hedges within the application site, however they advise that there are no trees on adjacent land which may be affected by the proposed development. From a review of the site it is considered there are a number of trees within proximity of the site which may be affected by the construction and we would therefore seek clarification from the local planning authority as to whether a Tree Survey should be submitted in support of the application. Furthermore, we would kindly request that the case officer consult with the council arboriculturalist to confirm the acceptability of the proposals in this regard.
- 2.18 Given the amenity benefits resulting from existing trees on site, any proposals to remove the existing trees will be objected to.
- 2.19 **Question 18: Floorspace:** It is noted that the applicants advise on the application form that the development would result in the loss of 133sqm of D1 space. It is assumed that this figure relates to the girl guide building and does not include the loss of the existing tennis courts, however we would seek confirmation of the same.

- 2.20 **Question 20: Hours of Opening:** It is noted that the applicants propose to open the retail unit from 8am until 10pm Monday to Saturday, and from 8.30am until 6pm on Sundays and Bank Holidays. Concern is raised regarding the potential noise and disturbance this will create to other adjacent land uses including neighbouring residential properties. These hours of operation will also require regular deliveries to be made to site with HGV vehicles undertaking noisy reversing manoeuvres within the site, potentially at unsociable hours. We would therefore ask that the local planning authority seek to limit the hours of opening to more sociable hours.
- 2.21 It is noted that much is made within the applicant's submission in relation to 'linked trips' to the High Street. However, for much of the operating day of this store the High Street will not be open, and as such the ability to promote 'linked trips' and further footfall in the High Street is unrealistic.
- 2.22 **Question 21: Site Area:** The applicants state on the application form that the site is some 0.58 hectares in area, however throughout the supporting reports the size of the site varies. In fact, the Retail Impact Assessment advised that the site is some 0.49 hectares in area and only searches for sequentially preferable sites which range from 0.42 ha to 0.56ha in area, which is less than detailed on the form. This inconsistency needs to be addressed in detail and corrected throughout the entire application as such a fundamental point raises concern regarding the validity of the application in its entirety, especially when the conclusions of the Retail Impact Assessment have been based on an incorrect site area.

Further Information required by the Local Planning Authority

- 2.23 The local planning authority may direct an applicant in writing to provide officers with any evidence in respect of the application, as is reasonable for them to call for, to verify any particulars or information given to them. If the Direction is not complied with, the application is incomplete, and the local planning authority should notify the applicant accordingly. In short, we formally request the following documents:
- **Arboricultural Assessment:** For the reasons set out above, the applicant should be required to provide a detailed Arboricultural Assessment prior to the determination of the application, or at the very least we would ask that the Council Arboriculturalist be consulted on the proposed development.
 - **Ecology Assessment:** Whilst a Preliminary Ecological Assessment has been submitted in support of the application, it is our view that additional ecological reports should be submitted in support of the scheme to demonstrate that the proposal is acceptable in ecology terms.
 - **Drainage Statement:** We would ask that the applicant be required to prepare and submit a statement to demonstrate how the existing sewage system will be protected during the construction phase. The statement should demonstrate that there is sufficient capacity within the network to accommodate the development proposed.
 - **Construction Management Plan:** Given the sensitive nature of the site, it is considered appropriate for the applicant to provide a construction management

plan. This should deal with noise levels, hours of construction and timeframe for completion of the works on site, to provide local residents with an understanding of the likely level of disturbance created during the construction phase.

- **Visual Impact Assessment:** Given the scale of development being proposed and the sensitive nature of the site, the applicant should be required to submit a Visual Impact Assessment to review the proposals from key local vantage points. It is our contention on the evidence submitted to date that the proposal will be found to be visually dominant and out of character for the locale.
- **Sustainability Assessment:** Given the scale of development being proposed, it is considered appropriate and reasonable to expect the applicant to submit a statement addressing matters of energy use, energy generation and sustainable construction. Without such a submission the application should either be invalidated or refused outright.
- **EIA Screening Opinion:** It is noted that the local authority has included a schedule confirming that the development does not constitute either a Schedule 1 or Schedule 2 development which would require the submission of an EIA. However, it should be noted that the ‘notes’ section of the paperwork which requires the case officer to confirm why the EIA has not been requested has not been filled in. Given the importance of ensuring that this issue has been robustly considered, and in order to demonstrate to third parties that the need for an EIA has been correctly applied, we would ask for this section of the paperwork to be completed by the Council. Clarification is also sought that the development would not come under category 10 of Schedule 2 of the Regulations, given the nature of the development and the size of the site, extract included below for ease of reference:

10. Infrastructure projects	
(a) Industrial estate development projects;	The area of the development exceeds 0.5 hectare.
(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;	
(c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1);	

Inchoate Application

2.24 Under s.327A (2) introduced by s.42 of the Planning and Compulsory Purchase Act 2004:

“The Local Planning Authority must not entertain such an application if it fails to comply with the requirements.”

2.25 “The requirement” in this case is the formal manner in which the application must be made and the formal content of any document or other matter which accompanies the application. As detailed above, we would contest that the application, in its current form, is inchoate and does not provide sufficient information to give neighbouring residents a clear understanding of the proposals. We would therefore ask that the Council refuse consent,

in circumstances where the applicant has submitted an application that does not meet “the requirements”, having regard to the referable tests set out in the statutory development plan.

SECTION 3 NATIONAL PLANNING POLICY FRAMEWORK

3.1 The National Planning Policy Framework was published by the Department for Communities and Local Government on 27th March 2012. The key paragraphs of relevance to the determination of this application include:

Achieving Sustainable Development

3.2 **Paragraph 7** details that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The presumption in favour of sustainable development

3.3 **Paragraph 11** states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4 **Paragraph 14** states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision-taking. For decision-taking this means:

- Approving development proposals that accord with the development plan without delay;

3.5 For the reasons set out at Section 4 of this objection, the proposed development fails to accord with the provisions of the adopted Stafford Borough Local Plan. As such, the application should be refused.

Core Planning Principles

3.6 **Paragraph 17** notes that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These principles include:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and

co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

3.7 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 in question was withdrawn from Local Plan Part 1 and has not been identified for such uses within the Local Plan Part 2, would demonstrate that the Council do not consider this site suitable for the use proposed. The debate about where this additional retail unit will be sited should be taking place within the development plan process and any decision to support such uses outside of defined retail areas, and without a suitable allocation must be deemed to be premature and inappropriate.

3.8 In addition, it should be noted that the loss of the existing facilities will detrimentally impact upon the provision of community facilities within Stone, with insufficient mitigation being proposed to overcome these concerns. The site itself is recognised as being within a flood zone which again will be detrimentally impacted by the scale and form of development, and given the location of the site is not in reality going to demonstrate sustainable travel principles or support health, social and cultural well-being, particularly given the loss of existing community facilities. The development is therefore in conflict with paragraph 17 of the NPPF and should be deemed to be unacceptable.

Building a strong, competitive economy

3.9 **Paragraph 18** outlines that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

3.10 Whilst it noted that the development will result in job creation during both the construction and operational phases with 29 fte jobs being created once the foodhall is open, concern is raised regarding what job losses this development will create at other local retail stores in Stone, particularly at the Co-op which the applicant accepts within their application as already under trading and from which this development will draw trade. When balancing the decision making process due regard should be paid not only to job creation but also to potential existing job losses elsewhere as a result of the development being proposed. In this case it is considered that insufficient justification has been provided to support the

development and insufficient greater public gain to be achieved through the grant of consent.

Ensuring the Vitality of Town Centres

- 3.11 **Paragraph 23** states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
 - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
 - allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
 - allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
 - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
 - recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
 - where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
- 3.12 **Paragraph 24** outlines that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 3.13 **Paragraph 26** advises that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the

development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

- 3.14 Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
- 3.15 The provision of a retail use outside of the defined town centre of Stone will have detrimental impacts upon footfall and spend on the High Street. We do not consider this to be an 'edge of centre' site as the distance to the High Street is but one consideration. In reality this is 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.
- 3.16 The position of the site will not result in the provision of linked trips into the town centre and will in fact result in greater trade draw (particularly given the provision of an onsite café) than detailed within the applicant's submission given the likely peak hours of trade, and the fact that shoppers will simply drive to the site, do their shopping and then return home. Whilst much is made of the existing Morrison's store, this is deemed to have a much better relationship and pedestrian linkages with the High Street and can be seen to support linked trips.
- 3.17 A more detailed assessment of the applicant's sequential search will be undertaken elsewhere within this submission, however it is our view that the search undertaken to date is not fit for purpose, is not sufficiently flexible in its methodology and simply is not robust enough to justify approval of this application. As detailed at paragraph 27 of the NPPF the application has failed to satisfy the sequential test and will have significant adverse impacts on the existing town centre; the application should therefore be refused.

Promoting Sustainable Transport

- 3.18 **Paragraph 32** outlines that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 3.19 **Paragraph 34** details that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use

of sustainable transport modes can be maximised. However, this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

- 3.20 The proposed development will clearly generate significant levels of traffic, which the local highway network simply cannot accommodate. Furthermore, there is insufficient off street car parking being provided within the development to meet its needs, which will result in on street car parking and heightened risks to the safety of other road users and pedestrians. It is our view that the matter of highways has not been sufficiently addressed to demonstrate that the scheme can be accessed safely and will not create detrimental traffic flow impacts upon the local highway network. In short, the development for the reasons laid out above is unacceptable in highway terms and is contrary to the provisions of the National Planning Policy Framework and should therefore be refused.

Requiring good design

- 3.21 **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.
- 3.22 **Paragraph 57** states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 3.23 **Paragraph 60** advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 3.24 **Paragraph 61** states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.25 **Paragraph 64** notes 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.
- 3.26 **Paragraph 66** outlines that applicant will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 3.27 Given the sensitive location of the site, it is of concern that the proposed development has had little, if any, regard to the relationship with adjacent buildings, particularly in relation to the form, design, use of materials and scale of development being proposed. The proposed development will result in a mass/bulk which is wholly out of character for the local area. Furthermore, the proposal does not appear to reflect the appearance and existing fenestration of surrounding buildings and the wider historic environment.

- 3.28 The development is not respectful of its setting in relation to the form and layout proposed and it is understood that the applicant has failed to liaise with the local community in relation to the proposed development, and this runs contrary to the provisions of paragraph 66.
- 3.29 Given the significant concerns in relation to the scale and design of the proposed development and highway safety concerns, it is deemed to fall foul of the tests laid out within the NPPF and should therefore be refused.

Promoting Healthy Communities

- 3.30 **Paragraph 73** outlines that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 3.31 **Paragraph 74** details that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 3.32 **Paragraph 75** notes that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 3.33 It is noted that this development will result in the loss of three tennis courts which are available for public use. Whilst the applicant makes the case that these existing courts are surplus to requirements this isn't supported with a sufficiently robust assessment of alternative provision and how the other courts can accommodate the loss of playing time from the pitches at Westbridge Park, nor would it appear to be supported by some of the conclusions included in the Stafford Open Space, Sport and Recreation Assessment (updated June 2013). It is our view that the loss of the existing tennis courts at Westbridge Park are contrary to the provisions of paragraphs 73-74 of the NPPF and should be refused.
- 3.34 We remain concerned that the development will impact upon access to the existing towpath and seek assurances that the existing public rights of way in the vicinity of the site will not be affected.

Meeting the challenge of climate change, flooding and coastal change

- 3.35 **Paragraph 94** states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- 3.36 **Paragraph 96** outlines that in determining planning applications, local planning authorities should expect new development to:
- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 3.37 **Paragraph 100** notes that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. 19 Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:
- applying the Sequential Test;
 - if necessary, applying the Exception Test;
 - safeguarding land from development that is required for current and future flood management;
 - using opportunities offered by new development to reduce the causes and impacts of flooding; and
 - where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking Unless material considerations indicate otherwise.
- 3.38 **Paragraph 101** outlines that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- 3.39 **Paragraph 102** advises that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
- 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 where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

3.40 **Paragraph 103** states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

3.41 There are real concerns that the applicant has not robustly assessed the potential for sequentially preferable locations for the development proposed from a flood risk perspective. Given that much of the land to the north of the application site falls outside of the risk of flooding, we would ask that this aspect be given further consideration by the Environment Agency. As it stands it is considered that the applicant has failed to pass the sequential test nor would they be in position from the information provided to date to be able to address the requirements of the exception test. Put simply, this site is not suitable for the use proposed given the on-site and wider risks of flooding.

3.42 In addition to the matters details above, the applicant has failed to submit sufficient information to address the concerns in relation to potential surface water flooding, water demand and has failed to submit any information in relation to minimising energy consumption, contrary to paragraphs 94 and 96 above.

Conserving and enhancing the natural environment

3.43 **Paragraph 118** states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (amongst others):

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;

3.44 **Paragraph 125** advises that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3.45 There are legitimate concerns that the applicant has failed to submit sufficient information in relation to potential ecological impacts of the development, or impact of the development on existing trees and vegetation. Where the proposed development is contrary to the provisions of paragraphs 118 and 125, we would ask that the application be refused outright.

Conserving and enhancing the historic environment

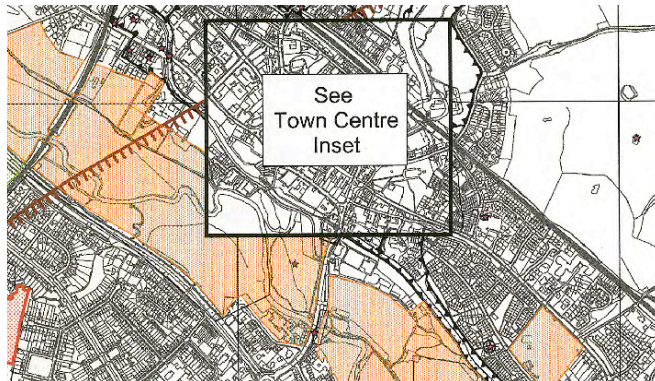
- 3.46 **Paragraph 129** states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 3.47 **Paragraph 132** 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. 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 3.48 **Paragraph 133** states that where a proposed development will lead to substantial harm to, or total loss of, significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 3.49 It is considered that the proposed development, through an incongruous design, poor layout and gross overdevelopment of the plot will result in detrimental harm to the character, setting and views of numerous local Grade II and Grade II* Listed buildings and structures and the adjacent conservation area.

Determining Applications

- 3.50 **Paragraph 196** states that the planning system is plan-led; 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, local planning authorities should apply the presumption in favour of sustainable development.
- 3.51 **Paragraph 197** advises that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 3.52 The proposed development fails to accord with the provisions of the National Planning Policy Framework, given that it represents a town centre use outside of the defined town centre, is poorly designed with detrimental impacts on the character and appearance of the local area, the setting of adjacent listed buildings and the conservation area and the amenity of neighbouring residents. Furthermore, the development comprises poor access and the provision of a scale of development that is wholly unsuitable for the size of the plot given that it cannot accommodate all of its needs on site, resulting in a poor relationship with neighbouring properties and the character of the local area. The proposal is therefore deemed to be contrary to the provisions of the NPPF and does not represent sustainable development. As such, we would kindly request that the application be refused outright.

