



Our Ref: LPL628a Objection 03-08-2016

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

3rd August 2016

Dear Mr Dolman,

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

Further to the submission of our detailed planning objection to the aforementioned application on the 16th June 2016, we have continued to review progress with the application and now wish to take this opportunity to make further representation. Whilst it is understood that the comments from the Highways Authority remain outstanding, we wish to draw attention to a number of matters raised by other statutory bodies including the Town Council, Sport England, the Conservation Officer and the Environment Agency, as well as other interested third parties. We would therefore wish to comment as follows:

Neighbours: It is noted that there have been numerous objections from concerned local residents to the proposed development which raise matters including traffic generation, impact on the heritage environment, impact on amenity to name but a few. These valid concerns have not been addressed by the applicant to date and as such remain referable to the determination of the application. The local community clearly have significant concerns with the proposed provision of a retail unit on Westbridge Park, and these concerns need to be listened to and considered by officers and members during the evaluation of the application.

Town Council: It is noted that the Town Council have robustly objected to the proposed development for the reasons laid out below:

“The proposed development is inappropriate in design, size and layout. It bears no resemblance to any building in the surrounding area or indeed Stone. This results in over-development of the area. It is detrimental to the Park, the character of the conservation area and includes design features that are not in keeping with its surroundings. The proposal does not conform to development policies NPPF 56.57, 61 and 64 and Local Plan policies N1 and N9. The proposed site lies adjacent to numerous listed buildings, and again, with its inappropriate design, size and layout will be to the detriment of the character and setting of the local vicinity. The proposal therefore does not conform to Development policies NPPF 129, 132, 133 and policy N9 of the Local Plan. In addition to the above concerns, the following items having looked at your application and plans were raised in regards to,

- 1 - safety of pedestrians and vehicle users,
- 2 - the loading and unloading areas to the side of the proposed building and the potential safety and noise implications coupled with the maneuverability of HGV's
- 3 - the overall proximity of the building to the children's play area.
- 4 - the proposed design of access and egress onto Stafford Road especially with HGV traffic coming in and out has visibility problems and is already congested at peak times.
- 5 - Stafford Road is a single carriageway and will not be able to accommodate delivery vehicles and shoppers especially when there are traffic lights either side of the proposed entrance / exit which all affect traffic flows in and out of the town.”

Comment: We wholeheartedly support the comments made by the Town Council and whilst we note that the response of the Highways Authority remains outstanding, we trust they will take account of the traffic and highway safety issues identified above.

Environment Agency: It is noted that the Environment agency have objected to the proposed development for the reasons laid out below:

“In the absence of an acceptable Flood Risk Assessment (FRA) we **OBJECT** to the grant of planning permission and recommend refusal on this basis for the following reasons. REASONS: The FRA (ref: NTE-2229-FRA, rev P2, prepared by BWB, dated 13/04/16) submitted with this application does not comply with the requirements set out in paragraph 102 of the National Planning Policy Framework which states that for areas at risk of flooding a site-specific flood risk assessment must be undertaken which demonstrates that the development will be safe for its lifetime and where possible reduces flood risk overall. In particular, the submitted FRA fails to:

1. Undertake a blockage assessment of the Scotch Brook. This site is located to the East of the Scotch Brook which is prone to heavy siltation and potential blockage of the canal syphon and culvert. Flows from the Scotch Brook are likely to impact on this site if a blockage were to occur. A blockage assessment should therefore be undertaken. Model results of a variety of silt levels in the syphon and culvert can be provided by emailing SWWMcustomers@environment-agency.gov.uk.
2. We would recommend that finished floor levels are set at least 600mm above the 1 in 100 year plus climate change flood level (not 300mm as stated within the FRA).”

Comment: Whilst it is noted that the applicant is in the process of preparing a revised flood risk assessment (FRA) to seek to overcome the current objections, it is noted from a letter prepared

by BWB dated 29th July 2016, that they consider the site to be located within Flood Zone 1 and will no doubt prepare the revised FRA on this basis. However, it is clear from the Flood Maps produced by the Environment Agency that the site is located partly within zone 2 and partly within zone 3. This is further supported within the flood response submitted by the County Council. We trust that the assessment of the application will be undertaken on the basis of the correct flood zone and that the application will not be determined without clear assurances that (1) the site is not at risk from flooding and (2) that the development will not increase flood risk elsewhere.

