

Comment

Consultee	Mr Robert Jones
Email Address	
Address	
Event Name	Main Modifications Plan for Stafford Borough Part 2
Comment by	Mr Robert Jones
Comment ID	1
Response Date	
Consultation Point	The Plan for Stafford Borough Part 2: Modifications (View)
Status	Processed
Submission Type	Email
Version	0.5
To which Main Modification does your comment relate?	2.46
Do you wish to support or object to this Main Modification?	Support

Please explain your answer

I support the deletion of the phrase " but crosses the canal to include the developed area of Westbridge Park in the boundary" (2.46) This is a welcome modification. The park will still be able to operate as a communal area not subjected to private commercial activity. Local residents at the Moorings will welcome the ending of the uncertainty about future development of this site. Original inclusion of Westbridge Park would have taken away trade from an already shrinking High St. The deleted boundary , crossing the canal and not visible from the High St appeared a rather unjointed proposal, an outlier not connected to the retail activity of the High St.

If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to:

Comment

Consultee	Mr Roger Savage
Email Address	
Address	
Event Name	Main Modifications Plan for Stafford Borough Part 2
Comment by	Mr Roger Savage
Comment ID	2
Response Date	
Consultation Point	The Plan for Stafford Borough Part 2: Modifications (View)
Status	Processed
Submission Type	Web
Version	0.3
Do you wish to support or object to this Main Modification?	Support

If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to:

Comment

Consultee Mrs Jane Bonser

Email Address

Address

Event Name

Main Modifications Plan for Stafford Borough Part

Comment by

2

Comment ID

Mrs Jane Bonser

Response Date

3

Consultation Point

Status

The Plan for Stafford Borough Part 2: Modifications

[\(View\)](#)

Submission Type

Processed

Version

Web

0.2

To which Main Modification does your comment relate?

Settlement Proposals

Do you wish to support or object to this Main Modification?

Support

Please explain your answer

I endorse the main modification of Inspector Fox re the settlement boundary in Stone whereby he comments on concerns in relation to; "the potential impact which could result from the location of the settlement boundary as submitted on the openness of the park and on the setting of the Stone Conservation Area and key listed buildings which can be viewed from the park". As per P2-MM3a the proposed settlement boundary should be re-drawn to follow the Trent and Mersey Canal and NOT encompass part of Westbridge Park.

If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to:

Our ref:
Your ref: The Plan for Stafford Borough

Forward Planning Section
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ

Graham Broome
Asset Manager

Operations Directorate
The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

Via Email:
forwardplanning@staffordbc.gov.uk

Direct Line: +44 (0) 300 4702860

27th October 2016

Dear Sir/Madam,

THE PLAN FOR STAFFORD BOROUGH: PART 2 MODIFICATIONS

Highways England welcomes the opportunity to comment on the Part 2 modifications document for the Plan for Stafford Borough. Highways England notes that Part 2 of the Plan for Stafford Borough sets out boundaries for the settlements of Stafford, Stone, Key Service Villages and Recognised Industrial Estates (RIE). The consultation document also includes a policy on protecting social and community facilities, and the employment areas in Stafford and Stone.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is the role of Highways England to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to this consultation, Highways England's principal interest is safeguarding the operation of the M6 which routes through the Borough.

Highways England notes that the main modifications to the Plan for Stafford Borough Part 2 comprise minor modifications to text, a clarification in respect of MoD land in Stafford and a minor amendment to the Stone settlement boundary. These changes have no impacts with regard to Highways England's interests.

Accordingly Highways England has no comment to make on The Plan for Stafford Borough: Part 2 Modifications.

If you have any questions or comments on the above please do not hesitate to contact me.

Yours faithfully,



Graham Broome
Operations Directorate
Email: graham.broome@highwaysengland.co.uk



Stafford Borough Council
Civic Centre
Riverside
Stafford
Staffordshire
ST16 3AQ

Our ref: UT/2006/000313/CS-
14/EW1-L01
Your ref: Part 2 Modifications
Date: 01 November 2016

Dear Sir/Madam,

The Plan for Stafford Borough: Part 2 Modifications

Thank you for consulting us on the above document.

We have no comments to make on the modifications for this plan.