SECTION 4 LOCAL PLAN POLICY

- 4.1 We have had regard to the relevant planning policies within the adopted Stafford Local Plan Part 1 dated 19th June 2014. In addition, given that the Stafford Local Plan Part 2 has been submitted for Examination, attention will be paid to the relevant policies of the emerging policy document; albeit the weight to be attached to the emerging policies will be reduced given that they have yet to be the subject of independent assessment by the Planning Inspectorate.



- 4.2 It is noted from the Proposals Map extract included above that the site is located outside of the defined town centre, adjacent to the designated conservation area and is bounded by the defined Green Infrastructure of Westbridge Park.

Key Policies

- 4.3 Attention is drawn to the following referable key policies, namely:

The Plan for Stafford – Local Plan Part 1 (adopted 19th June 2016)

- 4.4 It is noted that the Local Plan describes the settlement of Stone as follows:

“2.22 Stone is the second largest market town within the Borough and provides a range of sport, recreation and community facilities, as well as providing a focus for the wider rural area. Stone is a canal town, being situated midway along the Trent and Mersey Canal. The town is located alongside the River Trent, whilst the North Staffordshire Green Belt provides a natural definition to the town’s northern boundary.

2.23 Stone has a strong sense of identity which is derived from the architectural and historic quality of its historic buildings. The historic core of the town, which is a designated Conservation Area and has many 18th and 19th Century Listed Buildings, is characterised by its narrow streetscape and post medieval spine which still provides the form for the town’s shopping area.

2.24 Stone acts as a focus for retail, commercial and industrial uses as well as being the key focal point for a number of festivals throughout the year. The town is 'The Food and Drink Capital of Staffordshire' and provides a diverse choice of cuisine, from traditional home cooked food through to Indian, Thai, Chinese, Italian and fine specialist dishes. Additionally, throughout the year Stone has monthly

farmers markets as well as hosting various themed food markets such as the French, European and World markets. Adding to the vibrancy of Stone, is the Stone Festival in June and the highly successful Food and Drink Festival which takes place in October.”

4.5 It is noted that one of the key challenges facing Stafford is detailed within the Plan as follows:

- Bringing necessary regeneration benefits to the Borough, including those that will contribute to the success of its town and other settlements: It is important that Stafford Borough’s towns and village centres continue to thrive as the primary focus for shopping, services and facilities to meet the commercial and community needs to sustain the viability and vitality of these centres and their rural hinterlands. This is a difficult challenge given the structural shift in retailing to ever larger centres outside the Borough with a large array of choice. Therefore, a key task for the new Local Plan will be to address the need for regeneration of the larger settlements of Stafford and Stone, whilst also strengthening and enhancing, where appropriate, localised services and facilities of the appropriate villages.

4.6 It is noted that the above challenge focuses on the need to regenerate existing settlements and town centres, as opposed to being supportive or identifying a need for further out of centre shopping opportunities such as that being proposed within this application. The provision of a greater retail offer within the defined town centre of Stone is what is required, not further development on the periphery which will draw further trade from the High Street.

4.7 It is noted that the Vision for Stone in 2031 reads as follows:

“By 2031 the market town of Stone will have:

- Conserved and enhanced the local character of the town and its canal side vistas;
- A vibrant local economy and community activities;
- An increased mix of high quality residential developments supporting first class business development;
- Provided new green infrastructure/biodiversity enhancement schemes.

4.8 Once again there is no mention of a need for additional out of town retail opportunities within Stone, with the focus being placed on the existing character of the town and its canal side vistas, both of which would be detrimentally affected by the provision of a retail unit on Westbridge Park. It is further noted that the objectives for Stone only make reference to the delivery of new town centre development to enhance Stone for retail, leisure, canal and river based activities and community facilities. The provision of a new M&S at Westbridge Park will do nothing to meet these objectives, and 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 natural scepticism within the community that this will ever be achieved. The only way to provide those assurances would have been to have submitted a single mixed use application comprising all elements of the sites development, which would have allowed residents to undertake a comprehensive assessment of the site and proposals in their entirety.

4.9 Spatial Principle Policy 1 (SP1) is noted to read as follows:

“Spatial Principle 1 (SP1) – Presumption in favour of Sustainable Development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants and communities jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- i. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- ii. Specific policies in that Framework indicate that development should be restricted.”

4.10 For the reasons set out at Section 3 of this report the development subject of this application is not deemed to represent sustainable development and is not compliant with the National Planning Policy Framework. The application is therefore contrary to the provisions of Policy SP1 and should therefore be refused.

4.11 It is accepted that the development is compliant with the principle of Policy SP3 in relation to the overall settlement hierarchy, which states:

“Spatial Principle 3 (SP3) – Stafford Borough Sustainable Settlement Hierarchy

The majority of future development will be delivered through the Sustainable Settlement Hierarchy based on the following areas:

1. County Town of Stafford;
2. Market Town of Stone;
3. Key Service Villages of Eccleshall, Gnosall, Hixon, Great Haywood, Little Haywood/Colwich, Houghton, Weston, Woodseaves, Barlaston, Tittensor and Yarnfield.”

4.12 Policy SP7 outlines that:

“Spatial Principle 7 (SP7) – Supporting the Location of New Development

Settlement boundaries will be established for the Sustainable Settlement Hierarchy defined in Spatial Principle 3. Development or activities of scale and nature appropriate to secure the sustainability of each settlement, where in the case of housing proposals this is consistent with the delivery of the proportions of development intended by Spatial Principles SP2, SP3 and SP4, will be supported within the Settlement boundaries.

Development in other locations (in settlements or in the countryside) will only be supported where:

- i) If located within the Green Belt, it is consistent with national policies for the control of development, and Policy E5;
- ii) It is consistent with the objectives of Spatial Principles SP6, Policies E2 and C5 in supporting rural sustainability;
- iii) It does not conflict with the environmental protection and nature conservation policies of the Plan;
- iv) Provision is made for any necessary mitigating or compensatory measures to address any harmful implications.

Settlement boundaries will be established in accordance with the following criteria. Prior to the establishment of the actual boundaries these principles will be used to assess the acceptability of individual proposals at the settlements. Settlement boundaries will be defined to ensure that development within that boundary will, in principle, be acceptable because it:

- a) Is in, or adjacent to, an existing settlement;
- b) Is of an appropriate scale to the existing facilities;
- c) Is accessible and well related to existing facilities;
- d) Is accessible by public transport, or demonstrates that the provision of such services could be viably provided;
- e) Is the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address development issues;
- 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;
- g) Will appropriately address the findings of the Landscape Character Assessment, and the conservation and enhancement actions of particular landscape policy zone/zones affected;
- h) Will not lead to the loss, or adverse impact on, important nature conservation or biodiversity sites;
- 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);

- j) Will not be located in areas of flood risk or contribute to flood risk on neighbouring areas;
- k) Will ensure adequate vehicular, pedestrian and cycle access as well as cycle and short stay parking facilities on the site; and
- l) Will not adversely affect the residential amenity of the locality.

Development proposals should maximise the use of brownfield redevelopment sites within the Borough's towns and villages to reduce the need for greenfield sites. Only where insufficient sites on previously developed land, in sustainable locations, are available to meet new development requirements should greenfield sites be released."

- 4.13 It is our view on the evidence submitted to date that insufficient information has been provided within the application to demonstrate that there are no conflicts with environmental protection and nature conservation. Nor has there been appropriate assurances that suitable mitigation can be provided to compensate for the loss of existing community facilities and the overall detrimental affect the development will have on the settlement of Stone.
- 4.14 Whilst it is understood that the emerging Local Plan Part 2 seeks to include the site within the settlement boundary of Stone such that it is in compliance with the main objective of Policy SP7, we remain of the view that the development is contrary to the policy given its inaccessible location on foot, its poor relationship with the High Street and other local facilities, the detrimental impacts it will have on the wider historic environment, the loss of existing community facilities, the fact it's located in an area at risk from flooding and the adverse impact it will have on residential amenity. As such, for the reasons laid out above and throughout this report it is clear that the development proposed is not compliant with the provisions of Policy SP7, and is in fact contrary to its requirements and should be refused as there are no material considerations which would justify otherwise.
- 4.15 Policy Stone 1 is noted to read as follows:

"Policy Stone 1 – Stone Town

Reflecting its role as the key market town in the Borough and the second settlement of the Sustainable Settlement Hierarchy set by Spatial Principle SP3, the strategy for Stone town will seek to enhance its role by increasing both its range and quality of services and facilities. The strategy will comprise the following elements:

Housing

Continue to meet the housing requirements for Stone Town by providing a total of 1,000 new market and affordable homes;

- i) Increasing the range and type of housing available including a greater number of semi-detached and terraced properties and a greater number of affordable housing;
- ii) Providing a range of development locations for new homes over the Plan period to 2031 including affordable housing. This will include new housing development at the Strategic Development Location west of Stone identified on the Policies Map;

- iii) Sites within the urban area of Stone town will have good accessibility to public transport, services and facilities;
- iv) The Strategic Development Location adjacent to Stone's urban area will minimise the impact on surrounding landscapes, be fully accessible by public transport with facilities to encourage walking and cycling.

Employment

Create employment growth and promote economic diversification in Stone by:

- i) Supporting the continued retention and growth of existing public and private sector businesses, as well as targeting new businesses through the provision of a range of business premises, support and advice;
- ii) Providing opportunities for new enterprise and businesses by allocating new employment sites with good transport links, as well as support and facilities for new start-up businesses. The Strategic Development Location for a new employment site is south of Stone Business Park, identifies on the Policies Map;

Development or conversions must not result in the loss of employment land to non employment generating uses unless either:

1. There is overriding evidence to demonstrate that the current use is presently causing and has consistently caused significant nuisance or environmental problems that could not have been mitigated; or
 2. The loss of jobs would not result in a reduction in the range and diversity of jobs available within Stafford Borough; and
 3. Applicants will need to provide substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and
 4. The development outweighs the retention of the sites in its existing use.
- iii) Where it is established that existing employment sites have no realistic prospect of development under current market conditions within the plan period, careful consideration should be given to priority order to:
 - 1st. what remedial action/infrastructure works will be required to ensure the retention of the site;
 - 2nd. Identification/re-allocation of the site for mixed uses; and
 - 3rd. Identification/re-allocation of the site for an alternative use.

Stone Town Centre

Strengthen Stone town centre's role as a Market Town within the Sustainable Settlement Hierarchy (Spatial Principle SP3) by:

- a) Encouraging the development and expansion of the town centre to provide a vibrant place where people can meet, shop, eat and spend leisure time in a safe and pleasant environment;
- b) Provide for 1,700 square metres (net) of new convenience (food) retailing and 400 square metres (net) of new comparison (non-food) retailing at Stone town centre;
- c) Increase the levels of office space and commercial premises within Stone town centre;
- d) Enhancing different uses in the primary shopping area as well as protecting and enhancing its distinctiveness, vitality and viability through a greater diversity of independent specialist and niche retailers;
- e) Improving and strengthening both the range and diversity of educational, health, cultural and community services and facilities in the town;
- f) Facilitating improvements to the streetscape and the public realm through the enhancement of public spaces that are locally distinctive and strengthen local identity;
- g) Ensuring that new development around the railway station is reserved for employment uses.

B1(a) office development should only be permitted on employment sites outside the town centre if it can be proved, through a sequential assessment, that proposed development cannot be located within the town centre or edge of centre sites.

Within Stone town centre support will be given to bringing upper floors back into use, particularly for C3 residential purposes and B1 business uses. Proposals should provide safe access, not lead to any significant loss of ground floor retail space or street frontage and must not prejudice the amenity and conversion of adjoining properties or other floors in the same property.

Infrastructure

Strengthen Stone's role as a key transport hub in Stafford Borough by:

- I) Improving accessibility to Stone town centre, particularly by public transport, from the surrounding villages through better bus services with increased service levels, frequency and punctuality of services;
- II) Reducing the levels of traffic congestion on A34 and A520 road through the town centre including improvements in traffic management and public transport;
- III) Extending the existing and creating new cycle and walking paths, as an integral part of new developments;
- IV) Improving access to the rail station and secure appropriate levels of parking for both cars and bicycles;
- V) Ensuring there is adequate provision for taxis through extending existing or creating new appropriately placed taxi ranks;
- VI) Ensuring that new developments are capable of providing safe and convenient access by foot, cycle, public and private transport addressing the access needs of all, including those with disabilities.

Provision of new Green Infrastructure (GI) for Stone Town through the River Trent area as well as local area schemes for improved GI provision and biodiversity assets within and around the Town. Facilitate upgrades to Pirehill wastewater treatment works.

Ensure that there is adequate provision of open space, sport and recreational facilities by addressing the following requirements identified in the local evidence base with reference to Sport England's Sports Facility Calculator. New development will provide high quality facilities by ensuring:

- a) Increased and high quality of allotment provision in the town;
- b) A floodlit Artificial Turf Pitch (ATP) is provided;
- c) Improved quality of play areas;
- d) Increased size of green spaces;
- e) High quality multi-use indoor sports facilities in association with community and educational establishments;
- f) Adequate range of facilities for teenagers.

Tourism

Promote Stone as a tourist destination with the unique architectural character and heritage by:

- I) Conserving and enhancing the character of Stone town centre, its historic buildings, street patterns and rich heritage;
- II) Supporting canal based regeneration initiatives in Stone town centre that enhance the context and character of the canal as a focal point and tourist attractions;
- III) Increasing tourist opportunities for visitors through additional high quality accommodation, promoting links with the surrounding countryside via the Trent Mersey Canal, the River Trent and by facilitating the development of innovative tourist attractions.
- IV) Improving access to the surrounding countryside by means other than the private car such as public transport, walking and cycling.

Environment

- I) Ensure that new developments adopt sustainable drainage techniques (SUDS) in order to reduce surface water flooding;
- II) Development is sympathetic to the natural landscape;
- III) Ensure new development protects and enhances the significance of Stone's many heritage assets;
- IV) Ensure that development does not damage the integrity of the Cannock Chase Special Area of Conservation (SAC), nature conservation interests and Local Nature Reserves, as detailed in Policies N4 to N6."

4.16 Policy Stone 1 is noted to have identified a need for 1,700 sq.m of convenience retailing which the applicants are deeming to be helping to address. However, the policy is clear that this relates to the existing town centre of Stone and not simply a need for retail use somewhere within the settlement. The provision of a retail use on Westbridge Park will not encourage the development and expansion of the town centre as it is poorly related to it given the lack of linkage created by the canal and road network, and will not therefore assist in the regeneration of the town centre. In fact, as a result of trade draw the proposal will have a negative impact on the High Street and could undermine the viability of other existing businesses resulting in the closure of other retailing facilities and unreasonable job losses, contrary to the desire to increase employment opportunities around the market

town. The development as submitted is simply inappropriate and will impact upon the vitality and viability of Stone to its detriment, as well as having a harmful effect on existing and future community facility provision and should therefore be refused outright.