We reserve the right to make further submissions in this regard once the applicant has formally submitted the revised FRA.

Staffordshire County Council: In addition to confirming that the application site is located within flood zones 2 and 3, it is noted that the County Council also have concerns in relation to surface water drainage and advise as follows:

“The key objectives set out in the Sustainable Drainage Statement are acceptable in principle, but there is insufficient detail about how these will be implemented to demonstrate that an adequate SuDS scheme will be achieved.

The Drainage Strategy states that surface water discharge from the site will be restricted to 5l/s for all rainfall events up to the 100 year critical storm, with an additional allowance for climate change. This is acceptable. However, an acceptable point of discharge for surface water has not been confirmed. It is proposed if possible to connect to a manhole located to the south west of the site, but the drainage strategy states that ‘the ownership and use of the proposed connection point to the sewer is unknown and is not shown on Severn Trent sewer mapping’.

Further survey work and investigations should be undertaken to establish the use and ownership of the sewer, if the site currently drains to this manhole, or if permission will be required to connect. Alternative points of discharge such as the Trent and Mersey Canal should also be fully explored (see response from the Canal & River Trust). An acceptable point of discharge (in accordance with the drainage hierarchy) should be confirmed.

The Drainage Strategy states that SuDS features have been incorporated wherever possible. However, these have not been shown on the indicative surface water drainage strategy drawing, and are not clearly confirmed within the drainage strategy document. Water quality management should be in accordance with guidance provided in the CIRIA SuDS Manual. The simple index approach can be used to demonstrate whether the proposed SuDS system will provide adequate treatment.

We would recommend that the points above should be clarified in order to confirm the proposed surface water drainage arrangements and determine whether these will be acceptable.”

Comment: The County Council clearly have some concerns regarding the proposed site drainage and it is obvious that the applicants have failed to submit sufficient information to confirm the acceptability of the site for the development proposed in drainage terms, which only supports the comments made within our original objection dated 16th June. The applicant should therefore be required to submit additional information in order to seek to address the matters detailed above, or alternatively the application should be refused outright on the basis of insufficient information.

Sport England: As it stands it is noted that Sport England have objected to the proposed development for the following reasons:

“Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply. Having assessed the proposals against exception E1 and E4, Sport England is of the view that the proposals do not currently meet either exception in full. However, if the following amendments were made we may be in a position to support the proposals:

- The provision of 1-2 replacement tennis courts (on or off site) or secured access for public use of 2 existing tennis courts on a school site in the south of Stone

Comment: The applicant has clearly failed to demonstrate that the site is suitable for the use proposed, nor that sufficient mitigation can be provided to compensate for the loss of the tennis courts. Furthermore, the analysis undertaken by the applicant would appear to be inconsistent and incorrect with the number of tennis courts available within Stone understood to be just 13 and not 17 as claimed by the applicant. In addition, it is our view that when considering not just current leisure needs, but also future needs including the increased population as a result of higher housing delivery, that the loss of these tennis courts is simply unjustified and contrary to the provisions of paragraph 74 of the National Planning Policy Framework.

The case cannot be made that the monies from the sale of the land will facilitate wider improvements in leisure provision within the Park to justify approving the application, as there have been no clear mechanisms or legal obligations put in place to secure such delivery. The only way this could have been clearly demonstrated was by way of a joint mixed use application tying both elements of the development together. Without such an approach residents are genuinely sceptical that the provision of the M&S will bring about the wider improvements promised.

Conservation Officer: The Council’s Conservation Officer clearly has concerns regarding the impact of the proposed development on the historic environment and states that:

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

The application submission includes a heritage statement which makes reference to Stone Conservation area and concludes that the proposed development will have no impact on its significance. It also refers to several listed buildings, including St. Michael’s Church. In each case it concludes that there will be either no impact or no significant impact on these heritage assets by the development. Unfortunately, within the application there is an absence of fully detailed contextual elevations of the proposed building alongside existing buildings, or a townscape mock-up which might also have proved useful. That said, the

site sections provide an indication of the relative heights of the proposed food store and the sports centre, such that the highest point of the proposed building appears to be close to the height of the upper 'eaves' level of the sports centre.