Yours faithfully

Mr Martin Ross
Planning Specialist

Direct dial 01543 405047
Direct e-mail martin.ross@environment-agency.gov.uk

For Office Use Only:		
Date		
Ref		

Stafford Borough Council

Main Modifications to the Plan for Stafford Borough Part 2

Response Form

6

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

This form has two parts:

Part A - Personal Details

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

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

PART A: PERSONAL CONTACT DETAILS

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

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

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

PART B: YOUR REPRESENTATION

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

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

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

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

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

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

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

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

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

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Q4a. Do you consider this Main Modification is:

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

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

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

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

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

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

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

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

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

Please tick this box if you DO NOT wish to be notified of publication of the Inspector's Report, adoption of the Plan for Stafford Borough or be involved in the preparation of future plans and policies.	
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Thank you for taking the time to complete this representation.

Comment

Consultee	Lucy Davies
Email Address	clerk@stonerural.staffslc.gov.uk
Company / Organisation	Stone Rural Parish Council
Address	Council Office Stone ST15 8TG
Event Name	Main Modifications Plan for Stafford Borough Part 2
Comment by	Stone Rural Parish Council (Lucy Davies)
Comment ID	7
Response Date	01/11/16 11:48
Consultation Point	Main Modifications Plan for Stafford Borough Part 2 (View)
Status	Processed
Submission Type	Email
Version	0.8
Do you wish to support or object to this Main Modification?	Support

Please explain your answer

Dear Sir / Madam Stone Rural Parish Council have considered the Main Modifications and would raise the following observations: Have the borough council consulted the relevant agencies in terms of infrastructure with regard to the plan. i.e • clinical commissioning groups for availability of GP (all discipline) facilities within the development areas. • education authorities for expansion of existing facilities. • highway authority for the impact of extra housing onto already crowded road space . I would be grateful if you could forward these observations for consideration. Kind regards Lucy Davies Parish Clerk Stone Rural Parish Council Council Office Moddershall Stone ST15 8TG email: clerk@stonerural.staffslc.gov.uk office: 01785 811123 mobile: 07811 375623

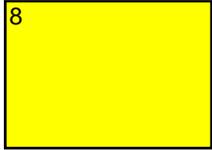
If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to:

For Office Use Only:		
Date		
Ref		

Stafford Borough Council

Main Modifications to the Plan for Stafford Borough Part 2

Response Form



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

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

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PART A: PERSONAL CONTACT DETAILS

1. YOUR DETAILS		2. AGENT DETAILS (*if applicable)
Title	Mrs	
Forename	Melanie	
Surname	Lindsley	
Job Title	Planning Liaison Manager	
Organisation	The Coal Authority	
Address	200 Lichfield Lane	
	Mansfield	
	Nottinghamshire	
Postcode	NG18 4RG	
Email address	planningconsultation@coal.gov.uk	
Telephone No.	01623 637119	
Mobile No.		

Which is your preferred method of contact?	Email	X	Post	
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How we will use your personal information: *The information you provide will be used by the Council to help prepare the Plan for Stafford Borough Part 2 and will be shared with other employees or agencies (such as the Planning Inspectorate) who may be involved with the examination of the Plan. Please note that the Council is obliged to make representations available for public inspection, this means that with the exception of telephone numbers, email addresses and signatures, your comments and other personal details that you provide will be publicly available for inspection at the Council's principle offices and will also be published on the internet. Should you have any further queries please contact Stafford Borough Council on 01785 619000 and ask for Forward Plans.*

PART B: YOUR REPRESENTATION

Name	Melanie Lindsley	Organisation	The Coal Authority
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Please fill in the questions below and clearly explain your comments in the relevant sections. Use one form per comment. Further sheets are available to download and you may use as many additional sheets as necessary.

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

Main Modification Number	
--------------------------	--

Q2. Do you wish to support or object to this Main Modification?

Support		Object	
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Q3a. Do you consider this Main Modification is:

Legally Compliant?	Yes		No	
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Q3b. Please use this space to explain your answers above. Please be as precise as possible.