4.17 Policy E8 addresses the needs of town centres and details as follows:

“Policy E8 Town, Local and Other Centres

Support will be given to maintaining and enhancing the functions, vitality and viability of the following hierarchy of town, local and other centres:

- Stafford Town Centre is the primary comparison and convenience shopping destination serving Stafford Borough as a whole, with a vibrant night time economy including arts and cultural activities, attracting significant numbers of trips from adjoining parts of the Borough as well as developing a key role as a tourist destination within Staffordshire;
- Stone Town Centre acts as a key service centre and market town. It is a visitor destination with a vibrant culinary evening economy.

The use of town centres should be increased through measures which:

- a. Maintain and improve the quality and diversity of retail provision;
- b. Maintain and promote a diversity of uses, including the provision of entertainment and cultural activities;
- c. Retain and increase the amount of attractive residential provision in town centres, through new build and conversion;

Development proposals at Stafford providing greater than 1,000 square metres gross floorspace and at Stone providing greater than 500 square metres gross floorspace for town centre uses in an edge or out-of-centre location should be the subject of an impact assessment. For local centres the threshold should be 300 square metres gross floorspace.

If planning permission is granted for retail development in an edge-of-centre or out-of-centre location, the range sold at the development may be restricted either through planning conditions or legal agreement. No new development for retail warehouses and superstores is required in these locations at Stafford.

New developments and extensions to existing village and neighbourhood shops will be assessed against the following;

- I) The proposed retail development meets local need through the assessment in the NPPF without having a detrimental impact on the hierarchy;
- II) The proposal will not result in the loss of local amenity particularly in terms of noise, litter, smell, parking and traffic creation and trading hours.

Support will be given to proposals and activities that protect, provide for, retain or enhance existing town, local and other centre assets. Loss of an existing facility will be resisted unless it can be demonstrated that the facility is no longer needed,

or it can be established that the services provided by the facility can be served in an alternative location or manner that is equally accessible by the local community.

Planning permission will be granted for the construction of new Use Class A3, A4, or A5 (restaurants & cafes, drinking establishments and hot food takeaways) premises or change of use of existing premises to a Use Class A3, A4 or A5 use applying the following criteria:

1. The development is within a town, local or other centre defined in the hierarchy with adequate provision and access to public transport, walking and cycling;
2. The development would not cause unacceptable disturbance to the occupiers of nearby residential property, particularly at times when activity in the immediate vicinity would otherwise be at a relatively quiet level.

4.18 For the reasons laid out throughout this submission, residents are of the opinion that the provision of a new retail use at Westbridge Park will undermine the vitality and viability of Stone's High Street, and do not accept that the development will in fact ensure a growth in footfall given the benefit of promoting linked trips. Given that the development can be accessed by car and is separated from the town centre by a road and canal network making access on foot (for which part of the footway would be difficult/dangerous to navigate) and cycle far from straight forward, this is likely to represent a use which will draw greater levels of trade from existing local convenience stores than is being presented. The development offers no opportunity to assist in the regeneration of the town centre, which is in need of investment and improvement, and is not therefore deemed to be in compliance with Policy E8.

4.19 On the matter of site access and transport it is noted that Policy T1 details that:

“Policy T1 Transport

A sustainable transport system will be achieved through:

- a. Reducing the need to travel by private car in urban areas by ensuring that, wherever possible, new development is located close to access points (bus stops, railway stations, and park and ride facilities) along public transport corridors;
- b. Requiring new developments to produce Transport Assessments and Travel Plans, where appropriate, including maximising the use of public transport, as well as facilitating the provision of safe and well integrated off-street parking;
- c. Working with the Local Highway Authority, the Highways Agency and, where appropriate, developers to improve road safety;
- d. Encouraging walking and cycling, through links to existing routes, and the provision of facilities such as secure, accessible and sheltered bicycle parking with changing facilities on site. Prospective developers should assess the transport impact of new development in accordance with 'Guidance on Transport Assessment' (DfT/CLG, 2007) and any subsequent revisions. Consideration of the impact on the Highways Agency Strategic Road Network (SRN) should be in accordance with national policy;
- e. Provision for lorry parking facilities on the road network, together with adequate space for off-street manouvering, loading and unloading;

- f. Reducing the need to travel through providing a balanced mix of land uses, retention of local services, and encouraging the use of Information & Communication Technology;
- g. Seeking to reduce the impact of traffic from new development on the road networks by ensuring that the generation of traffic is minimised through sustainable transport measures. Ensuring that all developments that generate significant traffic flows, including commercial traffic must be located in close proximity to the primary road network, do not have a negative impact on the network or at junctions, air quality, and nearby communities, and should have adequate capacity to accommodate the development or can be improved or mitigated as part of the development;
- h. Proposals that generate significant levels of traffic, which cannot be accommodated in terms of capacity, road safety and load, will not be permitted.”

- 4.20 The likely level of traffic generation created by this development, particularly at peak times, and the associated access design is likely to create highway safety issues at the junction with Stafford Road. Vehicles turning right either into or out of the site could potentially create a blockage and congestion on the main highway network. Furthermore, it is noted from the as submitted tracker drawings that HGV delivery trucks will need to utilise the opposite carriageway in order to manoeuvre the vehicles into and out of the site, this is clearly unsafe and highlights the unsuitable nature of the site for the provision of a development of this scale. 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, this would be a dangerous manoeuvre at any moment of the day, but given that such manoeuvres are to take place to the rear of the proposed disabled parking bays only heightens the unsuitable nature of such vehicle movements within the site.
- 4.21 Far from reducing the need to travel, the development will in fact 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 created by the natural separation of the site from the town centre.
- 4.22 It is considered that the road network at this location simply cannot accommodate a development of this nature and scale and should therefore be deemed to be contrary to the provisions of Policy T1.
- 4.23 In relation to the matter of on site car parking it is noted that Policy T2 is referable and states as follows:

“Policy T2 Parking and Manoeuvring Facilities

To ensure adequate parking is provided all new development must:

- a. Have safe and adequate means of access, egress and internal circulation/turning arrangement for all modes of transport relevant to the proposal;
- b. Not materially impair highway safety or traffic movement;
- c. Not detract or conflict with the transport function of the road;
- d. Make provision for parking in accordance with the parking standards as set out in Appendix B.

Residential parking and the level of cycle parking required, will be assessed on a flexible site by site basis depending on the provision of public transport and access to local services for the proposed development.

There may be scope to reduce provision to less than that set out in the parking standards in Appendix B, but this will be dependent upon:

1. The site's relative accessibility by walking, cycling and public transport
2. The measures both on-site and off-site that the developer provides to improve its accessibility
3. The content of a Travel Plan, in particular the targets, measures and the parking management regime
4. The predicted traffic generation
5. The ability of mixed use developments to share parking space due to operational arrangements of the different land uses
6. The scope for developments to use existing and conveniently available public car parking supply in off-peak periods."

4.24 The applicants own Transport Assessment advises that for a development of this scale the Council standards would require the provision of 113 car parking spaces, of which 5% should be for disabled access. It is noted that the application includes provision of just 80 car parking spaces including 5 disabled bays and 3 parent and child spaces. This is grossly under the council requirements and only further serves to demonstrate that the site is not suitable or capable of servicing a development such as the one being proposed. Insufficient levels of on site car parking will result in sporadic parking within and adjacent to the site to detriment of highway visibility and safety. Given that the site cannot meet the infrastructure needs of the development and insufficient justification has been provided as to why the parking provision is sub-standard, we would ask that it be refused as being inappropriate. We would also request that consideration be paid to the parking implications on the leisure centre as a result of the proposed loss of spaces created by the scheme.

4.25 Policy C7 addresses the needs for community facilities and reads as follows:

“Policy C7 Open Space, Sport and Recreation

Support will be given to sport and recreation by:

- a. Retaining, protecting, supplementing, or enhancing all types of sport, recreation and open space facilities, in order to address deficiencies of both indoor and outdoor facilities outlined in the Open Space, Sport & Recreation Assessment and any subsequent revisions;
- b. Encouraging additional provision, and enhancements to existing provision, which will reduce or prevent deficiencies, and requiring new housing development to contribute to provision, to help meet the Local Standards set out in Appendix G.
- c. Implementing specific open space proposals detailed in the area based policies.

As a general principle, there will be a presumption that open space, sport and recreation facilities will be provided on the development site. Only in exceptional circumstances will an off site contribution provided by the developer be accepted to develop on another site, where it is proven that on site provision is not feasible or is unviable. Where the developer provides evidence, which demonstrates that neither on-site nor off-site provision of open space, sport & recreation facilities is appropriate a financial contribution, based on a calculation from the Local Standards may be considered.

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. New facilities should be located in areas that are accessible by walking, public transport and cycling and such developments will be particularly welcome in areas with identified deficiencies.

Development of recreation activities in the countryside will be supported provided that there is no significant impact on landscape and nature conservation interests, traffic generation, is appropriate in scale, and uses existing buildings where possible. Development associated with recreational activities will be limited to facilities that are necessary and ancillary to the main recreational use.”

- 4.26 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 supplied in relation to where the girl guides will be relocated to, nor clear demonstration of a lack of need for the existing tennis courts. Any loss of community facilities needs to be carefully considered and robustly justified, especially when their loss is not proposed to be replaced or mitigated. Whilst 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. Without such clarity local residents will remain sceptical that such provision will be forthcoming. On the basis of the evidence as submitted the scheme simply cannot be deemed to be in compliance with the requirements of Policy C7 and should be refused without delay.
- 4.27 Matters associated with the design of the development are addressed within Policy N1, which is noted to advise that:

“Policy N1 Design

To secure enhancements in design quality, development must, at a minimum, meet the following principles:

Use

- a. Ensure that, where relevant the scale, nature and surroundings, major applications are comprehensively master planned or, where appropriate, are accompanied by a development brief;
- b. Be designed, sited and grouped in order to provide access for all;
- c. New development of ten dwellings or more should demonstrate compliance with the Building for Life assessment and any successor documents, unless it makes the development unviable or it has been sufficiently demonstrated, through a Design & Access Statement, that each

of the twelve Building for Life questions has been optimally addressed, or conversely why it is not practical or appropriate to do so;

Form

- d. Incorporate sustainable construction and energy conservation techniques into the design in accordance with Policy N2;
- e. Require the design and layout to take account of noise and light implications, together with the amenity of adjacent residential areas or operations of existing activities;
- f. Retention of significant biodiversity, landscaping features, and creation of new biodiversity areas that take into account relevant local information and evidence;
- g. Include high design standards that make efficient use of land, promote activity and takes into account the local character, context, density and landscape, as well as complementing the biodiversity of the surrounding area;
- h. Designs must have regard to the local context, including heritage assets, historic views and sight lines, and should preserve and enhance the character of the area including the use of locally distinctive materials;

Space

- i. Strengthen the continuity of street frontages and enclosure of space;
- j. Development should clearly distinguish between public and private space, and provide space for storage, including for recycling materials;
- k. Streets and public open spaces are designed to be usable, easy to maintain and productive for the amenity of residents by being overlooked to create a safe environment;
- l. Require the design and layout of new development to be safe, secure and crime resistant, by the inclusion of measures to address crime and disorder through environmental design and meet "Secured by Design" Standards;
- m. Development should be well-connected to public transport and community facilities and services, and be well laid out so that all the space is used efficiently, is safe, accessible and user-friendly;
- n. Where appropriate, development should ensure that there is space for water within the development layout to facilitate the implementation of Sustainable Drainage Systems (SuDs).

Movement

- o. Ensure that places inter-connect using important routes and linkages, including Rights of Way, which are pedestrian, vehicle and cycle friendly, whilst allowing for ease of movement, legibility and permeability through a clearly defined and well-structured public realm;
- p. Ensure car parking is well integrated and discreetly located."

4.28 The development is considered to represent a scale, design, form, height and mass which would be wholly incongruous with this part of Stone. The applicant has failed to sufficiently detail the sustainable credentials of the construction and build materials, and simply 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. For these reasons it is considered that the development fails to accord with the provisions of Policy N1 and should therefore be refused.

- 4.29 The development plan details a clear commitment to climate change within policy N2, as detailed below. On the basis of the as submitted information the applicant has failed to address the requirements of the policy.

“Policy N2 Climate Change

All development must incorporate sustainable design features to facilitate a reduction in the consumption of natural resources, improve the environmental quality and mitigate against the impact of climate change. Proposals must take particular account of the need to ensure protection from, and not worsen the potential for, flooding. Sustainable Drainage All new development will be expected to incorporate Sustainable Drainage Systems (SUDS). Each system should:

1. Discharge clean roof water to ground via infiltration techniques such as soakaways, unless demonstrated by an infiltration test that due to ground conditions or underlying contamination, this is not possible;
2. Limit surface water discharge to the greenfield run-off rate or, where this is demonstrated to not be viable, a minimum of 20% reduction from the existing situation;
3. Improve the water quality of run-off by ensuring that foul and surface water run-off are separated;
4. Protect and enhance wildlife habitats, existing open spaces / playing fields, heritage assets, amenity and landscape value of the site, as well as being sympathetically designed to meet the needs of the local community, based on the scale and location of the new development.

All new development must provide adequate arrangements for the disposal of foul sewage, trade effluent and surface water to prevent a risk of pollution. Groundwater resources and surface water bodies will be safeguarded, and any development leading to pollution or degradation will not be permitted, unless adequate mitigation measures can be implemented that avoid adverse impacts. Development will not be permitted in locations where adequate water resources do not exist, or where the provision of water would be detrimental to the natural environment. Any development that could lead to the degradation of the Water Framework Directive (WFD) status of the waterbody should not be permitted.

Sustainable Construction

All new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. To implement zero carbon development, the following measures should be considered as part of the design:

1. Reduce water consumption, through the use of low water volume fittings and grey water systems;
2. Orientation to maximize solar gain;
3. High levels of insulation and energy conservation, adequate provision for separation and storage of waste for recycling; and
4. Use of materials from sustainable sources in new development.

All non-residential development up to 1,000 square metres (net) will be expected to have a BREEAM Very Good rating; and non-residential development greater than 1,000 square metres (net) will be expected to have a BREEAM Excellent rating. A

statement will be required to detail how the BREEAM and Zero Carbon Standard will be addressed. If these are considered to be unviable to achieve, evidence must be provided through an independent viability assessment.

All new developments will be required to generate a proportion of their energy requirement from on-site renewable resources or low carbon energy equipment. If it can be demonstrated through an independent viability assessment that it is technically or environmentally impractical on-site, then off site energy generation will be considered. Where proposals affect a building of traditional construction, energy efficiency will be expected to be improved as far as possible without prejudicing the character of the building or increasing the risk of long term deterioration of the existing fabric.

Recycling

New development will be expected to provide recycling facilities, ensure waste minimisation and facilitate greater use of recycling, including during the development process, through Site Waste Management Plans.”