The current open nature of the application site and the wider park in general allows for the significant townscape views that currently exist, albeit that they have been compromised to some extent already by the sports centre, as the conservation area appraisal notes. The townscape view, including that of St Michael's Church, from Westbridge Park and its environs, is an important aspect of Stone Conservation Area and as such my concern regarding the impact of the current proposal on the designated heritage assets is, in a sense, a general one, rather than one relating to the specific setting of The Moorings or The Priory, for example. It is inevitable that there will be some loss of such views from the application site and the wider park should the food store be constructed, and some further erosion of the quality of the remaining views with this development in the foreground.

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

Comment: Given the concerns raised above and the robust approach applied by the Conservation Officer to other applications, including the site at Crown Wharf, it is somewhat surprising that the Officer concludes as follows:

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

At the very least we remain of the opinion that the applicant should be required to prepare and submit the suggested contextual elevations and viewpoints from key vantage points (as laid out in our earlier correspondence), such that the full visual impact and harm to the designated heritage assets can be assessed. It is clear that the Conservation Officer has reservations with the application and it is somewhat surprising that his approach to the assessment of the application is not consistent with the approach take elsewhere, especially when the nature of the issues to be considered are the same.

Whilst the Conservation Officer considers there to be less than substantial harm, we remain of the view that the effect on the character and setting of numerous heritage assets will be significant and would justify refusal of the application. Furthermore, as presented, the applicant is not able to demonstrate sufficient wider public benefit from the grant of consent which would override the principle heritage objection. As such, the application should be refused.

Other statutory bodies: From a review of the other consultee responses we would comment as follows:

- **Ecology** – We trust that the suggested method statements and other requested additional information on site lighting will be provided and consulted upon in advance of determination of the application.
- **Canal and River Trust** – It is noted that they suggest a number of conditions be attached should consent be granted. Given the scale and nature of the development we would ask that such matters be addressed in advance of determination, given that many fall to the principle of development and some have been identified by other statutory bodies as not being sufficient, for example site drainage.
- **Environmental Health** – It is noted that the applicant has failed to provide the actual details of proposed plant equipment and instead has relied upon indicative values. Whilst the Environmental Health team consider that such matters can be addressed by way of condition, given the sensitive nature of the site and proximity to residential properties, we consider that the noise generation and location and form of plant equipment should be addressed in advance of determination.
- **Geo-Technical:** It is noted that further assessment will be required in relation to the potential for ground gas from the former landfill. Given the potential detrimental effect such issues could have on the wider environment, we trust that further exploratory investigations will be undertaken and assessed in advance of determination of the application.
- **Mersey and Canal Society:** The concerns of the society are noted, and whilst we would not agree to support the principle of the development, we do however share their objections regarding the design of the proposal and its impact upon the canal and associated tow path.
- **National Grid:** It is noted that there may be a conflict between the proposed development and existing National Grid infrastructure and we would seek assurances that these matters will be suitably addressed in advance of determination.
- **Police:** We note that the Police have suggested a number of design features commensurate with Secured by Design, and we would appreciate confirmation that this approach has been followed in the preparation of this application.
- **Severn Trent Water:** We would advise that our comments made above on flood risk and site drainage are equally relevant in relation to reviewing the formal response of the water authority.
- **Tree Officer:** The comments of the Tree Officer are noted and we would welcome confirmation from the case officer that the suggested conditions on tree protection will be adhered to should consent be granted.

Comment: We would advise that to date there have been no submissions made by the applicant which would address the concerns laid out in our earlier correspondence, and as such our clients wish to take this opportunity to re-iterate their very strong objection to the proposed provision of a retail use at Westbridge Park. Furthermore, it is noted that to date the applicant has also failed to address the issues raised by statutory consultees which would only seek to further demonstrate the unacceptable nature of the development.

Given the nature and number of objections associated with this scheme we would ask the case officer to ensure that all of the matters raised including the suitability of the sequential test, the assessment of alternative sites, congestion, highway safety, flood risk and the inappropriate nature of this site for the use proposed will be robustly addressed. In any event, we remain of the opinion that this is not the right site for the provision of a retail store and would request that the application be refused as being contrary to policy.

We will continue to monitor this application and reserve the right to make further submissions in due course upon receipt of additional consultee responses, or upon submission of amended or additional information by the applicant.

We would be grateful to receive confirmation of receipt of this correspondence.

Yours sincerely

Rebecca Booth
BSc (Hons) MSc (Dist)
Associate Planning Director