4.30 The protection of Green Infrastructure is dealt with in Policy N4 which advises that:

“Policy N4 The Natural Environment & Green Infrastructure

The Borough's natural environment will be protected, enhanced and improved by:

- a. Implementation of the Staffordshire Biodiversity Action Plan, the Stafford Borough Green Infrastructure Strategy and guidance including 'Biodiversity by Design' or any other successor documents to increase and enhance biodiversity, in terms of habitats and species as well as geological conservation or geodiversity through appropriate management for a network of:
 - i. Designated Sites (international, national, regional and local);
 - ii. Biodiversity Action Plan habitats and species populations;
 - iii. Wildlife Corridors and Ecological Networks;
- b. Conservation and enhancement of water courses and their settings for their landscape character, biodiversity and recreational value, particularly for the Borough's extensive rivers and extensive canal system;
- c. Protecting, conserving and enhancing the natural and historic environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees;
- d. Increasing the ability of landscapes and ecosystems to adapt to different weather patterns and climate change, by increasing the range and extent of habitats, informed by Biodiversity Opportunity mapping;
- e. Ensuring that no new development takes place in areas where environmental risks, particularly flooding, cannot be properly managed;
- f. Any new development where damage to the natural environment is unavoidable must include measures to mitigate and / or compensate such impacts, through the establishment of replacement habitats or features, including appropriate site management regimes. The Borough's green infrastructure network, as defined on the Policies Map, will be protected, enhanced and expanded:
- g. Networks of open spaces for formal and informal recreation, natural corridors, access routes and watercourses will be enhanced and created, where those networks:

- i. protect the setting of landscape, heritage and natural (biodiversity and geodiversity) assets;
 - ii. reverse habitat fragmentation due to having suffered past loss and degradation;
 - iii. provide recreational opportunities for new and existing communities;
 - iv. provide open breaks between neighbouring residential areas and business developments.
- h. The network of existing access routes will be improved and expanded to allow sustainable commuting, including:
 - i. shared surfaces to reduce vehicle speeds;
 - ii. providing safe, attractive and well-signed walking and cycling routes between residential areas, employment centres, green spaces and the wider countryside.
- i. Local landscape and heritage features should:
 - (i) Be conserved and enhanced and inform the master planning and design of new neighbourhoods;
 - (ii) be positively managed to conserve and enhance their significance and contribution to the character of the landscape;
 - (iii) be accessible to local communities, as appropriate, for leisure and recreation.
- j. Development will support implementation of the Severn and Humber River Basin Management Plans and not pose a barrier to the meeting of their objectives for any watercourse. To alleviate the effects of climate change and meet the objectives of the Water Framework Directive, new development should:
 - i. Include measures such as Sustainable Drainage Systems and street trees;
 - ii. Provide a variety of Green spaces and habitat networks as a flood storage/ management function (where appropriate);
 - iii. Provide adequate development easement from watercourses (culverted or otherwise);
 - iv. Incorporate proposals for deculverting and renaturalisation of watercourses;
 - v. Where issues have been identified within the Water Cycle Study, developers should submit a Water Statement that includes evidence to demonstrate that there is already adequate sewerage infrastructure in place, or that it will be in place prior to occupation;
 - vi. Support fish migration through the removal of barriers in river channels such as weirs, or where this is not possible, construction of fish passes.
- k. All new developments will:
 - i. Be set within a well designed and maintained attractive green setting, demonstrated through a detailed management plan where appropriate;
 - ii. Provide a variety of spaces to meet the needs of people and nature;
 - iii. Provide safe opportunities for sustainable transport;
 - iv. Refer to the Staffordshire Ecological Record to ensure natural habitats and species in the locality are protected.

Sites of Nature Conservation Importance

The planning system has an important part to play in meeting the UK's national and international commitments for habitats and species. Local authority planning is the key mechanism for determining the location, scale and nature of development and ensuring biodiversity is integrated into planning policies. 'European sites' are those that have the highest level of protection in the UK through legislation. These include Special Areas of Conservation (SAC), candidate Special Areas of Conservation (cSAC), Special Protection Areas (SPA), proposed Special Protection Areas (pSPA), European Offshore Marine Sites, and Ramsar sites. It should be noted that impacts on European Sites can occur at some distance away. Therefore, an assessment of impacts for European Sites outside the Borough may be required for some developments.

Environment

- i. The network of existing access routes will be improved and expanded to allow sustainable commuting, including:
 - i. shared surfaces to reduce vehicle speeds;
 - ii. providing safe, attractive and well-signed walking and cycling routes between residential areas, employment centres, green spaces and the wider countryside.
- i. Local landscape and heritage features should:
 - (i) Be conserved and enhanced and inform the master planning and design of new neighbourhoods;
 - (ii) be positively managed to conserve and enhance their significance and contribution to the character of the landscape;
 - (iii) be accessible to local communities, as appropriate, for leisure and recreation.
- j. Development will support implementation of the Severn and Humber River Basin Management Plans and not pose a barrier to the meeting of their objectives for any watercourse. To alleviate the effects of climate change and meet the objectives of the Water Framework Directive, new development should:
 - i. Include measures such as Sustainable Drainage Systems and street trees;
 - ii. Provide a variety of Green spaces and habitat networks as a flood storage/ management function (where appropriate);
 - iii. Provide adequate development easement from watercourses (culverted or otherwise);
 - iv. Incorporate proposals for deculverting and renaturalisation of watercourses;
 - v. Where issues have been identified within the Water Cycle Study, developers should submit a Water Statement that includes evidence to demonstrate that there is already adequate sewerage infrastructure in place, or that it will be in place prior to occupation;
 - vi. Support fish migration through the removal of barriers in river channels such as weirs, or where this is not possible, construction of fish passes.
- k. All new developments will:
 - i. Be set within a well designed and maintained attractive green setting, demonstrated through a detailed management plan where appropriate;
 - ii. Provide a variety of spaces to meet the needs of people and nature;
 - iii. Provide safe opportunities for sustainable transport;

iv. Refer to the Staffordshire Ecological Record to ensure natural habitats and species in the locality are protected.”

4.31 The development subject of this application is deemed to 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. Furthermore, the scheme as submitted does not offer any real betterment for the park, nor promotion of its wider community benefits. In reality this is presented as a stand alone development which is seeking to isolate itself from the existing and wider use of the park. This will create a disjointed layout and a lack of cohesion and represents a development which runs against the requirements of policy N4.

4.32 The impact of the development on the wider historic environment including the adjacent conservation area and other listed buildings and structures within close proximity of the site are addressed within Policy N9 which states that:

“Policy N9 Historic Environment

Proposals that would affect the significance of a heritage asset will not be accepted for consideration unless they provide sufficient information for that impact to be assessed. Development and advertisement proposals will be expected to sustain and, where appropriate enhance the significance of heritage assets and their setting by understanding the heritage interest, encouraging sustainable re-use and promoting high design quality. All potential loss of or harm to the significance of a heritage asset, including its setting, will require clear justification, taking into account:

- i. Settlement pattern including street patterns, orientation of buildings and sites, boundaries and density of development;
- ii. The scale, form and massing of buildings and structures;
- iii. Materials, including colours and textures;
- iv. Significant landscape features including open spaces, trees and planted boundaries;
- v. Significant views and vistas;
- vi. Locally distinctive architectural or historical detail;
- vii. The setting of heritage assets;
- viii. Archaeological remains and potential;
- ix. Traditional permeable building construction.

Development proposals must conserve and protect the significance of heritage assets by avoiding unnecessary loss of historic fabric and detail of significance. For listed buildings this includes internal features, floor plans and spaces. Where harm to significance is unavoidable, appropriate mitigation measures will be put into place, including archaeological investigation (including a written report) or recording. This information should be deposited at the County Record Office and be available to the general public. Heritage assets will be conserved and enhanced by:

1. Identifying heritage assets that are considered to be at risk of irreversible harm or loss;
2. Encouraging owners to maintain their heritage assets;
3. Where necessary the Council will use its statutory powers to serve Urgent Works or Repairs Notices to arrest the decay of its listed buildings;

4. Enabling development proposals will only be supported where it is shown that alternative solutions have failed and where it has been demonstrated that the proposed development is the minimum necessary to protect the significance of the heritage asset in accordance with national advice;
5. The use of Article 4 directions where the exercise of permitted development rights would undermine the aims for the historic environment.”

4.33 The development will be visible and affect the views of numerous listed buildings and structures including the adjacent warehouse on the canal, canal bridges and other listed buildings within close proximity of the site. Given the scale, height, form, use of materials and design of the development it is considered that the proposal will result in harmful effects on the setting of numerous listed buildings and upon the character and appearance of the conservation area. This harm has not been outweighed within the justification for the development and is therefore deemed to be of a level of harm which warrants refusal of this application.

4.34 In relation to the provision of infrastructure to support new development it is noted that the Local Plan details as follows within Policy I1:

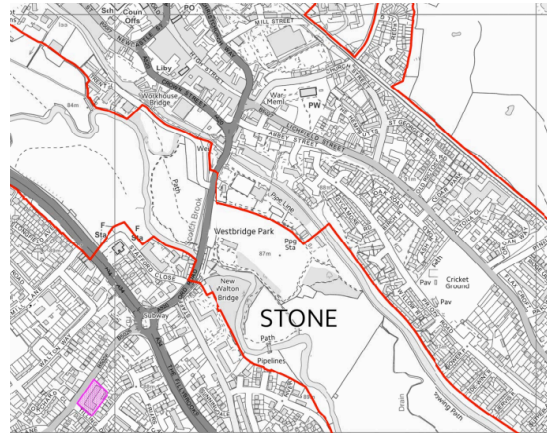
“Policy I1 Infrastructure Delivery Policy

New development that provides additional residential or commercial development will be supported by appropriate levels of physical, social and environmental infrastructure at a timely stage, as identified in the Infrastructure Delivery Plan. The appropriate levels of contributions for infrastructure will be secured in a variety of ways, including the Community Infrastructure Levy (CIL) charging schedule, Section 106 agreements, and legal agreements to ensure new developments contribute to new and / or improved infrastructure and services (including community needs). In assessing such requirements, the viability of developments will also be considered when determining the extent and priority of development contributions.”

4.35 We look forward to receiving a response to our concerns in relation to the lack of legal paperwork regarding the reinvestment of the capital receipts into improved leisure facilities within Stone, and details of any other financial obligations which will be placed upon this development should the Council determine to recommend approval.

Local Plan Part 2 (Allocations – submitted for Examination April 2016)

4.36 Given that the Local Plan Part 2 was submitted to the Secretary of State on the 27th April 2016 for Examination (with the Hearings scheduled to take place in July and August) due regard will need to be paid to the content of the attached policies within the decision making process; albeit the weight to be attached will need to be reflective of the fact that the plan has yet to be independently assessed.



- 4.37 It is noted from the Proposals Map extract included above that the application site is proposed to be sited within the settlement boundary of Stone, but importantly will remain outside of the defined town centre, and therefore will still represent a town centre use in an out of centre location. In this regard the comments made above in relation to Local Plan Part 1 policy remains valid and has not been superseded by any potential land allocations with Part 2 of the Plan. As such, we maintain that there is a policy presumption against the application and would draw officers attention to our representations to the consultation on the Local Plan Part 2 which are included at Appendix 1 of this report which sets out our position on the emerging planning policy.
- 4.38 **Summary:** Whilst it has been accepted that the weight to be attached to the emerging policies needs to be weighed against the fact that it has yet to be presented to the Inspector at Examination, it is clear that the development subject of this application fails to accord with the principles and requirements of both the adopted and emerging local plans and should be refused outright.

SECTION 5 OTHER PLANNING DOCUMENTS

- 5.1 In addition to the planning policy documents referred to above, due regard should also be paid to the following documents:

Open Space, Sport and Recreation Assessment (Update June 2013)

- 5.2 Attention is drawn to the following extracts of the Open Space study which are pertinent to the application at Westbridge Park:

“Residents’ Survey

15.14 56% of those residents that expressed an opinion identified a need for more public tennis courts and 47% a need for more club courts. In terms of quality, 63% and 66% rated public and club tennis courts as either good or very good.”

“15.20 Tennis is one of only five sports for which Sport England’s Active People survey found that participation increased between October 2010-- 2011 and October 2011-2012. However, this followed a decline of just over 25% from October 2007-8 to October 2010-11 and took the total number of adult participants across England to some 12,000 fewer than in 2005-6. Tennis is also one of the sports funded by Sport England to tackle a drop off in participation amongst 16-18 year olds.

15.21 Sport England’s Market Segmentation Tool estimates that approximately 2,100 Borough Council adult residents currently play tennis and about an additional 2,400 would either like to do so or would like to play more. Both of these estimates seem unrealistically high, not least because in 2007 the total membership (ie adults plus juniors) of tennis clubs in the Borough – with 17 of the 43 available outdoor courts, and likely to be more popular than public or school courts - was a little under 650, with two thirds of them in the Stone and Walton Clubs. Given that the number of adult and junior players in most tennis clubs is either about equal or biased in favour of juniors, it seems unlikely that there were much more than about 300 adult members. On the other hand, the indoor courts at Stafford Sports College are well used, although pay and play community access and therefore the total weekly throughput is quite low.

15.22 The popularity of the Stone and Walton Clubs, and the Stafford Sports College indoor courts, suggests that there is latent demand for tennis which can be converted into participation if good quality facilities are available. However, of the sixteen outdoor tennis sites, only six are of high quality and value.

15.23 Given the proposed growth of Stafford, and the location of the Walton Club on the eastern edge of the town, it may be desirable to investigate the potential demand for a tennis club in the North of Stafford development. The population of the development is likely to be approximately 8,500 and this is more than sufficient to support a viable club. The Stone Lawn Tennis and Squash Club, for example has nine courts and something like 200 members. The population living within the 5,625 m driving threshold of the club is approximately 30,000 so there is one court to about 3,300 residents. This suggests that a new club to serve the North of Stafford Strategic Development Location should have three courts. As it is likely also to attract some additional members from nearby areas it will be sensible to

plan on the basis of at least four courts and a clubhouse plus possible room for expansion.

15.24 The Lawn Tennis Association has a guideline for clubs of up to 40 members per non-floodlit court and 60 members per floodlit one. With more members that this per court members will find it difficult to play as much as they might wish. On this basis the Stone Club has spare capacity and therefore there should be no need for it to expand as a result of the strategic development to the west of the town.”

“15.27 However, the Council should not use this quantity standard on its own, but instead combine it with the quantity standard for multi-courts of 0.3 sq m per person to create a rounded composite standard of 0.45 sq m per person for both tennis and multicourts. Conclusions

15.28 The Council should therefore: • Encourage parish councils to work together, where appropriate, to identify the need for and where appropriate develop additional tennis or multi-courts. In rural parishes, these two facilities should be combined, which means that courts should normally be 36.5 x 18.25 m or larger. In addition, wherever possible, they should be managed by a local club so as to maximise use and minimise revenue costs to the parish councils. • Encourage tennis clubs and parish councils (a) to provide floodlighting for existing tennis and multi-courts, where acceptable in planning terms, and (b) to convert existing under-used tennis courts into multi-courts.”

- 5.3 [The applicant has failed to provide sufficient evidence to demonstrate that there is no current or future need for the three tennis courts at Westbridge Park or to detail sufficient mitigation or alternative provision to overcome the loss of these leisure facilities, particularly since it is understood that Stone Tennis club only has 6 courts. Failure to undertake such an assessment or to provide appropriate mitigation fails to accord with both the NPPF \(para 74\) and adopted local plan policy and should therefore be refused.](#)

Stafford and Stone Town Centre Retail Capacity - Update 2013

- 5.4 The Town Centre Retail Capacity study dated 2013 addresses the vitality and viability of Stone town centre and states as follows in the Executive Summary:

“Stone Vitality and Viability Since the 2010 Study the number of convenience goods, comparison goods and retail service units in Stone has remained static, with the number of leisure service and financial and service units has decreasing slightly. The amount of convenience floorspace has increased slightly, with slight decreases in the amount of comparison goods, retail service and financial and business floorspace. There has been a greater decrease in the amount of leisure floorspace, which can be accounted for due to the relocation of the former Bowling Green on Crown Street. Stone remains well represented in terms of convenience goods floorspace with the proportion of comparison goods floorspace in the centre remains below the national average. The majority of units in the centre are operated by independent retailers, with only a small number of national retailer operators present in the centre. The amount of vacant units and floorspace within the centre has increased since the 2010 Study, and the proportion of vacant units

and floorspace in the centre still remains well below the national average, thus indicating that Stone remains a vital and viable centre.”

- 5.5 We would question the need for the development proposed, and for it to be located out of Stone town centre, particularly when it appears to be well served by convenience stores. Matters relating to the impact of the development and its location out of town are addressed in detail at section 6.

SECTION 6 COMMENTS ON THE APPLICANT'S SUBMISSION

- 6.1 In preparing this objection a detailed review of the applicant's submission has been undertaken, and whilst a number of the points raised below have been addressed elsewhere within this submission particular attention is drawn to the following documents:

Nathaniel Litchfield Report

- 6.2 It is noted within this report that reference is made to a preference for M&S Foodhalls to be sited within town centres or on retail parks given the importance of linked trips and 'pass-by' trade. Given that the site in question is located in neither such positions there are real concerns that this site is simply not suitable for the development proposed, and will in fact draw trade from the existing retail core of Stone to its detriment, or result in an unviable development in the longer term.
- 6.3 The report goes on to justify the new development on the basis of enabling residents to have access to M&S food goods without having to travel outside of the local area. However, this is not deemed to be sufficient justification for the provision of a retail unit in this position, which should be wholly based on an identified retail need and a clear demonstration that there are no sequentially preferable town centre sites. It is our view that to date there has not been sufficient demonstration of either need or need in this location.

Retail Impact Assessment

- 6.4 There are numerous concerns with the submitted retail impact assessment, which in the main are focussed on the sequential evaluation. In particular, the nature and number of sites assessed and the evaluation of existing retail uses within the settlement.
- 6.5 In relation to the methodology applied to the evaluation, there is no clarity 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.
- 6.6 Within the report much is made of the need for flexibility, and in this regard the applicants have sought available sites 15% smaller and 15% bigger than a site area of 0.49ha (namely sites ranging from 0.42ha to 0.56 ha). However, it is noted from the application form that the defined red line area is in fact some 0.58ha (and the red line plan included with the application represents 0.623 ha), which is larger than the upper threshold of sites evaluated. Given that sites should be assessed on the basis of not just the built development, but also the associated car parking, landscaping and other supporting infrastructure, it would appear as though the sequential evaluation is not fit for purpose and needs to be corrected. The corrected site area will ensure that appropriate sites are identified and discounted. Furthermore, the provision of just 15% each side of the site area may be a little on the low side and perhaps the flexibility should be more like 20-25%.
- 6.7 In relation to the sites which have been assessed it is somewhat difficult to make a robust assessment and comparison exercise given the lack of an appropriate site schedule, however there are concerns with the justification for discounting some sites which would be deemed to be sequentially preferable. For example, in relation to Crown Wharf it is understood that this is currently under consideration for an older person's residential

development, however, we would not agree that this would deem the site unavailable. In addition, it is noted that at a site area of 0.375ha the site is deemed too small in area to service the needs of the development, however given that this site is within the town centre one would question the need for a significant level of on site car parking and would question whether this would impact upon the required site area.

- 6.8 The site is also noted to have been discounted given the impact upon listed buildings, but given the detrimental effect on numerous heritage assets from the scheme under consideration this is not deemed to represent justification for discounting this sequentially preferable location. The assessment also deems the site to have access issues given the one-way system, however these are no worse than the potential highway impacts from the site at Westbridge park and is better located for access on foot and linked trips to the High Street. The land at Crown Wharf is therefore considered to be sequentially preferable. It is noted that the Planning Inspector into the Local Plan Part 1 agrees with this conclusion and stated as follows:

“...however, there is sufficient justification to extend the town centre policy boundary to encompass Morrison’s car park and Crown Wharf, as proposed in the latest amendments [MM109].

- 6.9 in relation to the impact of the development on existing retail provision within Stone it is noted that much justification is made on the basis of the deemed over trading of the Morrison’s store in the town centre, which is apparently represented by way of photos of overcrowding within the store and on site parking issues. However, it should be noted that the site is well related with the High Street and wider town centre, and with free parking provision will secure linked trips and increased footfall, neither of which can be achieved from the provision of the development subject of this application.
- 6.10 In addition to the existing Morrison’s store it should be noted that there is a Co-op store located on the High Street which the applicants own submission advises is under trading. This under trading only serves to demonstrate that in reality 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, such as that being proposed in the current application. The applicants also deem that the provision of the M&S foodhall at Westbridge Park will only further exacerbate the trading issues seen at the Co-op with a potential trade draw of £0.59million. It is just not realistic or reasonable to then conclude that such further trade draw will not impact upon the viability of this existing store, and could well undermine its future and cause further detriment to the High Street. Given that the Co-op have stated publicly that they are proposing to close 300 stores (<https://www.theguardian.com/business/2016/apr/12/co-op-steps-up-closures-earmarking-300-stores>), any additional trade draw in Stone could well result in the closure of this town centre store, whose lease is noted to be ending in October 2017.
- 6.11 It should also be noted that the potential closure of this store in late 2017 as part of wider changes within the operational aspirations of the Co-op, could well result in this site becoming available for an alternative retail use. We would therefore request that this site, which is noted to also provide for on site car parking, be sequentially assessed as part of the deliberations on the current application, as the site could well be available for either conversion or a redevelopment in part or in whole. It is understood that the site has already been drawn to the attention of M&S, however they are yet to respond as to whether or not they would be interested in taking on such a prime site within the town

centre. We therefore look forward to receiving an assessment from the applicant of this additional site.

- 6.12 In relation to the retail need for the development it is noted that within the retail impact assessment the applicants draw attention to the content of the Inspectors report into the Local Plan Part 1, however it is noted that no comment is made that the Inspector felt that there was no need for the development proposed at Westbridge Park as he clearly had concerns with the proposals. Given the scope of the Inspector's comments as laid out at section 1, we would ask that this vital point be addressed, in circumstances where as it stands there is not deemed to be a demonstrable need for the development subject of this application.
- 6.13 The applicants seek to detail the wider public benefits of the development and the potential for linked trips and increased footfall within the town centre. However, given the level of car parking proposed and the lack of a safe and coherent route into the town centre on foot, given the breakages created by the transport network and unsuitable public footpaths, the reality is that shoppers will simply drive to the new store, undertake their food shopping and then return home, without any need to walk into the town centre to increase visitor spend. This is highlighted by the likely hours of peak operation in store. The provision of an on-site café only seeks to exacerbate the concerns on trade draw from the High Street.
- 6.14 In short, we are not convinced that a robust enough sequential evaluation of potential sites has been carried out, nor has sufficient justification been made that (1) there are no sequentially preferable sites and (2) that the development will not undermine the vitality and viability of the town centre. On the basis of the evidence as submitted, it is our view that the application should be refused outright, given its lack of compliance with the NPPF and adopted local plan policy.

Masterplan

- 6.15 Having reviewed the submitted masterplan of the development we have the following observations:
- As detailed elsewhere within this submission it is noted that the tracker drawing for site deliveries from HGV'S demonstrates a need for these large vehicles to manoeuvre in close proximity to the proposed disabled car parking bays. This raises significant concern in relation to safety and manoeuvrability of all site users; and
 - The shop is not fronting towards the town centre to further support and promote the submitted benefits of linked shopping trips. This is further supported by the poorly designed pedestrian link from the proposed car park, which is neither direct or short, and is therefore deemed to only be highlighting our issues that the development will be stand alone and isolated from the rest of Stone.

Planning Statement

- 6.16 It is noted that reference is made within the Planning Statement to the relevant planning policy framework including the NPPF and local plan policy, however it is noted that there has been no application or assessment of the development plan, nor any presentation of

'other material considerations' which would be relevant in the 'balancing exercise'. Without application of policy and a clear demonstration of compliance with the development plan, it must be concluded, and as is demonstrated within sections 3 and 4 of this submission, that the development is in fact contrary to planning policy and should be refused. The only commentary relates to the content of the Inspectors report into Local Plan Part 1, but this has been demonstrated elsewhere within this submission to support the current objections to the development.

- 6.17 In relation to the potential job creation it is our view that too many assumptions 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 29fte jobs proposed to be created by the development. As such this statement on public gain could be deemed to be misleading, without appropriate guarantees or obligations made within the application itself. This is also relevant in relation to the proposed wider planning gain of use of the capital receipts from the sale of the site in other improvements in leisure and recreation provision within Stone. As laid out within this submission without a detailed legal agreement within the application demonstrating that the funds will be used for this purpose, there will be concern in the local area that should consent be granted, the monies will not end up creating the planning gain as proposed. The only way to provide such assurances is by way of legal agreement, or by way of a single application for the site in its entirety comprising both the retail and leisure uses to tie the two elements together.

Leisure/Recreation Strategy

- 6.18 It is noted that the development will result in the loss of 3 existing tennis courts at Westbridge Park, and whilst the applicants consider that there is current over capacity of tennis courts within Stone, we would welcome the comments of Sport England to demonstrate that there is no requirement for either mitigation or alternative provision, as is required by national and local planning policy.

Design and Access Statement

- 6.19 Having reviewed the submitted Design and Access Statement we would advise as follows:
- Given the scale, form and location of the development it is not deemed appropriate for matters associated with landscaping to be addressed by way of condition;
 - In relation to the scale of the development it is understood that the build height as detailed within the D&A is at variance with other documents and plans included within this application; and
 - On the important consideration of sustainability, it is noted that no real information is provided anywhere within the application. Without clarification that the development is appropriate and sustainable, the development simply cannot be deemed to be acceptable.

Heritage Statement

- 6.20 The heritage statement highlights the fact that the application is surrounded by a conservation area and numerous listed buildings and listed structures. Whilst the report appears to focus on demonstrating a lack of archaeological impact, it also concludes that there are no direct impacts on other heritage assets and no significant impact on the

setting of the various listed buildings and structures. However, we consider that the development will in fact detrimentally impact upon the views of various listed buildings and structures and will detrimentally affect their setting, including the warehouse adjacent to canal, Star Lock, the terraced properties on Stafford Road and Walton Bridge. The harm caused to these listed buildings and structures in terms of the views of the properties and their settings is deemed to be of a sufficient level to justify refusal of this application, with no wider public gain to be achieved which would outweigh this harm. The NPPF is clear regarding how to determine applications which result in harm to heritage assets and as such we consider that the application should be refused.

- 6.21 Given the scale, form, height, design and use of materials proposed within this application the development will also result in detrimental impacts upon the character and appearance of the Trent and Mersey Canal Conservation Area. The proposed development for the reasons given above and the nature of the proposed use does not reflect the essential characteristics of the conservation area, and will therefore have a negative impact upon the significance of this designated heritage asset.

Transport Assessment (TA)

- 6.22 It is noted throughout the application and within this report there are variable red lines and associated site areas, which therefore results in variable parking provisions. These inconsistencies within the application as a whole, and within the submitted TA simply need to be addressed prior to determination in order to address resident concerns.
- 6.23 Plans included within the TA demonstrate that the site cannot be accessed by bicycle from the town centre as Stafford Road is not identified as an 'advisory route'. Furthermore, given the layout and form of the local highway network concern is raised as to whether the site can in reality be safely accessed on either foot or bicycle, and whether it is therefore well positioned for access to alternative modes of transport.
- 6.24 As detailed elsewhere within this submission it is noted that the TA identifies that a development of this scale should in fact be providing 113 car parking spaces and not the 80 included within the submission. This lack of on site parking provision raises serious concerns as to suitability of the site and the potential impact upon highway safety. In addition, it is noted that the level of disabled parking provision will also be below council standards given that 6% of total provision should be for this particular use.
- 6.25 It is noted that in order for HGV's to access and egress the site there will be a requirement for them to utilise part of the opposite carriageway to pull into the main site, this is clearly unacceptable, unduly dangerous and cannot be deemed to be acceptable. Such manoeuvres will result in blocking of the highway and could create undue congestion on Stafford Road. From a review of the tracker drawings it is noted that not all access and egress manoeuvres for large vehicles have been shown and these should be provided.
- 6.26 In relation to the provision of deliveries it is noted that such operations will take place between the hours of 8-9 am and 5-6pm which they deem to be outside of the peak highway periods. However, this point is challenged given that these times would coincide with peak commuting times and furthermore, is likely to coincide with peak on site activity as people shop either on their way to or on the way home from work. This only heightens the concerns regarding potential on site manoeuvres from HGV's during deliveries.

6.27 It is noted that reference is made within the TA to financial contributions for other developments, but no reference is made 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 cumulatively on the highway network.

SECTION 7 PLANNING COMMENT – PRINCIPLE OF DEVELOPMENT

7.1 Section 70(2) of the Town and Country Planning Act 1990 requires a local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, as far as material to the application, and to any other material considerations.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to determinations to be made under the Planning acts as follows:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.”

7.3 Section 54A of the Planning Act, inserted by s.26 of the Planning and Compensation Act 1991 and brought into force from September 25, 1991 provides as follows:

“Where, in the making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

7.4 There is guidance as to how the Government views the effect of the above sections. Paragraph 20 of Annex 2 to Circular 14/91, Planning and Compensation Act 1991, states:

“The starting point is to be the development plan. If the development plan has something to say on a particular application, the plan should be followed unless the weight of the other considerations tells against it. This will still allow appropriate weight to be given to all other material considerations.”

7.5 The matter is debated in case law including: Boulevard Land Ltd v Secretary of State for the Environment, [1998] J.P.L. 983, Budgen Stores Ltd v Secretary of State for the Environment, Transport and the Regions [1998] E.G.C.S. 28 and City of Edinburgh Council v Secretary of State for Scotland [1998] J.P.L. 224, HL.

Location and Project

7.6 There is an elementary and fundamental problem which needs to be resolved at the outset in the making of decisions under s.38 (6). The first point is often determinative – location comes first followed by project because an examination of for example; the National Planning Policy Framework demonstrates that location governs what might or might not be granted permission in the area concerned.

7.7 In this regard, Policies SP7 and E8 are particularly referable, in circumstances where it not only addresses the issue of a sustainable location, but also the provision of retail developments which is directly referable to the scheme currently under consideration. In view of this, it is imperative that the proposal meets the Council’s requirements, as laid out at Policy SP7 and Policy E8, detailed at Section 4 of this objection.

7.8 The 'project' in this instance is contrary to the provisions of the National Planning Policy Framework and the policies contained within the Stafford Local Plan; as outlined at Sections 3 and 4 of this submission.

Statutory Development Plan

7.9 The statutory Development Plan comprises the adopted policies of the Stafford Local Plan, and the principle of development falls to be considered against Policies SP1, SP3, SP7, Policy Stone 1, E8, T1, T2, C7, N1, N2, N4, N9 and I1. All of these policies are dealt with in detail at Section 4 of this Statement and are contained within the draft reasons for refusal included at Section 8.

Summary

7.10 Given that the criterion set out in Policies SP1, SP3, SP7, Policy Stone 1, E8, T1, T2, C7, N1, N2, N4, N9 and I1 of the adopted Stafford Local Plan are not met, there is a legitimate expectation, based on Section 70(2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 that the proposed development will be refused. The matter of other material considerations is dealt with in Section 9.

SECTION 8 DRAFT REASONS FOR REFUSAL

8.1 As detailed throughout this objection, this application should be refused. To assist officers, please refer to the following draft reasons for refusal, which summarise the points raised within this document. They read as follows:

Reason for Refusal 1

8.2 *“The proposed development, by reason of its proposed location, layout, mass, bulk and design, would represent an inappropriate form of development that would be poorly related to the existing pattern of development and would result in an overdevelopment of the plot to the detriment of visual amenity, the character of the conservation area and neighbouring residential amenity. The proposal fails to respect the character of the local area and includes design features which are incongruous with the street scene. The proposal would therefore be contrary to the following policies of the Development Plan, namely: NPPF Paragraphs 56, 57, 61 and 64 and Local Plan Policies N1 and N9.”*

Reason for Refusal 2

8.3 *“The site lies adjacent to numerous listed buildings, and the proposed development, by reason of its scale, mass, siting, layout and numbers, would represent harmful development to the detriment of the character and setting of the various structures and properties. Furthermore, the applicant has failed to provide sufficient other material considerations to outweigh this harm. The proposal would therefore be contrary to the following policies of the Development Plan, namely: NPPF Paragraphs 129, 132 and 133 and Policy N9 of the adopted Stafford Local Plan.”*

Reason for Refusal 3

8.4 *“The proposed development, would result in a detrimental impact on the vitality and viability of the defined Stone town centre, resulting in unacceptable levels of trade draw and footfall away from the High Street and primary shopping areas. The proposal would therefore be contrary to the following policies of the Development Plan, namely: NPPF paragraphs 23 to 27, and Policies Policy Stone 1 and E8 of the adopted Stafford Local Plan.”*

Reason for Refusal 4

8.5 *“The proposed development, by virtue of its scale will result in unacceptable increases in vehicle movements to the site to the detriment of highway safety. Furthermore, insufficient car parking provision has been made available on site to meet the needs of the development. The proposal would therefore be contrary to the provisions of the Development Plan, namely: NPPF paragraphs 32 and 34 and Policies T1 and T2 of the adopted Stafford Local Plan.”*

Reasons for Refusal Comment

8.6 It is considered that the reasons outlined above are robust reasons for refusal, given that the development is wholly contrary to the development plan, including the National Planning Policy Framework and the policies of the adopted Stafford Local Plan. In

circumstances where these considerations have been reflected in the above reasons, we would ask that the Council implement these as part of the “Refusal of Planning Permission” notice.

SECTION 9 PLANNING COMMENT – OTHER MATERIAL PLANNING CONSIDERATIONS

- 9.1 **Principle of Development - Other Material Considerations:** Where there are other material considerations which 'indicate otherwise' the development plan should nevertheless be the starting point, and those other material considerations weighed in reaching a decision. The issues involved are dealt with in the decision of the House of Lords in *City of Edinburgh Council v Secretary of State for Scotland* [1998] J.P.L. 224, HL. We have been asked to establish, in due course, whether the council has had regard to the presumption in favour of the development plan, whether the other considerations which the Council regarded as material were relevant considerations to which they were entitled to have regard and whether, looked at as a whole, the decision is rational. Having reviewed the application it would be difficult to conclude other than the material considerations cited are of sufficient weight to override the fact that the development is not in accordance with the adopted development plan.
- 9.2 **Effect on neighbouring properties:** It is commonplace for the local planning authority to take into account the amenity interests of those who live adjacent to the site in question. If the proposal will affect their amenity or the local environment then the local planning authority may, if they consider there to be demonstrable harm, refuse planning permission or grant it subject to conditions alleviating the objection concerned.
- 9.3 In this instance, the development of the application site will have significant detrimental effects on neighbouring properties, through over development, loss of privacy and detrimental impact on amenity. We note that the matter of amenity is dealt with in the Council's development plan and this application runs contrary to this. In view of this, we would ask that the application is refused.
- 9.4 **Material consideration: Viability and Economic or Financial Matters:** It is unhelpful to state broad propositions of alleged universality on this particular topic, because there are so many disparate ways in which economic or financial considerations impinge upon town and country planning decisions. However, in *Sosmo trust v Secretary of State for the Environment, Camden LBC* Woolf J (as he then was) pointed out that the proper question to ask was not whether a particular development would be financially viable, which was a matter for the developer concerned, but what would be the planning consequences of its non-viability, if such was the case among those consequences may be the difficulty in refusing a less desirable alternative proposal, or the building of a 'white elephant' which may inevitably attract applications for non-conforming or otherwise unacceptable uses in the course of time.
- 9.5 The accumulations of planning permissions which are incapable of being implemented would be undesirable from a planning point of view. While the local planning authority is not charged with protecting the developer against his own folly, nevertheless it must consider the consequences of granting permission for a proposal which would never be built. In *Walters v Secretary of State for Wales and the City of Swansea*, the applicant applied for outline permission for five detached houses with garages. On appeal the inspector doubted, in the absence of further details, whether a scheme of acceptable quality and appearance could be achieved within the limits imposed by road safety requirements, economic factors and market demands. He therefore refused outline permission, leaving the developer to come forward with a more detailed scheme to achieve these objectives, if he was able. In this instance there are questions about the

suitability of the site for the development proposed, and its impact upon the viability of the High Street, which weigh in the balance of refusal of the application.

- 9.6 **Material consideration: noise and light pollution:** General disturbances causing loss of amenity, typically from vehicles visiting or leaving the premises, or from machinery, is material; the fact that the noise will not amount to a statutory nuisance is not pivotal (1994) 9 P.A.D 260 and [1994] J.P.L 183. Floodlighting and security lighting can also lead to loss of amenity (1994) 9 P.A.D 230 and see Environment News Release (November 25, 1996). It was held in R v Bolton MBC Ex p. Kirkman [1998] J.P.L 787 that the impact of air emission from a proposal was capable of being a material planning consideration but in considering that issue a planning authority was entitled to take into account the integrated pollution control regime.
- 9.7 The proposal will inevitably bring rise to both noise and light pollution, through increased activity and vehicle movements associated with the development. Furthermore, the extensive levels of glazing proposed within the development would also lead to detrimental levels of light pollution with negative impacts on both neighbouring properties and any protected species in the local area. This impact is considered unacceptable and therefore the application should be refused.
- 9.8 **Material considerations: site size:** It was held in R. (on the application of Sorrenti) v First Secretary of State, that it was relevant to ask whether the site was large enough for the proposal concerned taking into account certain areas of that site which ought to be preserved for trees and other aspects of visual amenity.
- 9.9 The proposed scheme would result in a cramped form of development which would constitute overdevelopment of this site. The site is simply not large enough to accommodate the level of development being proposed and the associated infrastructure required. We would therefore ask that the Council refuse the application.
- 9.10 **Loss of visual amenity:** No one has a legal right to a view under the English planning regime. However, damage to the visual amenity of a locality as a whole is a material consideration, such as a building totally out of keeping with the surrounding area. In Worcester City Council v Worcester Consolidated Municipal Charity (1994) 9 P.A.D. 723 an inspector upheld the refusal of an application where the scale and location of the proposal would have a serious detrimental effect on the visual amenities of the locality.
- 9.11 The scale, layout, mass, bulk and design of the development is not commensurate with the immediate local area and will be visually detrimental to the character and appearance of the local area, the setting of the adjacent listed buildings and the visual amenities of neighbouring properties.
- 9.12 **Design:** In determining whether or not to grant planning permission, the local planning authority clearly may use their own judgement as to whether the development in question is aesthetically ugly or visually intrusive.
- 9.13 It is considered that the proposed development incorporates poor design given the scale, layout and form of development being proposed, and would therefore be visually intrusive to neighbouring properties and the character and setting of the street scene and adjacent conservation area.

- 9.14 **Precedent:** In *Collins Radio v Secretary of State for the Environment* (1975) 29 P. & C.R. 390, and see *Anglia Building Society v Secretary of State for the Environment* 91984) J.P.L 175 Lord Widgery C.J examined the question whether the precedent effect of a proposal was or was not a material consideration in a planning appeal. He set out his basic approach as follows:

“Planning is something which deals with localities and not with individual parcels of land and individual sites. In all planning cases it must be of the greatest importance when considering a single planning application to ask oneself what the consequences to the locality will be – what are the side effects which will flow if such a permission is granted. Insofar as an application for planning permission on site A is judged accordingly to the consequences on sites, B, C and D, in my judgement no error of law is disclosed but only what is perhaps the most elementary principle of planning practice being observed.”

- 9.15 If permissions are granted in breach of settlement policy without good reason, it is obviously predictable that other applications equally devoid of good reason would follow and be difficult to resist. Precedent in these circumstances can be a material consideration, as was the case in *Dibben Construction Ltd v Secretary of State for the Environment and the Borough of Test Valley* (1991) J.P.L 260.
- 9.16 A distinction appears to have been drawn between circumstances where an Inspector disagrees with a previous ministerial decision as opposed to one where he simply takes a different approach; in the latter circumstances he need not explain why he prefers to approach the problem in a different way *Lee v Secretary of State for the Environment* [1989] J.P.L 521. For a further case where the proposal might act as a precedent for similar applications and where cumulatively such developments would be harmful to the character and appearance of the area, see *Rumsey v Secretary of the State for the Environment, Transport and the Regions* [2001] J.P.L 1056. The essence of the precedent argument is that the development proposed, whilst in itself may be unobjectionable, would, if granted permission, make it difficult to refuse other similar proposals and that the cumulative effect of the totality of the developments thus granted permission would be harmful: see, for example, *Collis Radio Limited v Secretary of State for the Environment* (1975) 29 P. & C.R 390, cited above.
- 9.17 In this instance, should the Council grant planning permission for a development which is contrary to the provisions of the development plan, and result in a retail use outside of the defined town centre, they may find it difficult to refuse other such applications in the future.
- 9.18 **Decision Making: Overall Advantage:** In addition to those matters relating to decision making, such as the development plan and sustainable development, there is inevitably a balancing exercise to be carried out; few decisions are free of such an approach. The phrase “overall-advantage” reflects this balance; at the end of the day the decision-maker must attach what weight he considers appropriate to the material consideration in question. The so-called “overall-advantage” is nothing more than the weighing of often disparate planning considerations so that it can be said that the advantages outweigh the disadvantages, or the reverse.
- 9.19 In this case there are no other material considerations of sufficient weight to overcome the policy presumption against the development. We would therefore kindly request that the application be refused outright.

- 9.20 **Failure to take account of relevant matters:** There are several referable cases where there has been a failure to take account of the relevant matters two of which are noted, namely:

Tameside Metropolitan Borough Council v Secretary of State for the Environment (1984) J.P.P. 180 It was alleged on appeal to the High Court that the Inspector had erred in law in that he had failed to take into account a material consideration, namely matters relating to traffic and other consequences likely to flow from the granting of planning permission. Held that the decision letter did not deal with the traffic issues raised at all, except referable in one sentence and thus a substantial point had not been properly dealt with. The decision was quashed.

Crown Estates Commissioners v. Secretary of State for the Environment and Holderness Borough Council (1994) J.P.P B113 Where there is evidence on a material issue, it is incumbent upon the Council to make a finding on that evidence, within reason. Further, the Council must be in a position to understand all live issues and thus be able to deal with them accordingly.

- 9.21 The decision-maker ought to take into account a matter, which might cause him to reach a different conclusion from which he would reach if he did not take it into account. Where statute obliges the decision-maker to take a matter into account, it is a matter of law whether or not it was done. *Bolton Metropolitan District Council v. Secretary for the Environment (1991) J.P.L 241*. This report details those matters, which the applicant has failed to deal with adequately, and failings in the applications.
- 9.22 It is our concern 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. Further, the applicant has not understood the live issues and has failed to deal with them; as such any grant of consent may well fall foul of the tests laid out in the Crown Estates case mentioned above and would be susceptible to a claim for Judicial Review if approved.

SECTION 10 CONCLUSIONS

- 10.1 Numerous local residents consider that this poorly conceived application has completely disregarded the provisions of the National Planning Policy Framework and the policies of the adopted Stafford Local Plan as a result of the detrimental impact upon the vitality and viability of Stone town centre, the harm caused to the character and setting of the adjacent listed buildings and the neighbouring conservation area, the detrimental impacts created to highway safety at the junction with Stafford Road and the detrimental impacts on neighbouring residential amenity by way of overbearing effects and loss of privacy and amenity.
- 10.2 Residents' concerns are noted to have been shared by the Planning Inspector into the Examination of Local Plan Part 1 who stated:
- “Parts of the site are subject to flood risk and the latest scheme has not been subject to a detailed sequential test in terms of flood risk and flood mitigation measures [J6]. The introduction of new buildings, car parks and roads 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, as well impacting on SBC's Green Infrastructure Strategy [D28; D34; E54; E85].
- 10.3 In view of the above we trust that the application will be refused outright or alternatively that the application be withdrawn. Should additional information be submitted or a revised scheme be prepared, we would ask that third parties be given further opportunity to comment as necessary.
- 10.4 Please telephone me to confirm receipt of this objection and to discuss the timeframe for determination of the application.

STAFFORD BOROUGH LOCAL PLAN

PART 2

DATED NOVEMBER 2015

PRODUCED BY STAFFORD BOROUGH COUNCIL

REPRESENTATIONS

On behalf of

KEEP WESTBRIDGE PARK GREEN



JANUARY 2016

Prepared by Leith Planning Limited



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APPENDICES

Appendix 1 Response Form

Prepared By:	Rebecca Booth MSc (Dist) BSc (Hons)	12-01-2016
Checked By:	Rebecca Booth MSc (Dist) BSc (Hons)	14-01-2016
Approved for issue:		

Professional Qualifications and Experience - Chris Plenderleith

BA (Hons) MRTPI

Chris Plenderleith has an Honours Degree in Town Planning and is a full member of the Royal Town Planning Institute with over 30 years' experience in town and country planning.

Leith Planning Limited

Chris is the Managing Director of Leith Planning (Group) Limited, a planning consultancy, a firm with national and international clients. Chris is recognised nationally as an expert on development plans, healthcare, hazardous substances, retail, residential and leisure developments. Chris recently secured planning consent for a large contentious retail scheme in Lydney for Asda; defended successfully against Tesco's challenge in the Court of Appeal, after its claim for judicial review of the grant of planning permission for the Asda store was rejected.

Publications

For over 20 years Chris contributed to the updating of a leading work, "Planning Law Practice and Precedents", published by Sweet and Maxwell, co-authors Robert Turrall-Clarke and Stephen Tromans QC. Additionally, he recently wrote an article with Sasha White QC of Landmark Chambers, published in Issue 4 [2015] of the Journal of Planning and Environmental Law, entitled 'Access to Environmental Information: 30 Years On' [2015] J.P.L. 409.

Beachcroft Wansboroughs (Solicitors)

For over 10 years Chris was retained as a planning consultant to the Planning and Property Litigation Law Group of DAC Beachcroft (Solicitors), based at their offices at 100 Fetter Lane, London, EC4A 1BN, who have a national practice. Whilst working for DAC Beachcroft he regularly acted for the Secretary of State for Health. Chris presently acts for and alongside several national and international law firms, including: DAC Beachcroft, Nicholas Solicitors, Thomas Eggar and Field Fisher Waterhouse, providing expert planning advice and evidence in High Court Proceedings.

High Court Litigation

Chris has acted as a planning consultant on several matters involving High Court litigation which are reported in the Journal of Planning Law. These include:

- (1) Conditions – Implied Clauses: R. (on the application of Sevenoaks DC) v The First Secretary of State and Pedham Place Golf Centre [2005] J.P.L. 116 and see article [2004] J.P.L. 1174 which is considered to be one of the leading cases on conditions - implied clauses.*
- (2) Appearance of Bias: Also Georgiou v London Borough of Enfield, Cygnet Healthcare Ltd, Rainbow Developments, Mr J C and Mr J Patel [2005] J.P.L. 62, which involved the appearance of bias.*
- (3) Unlawful Highway Works: Chris acted as the planning consultant in a High Court Litigation Case against Transport for London (Claim No HQ01X04923) in relation to re-instatement of an access and unauthorised high works, Transport for London conceded that their works were carried out unlawfully. In resolving this matter Chris instructed Stephen Sauvain QC,*
- (4) Trespass Associated with a Gas Main: Chris also acted for Southern Gas advising on the matter of trespass associated with a high pressure gas main.*
- (5) Professional Negligence: Chris recently acted as a planning expert in the relation to a matter in the High Court, Chancery Division (Claim HC10C04261) advising on professional negligence and town and country planning.*
- (6) General Permitted Development Order (Part 3 Class F): Chris also acted for Eames London Estates Ltd. in connection with Valentino Plus Ltd v Secretary of State for Communities and Local Government (CO/3138/2014) involving the interpretation of the General Permitted Development Order (Part 3 Class F) see Valentino Plus Ltd v Secretary of State for communities and Local Government, Cowan, Eames London Estates Ltd and Kensington and Chelsea RLBC [2015] J.P.L. 707-713.*

(7) Legal Duty under S 38(6) of the Planning and Compulsory Purchase 2004 Act: Chris acted for Nicholas Hofgren in High Court proceedings in The Queen (on the application of Nicholas Hofgren and Swindon Council and INRG (Solar Parks)12 Ltd CO/143/2015. There were four grounds of challenge in these proceedings:

***Ground One:** the Council failed to comply with its legal duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 ("**the 2004 Act**") to determine the application for planning permission in accordance with the development plan unless material considerations indicated otherwise;*

***Ground Two:** the Council misapplied paragraph 14 of the National Planning Policy Framework ("**NPPF**"), which was a material consideration in determining the planning application;*

***Ground Three:** the Council failed to comply with its duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("**the 1990 Act**") to have special regard to the desirability of preserving the setting of listed buildings in the vicinity of the Site; and*

***Ground Four:** the Council breached a legitimate expectation created by its Statement of Community Involvement in respect of the publication on its website of documents associated with the application prior to the determination of the application.*

(8) Planning Obligations: Court of Appeal, Civil Division – Judgment dated 22 July 2015. Chris acted for the developers, in conjunction with Asda, upto defending a judicial review by Tesco in respect of the grant of permission for an Asda store in Lydney (the Council did not take part). Tesco's application for judicial review was rejected. See R (on the application of Tesco Stores Ltd) v Forest of Dean DC [2014] EWHC (Admin).

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Stafford Borough Council's Invitation

- 1.1 Stafford Borough Council has invited comments on the Publication draft Local Plan Part 2. It is noted that the deadline for submission of representations is 25th January 2016. A copy of the completed response form can be found at Appendix 1.

Instructions

- 1.2 Leith Planning Ltd is instructed by the Keep Westbridge Park Green Action Group (hereafter referred to KWPGAG) to review the Publication draft Local Plan Part 2 and to make representation as necessary. As you may be aware KWPGAG have long campaigned to secure protection of the important greenspace of Westbridge Park in Stone, and have in the recent past objected to the proposed provision of a retail use on part of the site. This objection remains in force and we will be making written representations outlining our concern in relation to the proposed retail use on the Park when a planning application is submitted, which is understood to be expected imminently.

Submission Content

- 1.3 Having reviewed the content of the Publication draft Local Plan (Part 2), we would wish to support the Council's decision not to re-introduce a site specific policy allocating a part of Westbridge Park for a mixed use development, including retail units. We do however have some concern with the draft Local Plan which are addressed in detail below.

Stafford Borough Local Plan (Part 1)

- 1.4 In advance of assessing and commenting upon the content of the Publication Draft Local Plan Part 2, it is considered necessary to draw attention the relevant key policies of the adopted Stafford Local Plan (Part 1 – Strategic Policies) which was adopted in June 2014.
- 1.5 It is noted that within the adopted Local Plan, the settlement of Stone has a number of site delineations including definition of the allocated Town Centre and Greenspaces, which includes Westbridge Park. Whilst we will consider the chronology of events that led to the adoption of the Local Plan Part 1 in more detail in later sections of this report, it is noted that a number of the key designations in Stone listed above have not been replicated onto the Part 2 map. For consistency and coherence we would ask that this be rectified within the consultation period and further time provided for interested parties to comment as necessary. Without a coherent and consistent Proposals Map it will be impossible in the future for applicants and other interested parties to be sure of the relevant land allocations and we will have no option other than to object to the soundness of the Plan given a lack of consistency and coherence.

Section 2 Legislation and Regulations

Legislation

Planning and Compulsory Purchase Act 2004

2.1 In drafting these representations due regard has been paid to the content of The Planning and Compulsory Purchase Act 2004 and the duties it places on Local Planning Authorities. Particular attention is drawn to the following sections:

2.2 The Planning and Compulsory Purchase Act sets out at Section 13 the duties placed upon Local Planning Authorities in relation to the need to keep an up to date evidence base. Section 19 details the process required in the preparation of Local Development Documents and reads:

19. Preparation of Local Development Documents

(1) Local development documents must be prepared in accordance with the local development scheme

(2) In preparing a local development document the local planning authority must have regard to –

(a) national policies and advice contained in guidance issued by the Secretary of State;

(b) the RSS for the region in which the area of the authority is situated, if the area is outside Greater London;

(c) the spatial development strategy if the authority are a London borough or if any part of the authority's area adjoins Greater London

(d) the RSS of any region which adjoins the area of the authority;

(e) the Wales Spatial Plan if any part of the authority's area adjoins Wales;

(f) the community strategy prepared by the authority;

(g) the community strategy for any other authority whose area comprises any part of the area of the local planning authority;

(h) any other local development document which has been adopted by the authority;

(i) the resources likely to be available for implementing the proposals in the document;

(j) such other matters as the Secretary of State prescribes.

(3) In preparing the other local development documents the authority must also comply with their statement of community involvement.

(4) But subsection (3) does not apply at any time before the authority have adopted their statement of community involvement.

(5) The local planning authority must also –

(a) carry out an appraisal of the sustainability of the proposals in each document;

(b) prepare a report of the findings of the appraisal.

(6) The Secretary of State may by regulations make provision –

(a) as to any further documents which must be prepared by the authority in connection with the preparation of a local development document;

(b) as to the form and content of such documents.

(7) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22).

- 2.3 Sections 20 to 23 are noted to relate to the Examination of local development documents through to document adoption and will clearly be addressed at later stages of the Local Plan process. It is assumed however that Stafford Borough Council has been mindful of the relevant sections of the Planning and Compulsory Purchase Act in the preparation of the Local Plan Part 2.

Regulations

- 2.4 The referable regulations governing Local Plans are contained in The Town and Country Planning (Local Planning) (England) Regulations 2012 (the 'Regulations'). The Regulations set out the Duty to Cooperate, the form and content of Local Plans, public participation, Local Plan preparation, Independent Examination through to document adoption. Once again, it is assumed that the Council will have paid the necessary regard to the content and requirements laid out within the Regulations in the preparation of the Local Plan Part 2.

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Section 3 National Planning Policy Framework (NPPF)

- 3.1 The National Planning Policy Framework was published in March 2012. Attention is drawn to the following extracts of the NPPF which address Local Plan preparation:
- 3.2 **Paragraph 14** states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:
- local planning authorities should positively seek opportunities to meet the development needs of their area;
 - Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.
- 3.3 **Paragraph 15** notes that policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.
- 3.4 Local Plan preparation and Examination is addressed within paragraphs 150-182. Particular attention is drawn to the following key paragraphs:
- 3.5 **Paragraph 151** advises that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.
- 3.6 **Paragraph 154** states that Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
- 3.7 **Paragraph 158** outlines that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.
- 3.8 **Paragraph 182** details that the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and

infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

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Section 4 Planning Practice Guidance

4.1 In drafting these submissions we have had regard to the relevant extracts of the National Planning Practice Guidance, including the Duty to Cooperate, Local Plans and Housing and Economic Development Needs Assessment. Given our clients particular interests in protecting Westbridge Park from encroachment of town centre uses, due regard has also been paid to the following extracts of the section entitled 'Ensuring the Vitality of Town Centres':

4.2 Paragraph 001 outlines the role of planning authorities in protecting and supporting designated town centres and states:

"Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

Local planning authorities should assess and plan to meet the needs of main town centre uses in full, in broadly the same way as for their housing and economic needs, adopting a 'town centre first' approach and taking account of specific town centre policy. In doing so, local planning authorities need to be mindful of the different rates of development in town centres compared with out of centre.

...

The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans."

4.3 Westbridge Park as a whole provides significant amenity value to the local community and is a key location for leisure and recreation given its strategic positioning at the centre of the settlement of Stone. Given the importance placed on this site by numerous local residents, our clients KWPGAG have continued to resist any inappropriate development within the park, including the proposed Mixed Use development for the built portion of the site which included a Marks and Spencer. As a result of KWPGAG strong objections, the proposed mixed use allocation was subsequently withdrawn from Local Plan Part 1. However, it is our view that the Local Plan Part 2 as drafted does not offer sufficient protection and promotion of the designated town centre of Stone, and that as it stands there is a real risk that the Plan is not compliant with the requirements of either the NPPF or the National Planning Practice Guidance in relation to promotion of the 'town centre first approach'.

4.4 Given that the Council are understood to have allocated the majority of Westbridge Park as designated Green Infrastructure, due regard has also been paid in the preparation of these submissions to the content of the Planning Practice Guidance which deals with open space, sports and recreation facilities, public rights of way and local green space.

4.5 Paragraph 001 states:

“Open space should be taken into account in planning for new development and considering proposals that may affect existing open space (see National Planning Policy Framework paragraphs 73-74). Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 114), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see National Planning Policy Framework paragraphs 6-10).

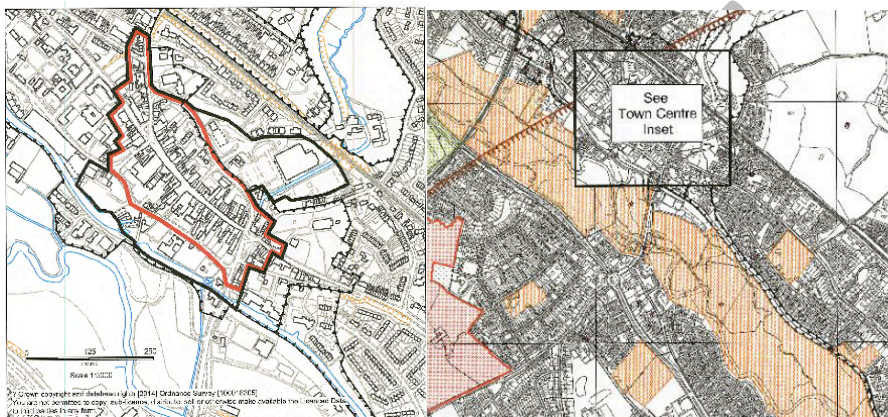
It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate where open space serves a wider area. Guidance on Local Green Space designation, which may form part of the overall open space network within an area, can be found here.”

- 4.6 Given the important role played by the defined Green Infrastructure of Westbridge Park, we would seek assurances from the Council that the proposal to incorporate the small area of built up development within Westbridge Park within the settlement boundary of Stone, has been discussed under the Duty to Cooperate.

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Section 5 Stafford Borough Local Plan (Part One) (adopted 19th June 2014)

- 5.1 The Stafford Borough Local Plan (Part One) was adopted on 19th June 2014. This document incorporates policies and allocations looking to direct new development to existing settlements and on settlement boundaries.
- 5.2 The Local Plan (Part One), defines Stone as a Key Urban Centre given that it is one of the most sustainable locations in Stafford Borough. It is noted from the Policies Map extracts included below that Westbridge Park is identified as Green Infrastructure located outside of the defined town centre. Whilst a small portion of the park is within the settlement boundary, it is noted that the majority of the park is located outside of the settlement and provides an important gap between the two distinct built up areas of the town.



- 5.3 It is noted at paragraph 8.6 (replicated below) that the Council recognise the importance of Westbridge Park and advise:

“8.6 The most important recreational amenity areas for the town centre is the River Trent corridor, including the multi-functional community resource, and much valued Trent and Mersey Canal, which traverses the town centre boundary. The canal provides an excellent leisure facility for both boaters, as well as walkers and cyclists along the towpath and is an important asset, designated along its length as a Conservation Area and containing many listed buildings. Furthermore, **Westbridge Park** also provides a valuable recreational space for indoor and outdoor events throughout the year, known as a Destination Park. As part of the Green Infrastructure (GI) strategy, the key recommendation for Stone is the creation of a canal and riverside park alongside the River Trent, the Trent and Mersey Canal and the associated floodplain. The river corridors through the town will be important to provide increased recreational provision and walking / cycling links to other parts of Stone Town as well as links to the open countryside, facilitating improvement of biodiversity, accessibility, flood protection, provide for better quality leisure facilities, and create tourism opportunities.”

- 5.4 Despite the Councils recognition of the value of Park, it is noted that the Council had originally sought to allocate a portion of the site for a mixed use development, including the provision of a retail store. From a review of the Inspectors Report into the Local Plan Part 1 it is noted that there was

significant objection to the proposals and the Council chose to withdraw this element from the Local Plan. In reviewing the Inspectors Report, particular attention is drawn to the following extracts:

“91. Another locally contentious issue in Stone town is the proposed mixed-use development at Westbridge Park included in the submitted PSB. At the hearings, SBC clarified the nature of this proposal, which could include a medium-sized supermarket and leisure centre, but on reflection, proposes to delete references to this proposal in the Plan [MM42]. Although there may be a case to update and improve the existing leisure centre, the retail element of the proposal is questionable. Much of the need for additional convenience floorspace seems to stem from perceived over-trading at the existing Morrisons store; a new Aldi store has now opened and the Co-op store could be under-trading. The proposal has not been subject to a sequential retail assessment, since the site lies outside the town centre; a late suggestion to include this site within the town centre boundary could be seen as a way of avoiding this assessment and giving undue priority to this site. It is also doubtful whether this is a strategic proposal, since it relates only to Stone. Parts of the site are subject to flood risk and the latest scheme has not been subject to a detailed sequential test in terms of flood risk and flood mitigation measures [J6]. The introduction of new buildings, car parks and roads 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, as well impacting on SBC’s Green Infrastructure Strategy [D28; D34; E54; E85].

92. At present, there is insufficient evidence to show that this site could be developed in the manner intended, particularly in terms of its retail location and flood risk; if it is decided that this retail/leisure scheme is needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. In the meantime, SBC is right to delete this proposal from the Plan and exclude the site from the amended town centre policy boundary. However, there is sufficient justification to extend the town centre policy boundary to encompass Morrison’s car park and Crown Wharf, as proposed in the latest amendments [MM109].

93. SBC also proposes to amend the Stone town centre Key Diagram to reflect the proposed amendment to the boundary of the SDL and update references to the rail network [MM47]. Similar amendments are proposed to the Policies Map Inset, including the green infrastructure network, town centre boundary and Cannock Chase SAC zone of influence [MM109]. Some of these amendments have proved controversial, particularly the designation of that part of Westbridge Park which is excluded from the green infrastructure network and to be included within the urban area (although not within the town centre policy boundary). However, 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 [D34]. The proposed modifications merely correct inconsistencies between the Stone Town Key Diagram and Inset Policies Map,

without proposing any further development on this site or affecting the existing leisure facilities; there are certainly no specific proposals in the amended Plan to develop this part of Westbridge Park for retail or mixed-use development.

94. Overall, the strategy for Stone town set out in Policy Stone 1 would contribute to the local economy, provide some of the new housing needed to meet the needs of the locality and help to protect the natural and historic environment. With the proposed amendments [MM40-48; MM109], it represents an appropriate, deliverable and sustainable strategy, which is fully justified with robust and proportionate evidence, soundly based and consistent with national policy.”

“11. There are two contentious matters at Stone which require further consideration. Firstly, the proposed mixed-use leisure/retail development at Westbridge Park is locally very controversial. SBC now proposes to remove most of the references to this proposal in the Plan, which is questionable in terms of retail need, has not properly been subject to sequential tests relating to town centre/retail policy or flood risk, and could have an impact on the character and appearance of this important gateway to the town. At present, there is insufficient evidence to show that the site could be developed in the manner intended, but if it is decided that this retail/leisure scheme is needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. In the meantime, this is an unsound proposal, and there is also insufficient justification to include this site within the amended town centre policy boundary.

c. Main Modifications

16. SBC has put forward Schedules of Proposed Changes to the Plan, including both “Main Modifications” and “Minor Modifications”. These amendments seem to cover most of the main changes needed to ensure that the Plan is sound and capable of adoption. However, further amendments will be needed to address the Inspector’s concerns outlined earlier in this report, including:

- Amending the proportion of housing development to be distributed to Stafford town (70%) and Stone (10%);
- Deleting reference to a moratorium of housing;
- Amending the reference to the deferred phasing of housing development at Stone due to the possibility of adverse implications on the regeneration strategy of The Potteries;
- Deleting the mixed-use proposal at Westbridge Park, Stone and the amendment of the town centre boundary to incorporate this site.”

5.5 There are no known justifications to deviate from this previously agreed approach and the concerns raised by the Planning Inspector remain valid. It is therefore reassuring to note that the Council has not sought to go against the advice received and to seek to re-introduce the proposed mixed use allocation at Westbridge Park.

5.6 It is noted that the land allocated as Green Infrastructure is protected within the Local Plan by virtue of Policy N4 which reads as follows:

“Policy N4 The Natural Environment & Green Infrastructure

The Borough's natural environment will be protected, enhanced and improved by:

- a. Implementation of the Staffordshire Biodiversity Action Plan, the Stafford Borough Green Infrastructure Strategy and guidance including 'Biodiversity by Design' or any other successor documents to increase and enhance biodiversity, in terms of habitats and species as well as geological conservation or geodiversity through appropriate management for a network of:
 - i. Designated Sites (international, national, regional and local);
 - ii. Biodiversity Action Plan habitats and species populations;
 - iii. Wildlife Corridors and Ecological Networks;
- b. Conservation and enhancement of water courses and their settings for their landscape character, biodiversity and recreational value, particularly for the Borough's extensive rivers and extensive canal system;
- c. Protecting, conserving and enhancing the natural and historic environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees;
- d. Increasing the ability of landscapes and ecosystems to adapt to different weather patterns and climate change, by increasing the range and extent of habitats, informed by Biodiversity Opportunity mapping;
- e. Ensuring that no new development takes place in areas where environmental risks, particularly flooding, cannot be properly managed;
- f. Any new development where damage to the natural environment is unavoidable must include measures to mitigate and / or compensate such impacts, through the establishment of replacement habitats or features, including appropriate site management regimes. The Borough's green infrastructure network, as defined on the Policies Map, will be protected, enhanced and expanded:
- g. Networks of open spaces for formal and informal recreation, natural corridors, access routes and watercourses will be enhanced and created, where those networks:
 - i. protect the setting of landscape, heritage and natural (biodiversity and geodiversity) assets;
 - ii. reverse habitat fragmentation due to having suffered past loss and degradation;
 - iii. provide recreational opportunities for new and existing communities;
 - iv. provide open breaks between neighbouring residential areas and business developments.
- h. The network of existing access routes will be improved and expanded to allow sustainable commuting, including:
 - i. shared surfaces to reduce vehicle speeds;
 - ii. providing safe, attractive and well-signed walking and cycling routes between residential areas, employment centres, green spaces and the wider countryside.
- i. Local landscape and heritage features should:
 - (i) Be conserved and enhanced and inform the master planning and design of new neighbourhoods;
 - (ii) be positively managed to conserve and enhance their significance and contribution to the character of the landscape;

(iii) be accessible to local communities, as appropriate, for leisure and recreation.

j. Development will support implementation of the Severn and Humber River Basin Management Plans and not pose a barrier to the meeting of their objectives for any watercourse. To alleviate the effects of climate change and meet the objectives of the Water Framework Directive, new development should:

- i. Include measures such as Sustainable Drainage Systems and street trees;
- ii. Provide a variety of Green spaces and habitat networks as a flood storage/ management function (where appropriate);
- iii. Provide adequate development easement from watercourses (culverted or otherwise);
- iv. Incorporate proposals for deculverting and renaturalisation of watercourses;
- v. Where issues have been identified within the Water Cycle Study, developers should submit a Water Statement that includes evidence to demonstrate that there is already adequate sewerage infrastructure in place, or that it will be in place prior to occupation;
- vi. Support fish migration through the removal of barriers in river channels such as weirs, or where this is not possible, construction of fish passes.

k. All new developments will:

- i. Be set within a well designed and maintained attractive green setting, demonstrated through a detailed management plan where appropriate;
- ii. Provide a variety of spaces to meet the needs of people and nature;
- iii. Provide safe opportunities for sustainable transport;
- iv. Refer to the Staffordshire Ecological Record to ensure natural habitats and species in the locality are protected.”

5.7 We support the protection offered to Westbridge Park by way of the content of Policy N4, however we would wish to see the protection afforded through this policy better reflected and re-iterated within Local Plan 2 for consistency and coherence.

Section 6 Comments on the Stafford Borough Local Plan (Part 2)

- 6.1 We have reviewed the Publication Draft Local Plan (Part 2) and would draw attention to the following key extracts:

Spatial Principles 3, 4 and 7

- 6.2 We accept and agree with the Council's aspiration to direct the majority of new development to the main settlements, which will see the town of Stone taking some 10% of total housing provision over the life of the Plan. Whilst we have no objection to the sustainable arguments put forward in relation to the settlement hierarchy, we are keen to ensure that appropriate safeguards are put in place to protect Westbridge Park from development encroachment. It is hoped that identifying the majority of the Park as Green Infrastructure will achieve this aspiration, however greater policy protection is deemed to be appropriate and reasonable, particularly given that table 2 within the consultation draft document shows that as of March 2015, the settlement of Stone has already provided 10.5% more houses than that proposed under the provisions of Spatial Principle 4.
- 6.3 The need for additional housing land as a result of greater than expected build rates within Stone, will place undue pressure to build on parts of Westbridge Park at some point, and the Council need a clear policy presumption against such development within the Plan in order to seek to protect and support this valued community asset. It is our view that Spatial Principle 7 simply does not go far enough in this regard, with failure not to offer greater protection to such important community spaces not having been appropriately justified.

Policy SB1 - Settlement Boundaries

- 6.4 It is noted that the Council are proposing a defined settlement boundary around Stone, which now includes the developed portion of the land at Westbridge Park. Whilst we are pleased to note that no additional parcels of land within the park are proposed to be added into the settlement boundary, and therefore assume this offers the residual land protection from development, we are concerned that inclusion of this portion of the site within the settlement will allow re-development of this portion in principle, with only development control matters relating to design, scale, highways etc to be taken into account. Given that the developed portion of Westbridge Park provides important leisure and recreation uses for the local community, in reality we consider that this use should be protected with a specific leisure/recreation allocation. Without such a policy/allocation in place there is a real danger that this area of the Park and the important amenity it provides to the local community could well be lost to other forms of development. Whilst the Council may argue that there are other safeguarding policies within the plan (including Spatial Principle 7) which offers protection to such uses, and would require the provision to be made available elsewhere as part of any planning application; the only way to secure and protect these uses in the longer term is with a suitable leisure/recreation allocation of this portion of the site.

Stone

- 6.5 Whilst it is noted that the Council have not proposed an extension of the defined town centre boundary on the relevant map extracts, it is of concern to our clients that Policy Stone 1 (Local Plan Part 1) is specifically seeking to 'expand' the town centre. Given the Council's historic proposal to 'extend' the town centre of Stone onto the land at Westbridge Park by way of a mixed use allocation including a large retail unit, residents remain concerned that the principle of such a development remains at the forefront of the Council's aspirations for the site. In fact, it is understood that a planning application is expected imminently. Given the importance of protecting Westbridge Park from inappropriate development and protecting and promoting the vitality and viability of an existing town centre which is not performing to its best, we would have to object to any proposals which seek to expand the allocated town centre. It is our view that more focus should be given to promoting growth and regeneration of the existing town centre, in advance of proposals to extend the centre itself, which will only result in further decline of the high street.

Open Space

- 6.6 We welcome and support the identification of much of Westbridge Park as allocated Green Infrastructure, however we remain concerned regarding the protection offered to this space in the longer term, particularly as the Green Infrastructure allocation has not been shown on the Stone Settlement boundary map, even though the Green Belt and other relevant allocations have been shown. It is noted that the defined town centre boundary has also not been shown on the Stone map. For clarity and consistency we would ask that such additions be made to the map to avoid confusion for applicants at a future date, and to robustly clarify the protection offered to these two allocations
- 6.7 Our concern regarding the lack of protection offered to the Green Infrastructure allocation and community facilities extends to the fact that this approach is not consistently applied throughout the Local Plan. With particular regard to the portion of Westbridge Park within the new settlement boundary for Stone, there does not appear to be sufficient safeguards in place to protect the existing facilities. The Council's aspirations to protect recreation and leisure uses needs to be coherently and consistently addressed through the entire draft document, otherwise there is a risk that such vital community facilities will be lost to re-development.
- 6.8 It is noted that paragraph 2.28 of the draft Local Plan Part 2 makes reference to the content of paragraph 28 of the National Planning Policy Framework, and reads as follows:

"The National Planning Policy Framework (para. 28) states that "planning policies should [...] promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". It states again at para. 70 that "[...] planning policies and decisions should

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

- 6.9 In relation to the protection of Westbridge Park and its promotion as a community facility, we do not consider that the Plan has been 'positively prepared', in that insufficient weight has been given to the benefits of this site to the Stone community and the importance of protecting this space in perpetuity. In this regard the draft Plan fails to accord with National guidance and is unsound.
- 6.10 Whilst the Council may argue that draft Policy SB2 seeks to address our concerns, in reality it does not go far enough and does in fact provide developers with opportunities to encroach onto such protected spaces, where it can be demonstrated that the site has been marketed or the facilities will be provided in an alternative location. This is not sufficient to address our clients concerns and we would ask that the Council reconsider a more strongly worded policy which sets a clear presumption against such proposals other than in very special circumstances. Further consideration should be given to defining what is meant by 'an alternative location', as clearly provision of replacement facilities and services some distance from the site in question would simply not be appropriate or acceptable.
- 6.11 The lack of ability of the Council to designate Local Green Spaces only serves to heighten our concerns, as leaving that process to Neighbourhood Plans will only open up local communities to encroachment and further development on precious greenspaces. Such important decisions must surely need to be undertaken as part of a Local Plan process given its strategic implications and should not simply be left for those communities with the ability to produce a Neighbourhood Plan to police.



Section 7 Conclusion

- 7.1 For the reasons laid out above, we welcome the Councils decision not to re-introduce a proposed mixed use development allocation on a portion of the land at Westbridge Park. We further support the identification of Westbridge Park as Green Infrastructure. However, we must object to the lack of consistency applied throughout the Local Plan in relation to the protection of existing greenspaces, the lack of protection of the existing community facilities at Westbridge Park by way of the settlement boundary for Stone, and the lack of protection and promotion being provided in relation to the existing High Street.
- 7.2 We trust that the local authority will take account of these views as the production of the Local Plan progresses and we welcome the opportunity to discuss our concerns with officers in due course should the local authority wish to meet to discuss our objections in further detail.

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