Q3c. Please set out what change(s) you consider necessary to make the Main Modification legally compliant and give your reasons. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Q4a. Do you consider this Main Modification is:			
Sound?	Yes		No
Q4b. If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to by placing a cross by the appropriate box.			
Please select	Test of Soundness		
	It is not positively prepared in that is not prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements where it is reasonable to do so and consistent with achieving sustainable development.		
	It is not justified in that it is not the most appropriate strategy based on a robust and credible evidence base.		
	It is not effective in that it is not deliverable over its period.		
	It is not consistent with national policy .		
Q4c. Please use this space to explain your answer to Q4a above. Please be as precise as possible.			
Q4d. If you consider the Main Modification unsound, please set out what change(s) you consider necessary to make it sound and give your reasons. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.			
<p>The Coal Authority has no comments to make on the Main Modifications proposed.</p>			

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

Please note: Representations should only relate to the Main Modifications. This consultation is not an opportunity to repeat or raise further representations about the published Plan for Stafford Borough

Part 2 or seek changes to the Plan. If the Inspector considers new issues or matters are raised as a result of these representations, he may decide to resume the hearings to enable these points to be discussed.

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

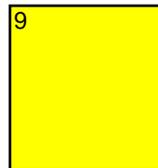
Email: forwardplanning@staffordbc.gov.uk
Post: **Head of Economic Development and Planning
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ**

Please tick this box if you DO NOT wish to be notified of publication of the Inspector's Report, adoption of the Plan for Stafford Borough or be involved in the preparation of future plans and policies.	
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Thank you for taking the time to complete this representation.

Date: 02 November 2016
Our ref: 196749
Your ref: N/a



Stafford Borough Council

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Planning Policy Team

Planning consultation: Plan for Stafford Borough – Part 2 – Main Modifications and Sustainability Appraisal Addendum

Thank you for your email consultation on the above dated 21 November 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have reviewed the main modifications and associated Sustainability Appraisal (addendum) report and have no comments to make in relation to soundness or legal compliance.

For any queries relating to the specific advice in this letter only please contact me on 020 802 60939. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

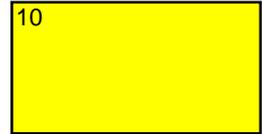
Antony Muller
Lead Adviser – Sustainable Development, Wildlife & Commercial Team – North Mercia Area

For Office Use Only:		
Date		
Ref		

Stafford Borough Council

Main Modifications to the Plan for Stafford Borough Part 2

Response Form



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

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PART A: PERSONAL CONTACT DETAILS

1. YOUR DETAILS		2. AGENT DETAILS (*if applicable)
Title	Mr	
Forename	Les	
Surname	Trigg	
Job Title	Town Clerk	
Organisation	Stone Town Council	
Address	15 Station Road	
	Stone	
	Staffordshire	
Postcode	ST15 8JP	
Email address	clerk@stonetowncouncil.org.uk	
Telephone No.	01785 619740	
Mobile No.		

Which is your preferred method of contact?	Email	<input checked="" type="checkbox"/>	Post	<input type="checkbox"/>
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How we will use your personal information: *The information you provide will be used by the Council to help prepare the Plan for Stafford Borough Part 2 and will be shared with other employees or agencies (such as the Planning Inspectorate) who may be involved with the examination of the Plan. Please note that the Council is obliged to make representations available for public inspection, this means that with the exception of telephone numbers, email addresses and signatures, your comments and other personal details that you provide will be publicly available for inspection at the Council's principle offices and will also be published on the internet. Should you have any further queries please contact Stafford Borough Council on 01785 619000 and ask for Forward Plans.*

PART B: YOUR REPRESENTATION

Name	Mr Les Trigg	Organisation	Stone Town Council
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Please fill in the questions below and clearly explain your comments in the relevant sections. Use one form per comment. Further sheets are available to download and you may use as many additional sheets as necessary.

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

Main Modification Number	P2-MM3a and P2-MM3b
--------------------------	---------------------

Q2. Do you wish to support or object to this Main Modification?

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

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

Stone Town Council support the proposed Main Modifications detailed above as proposed by the Planning Inspector. Removing any part of Westbridge Park from within the settlement boundary will help to secure the parks future as an important leisure/ recreation asset for the residents of Stone and the surrounding area.

We share the concerns of the Planning Inspector as laid out within his note advising on the proposed modifications. However we are disappointed with total disregard afforded to the Planning Inspectors comments when Stafford Borough Council planning committee granted planning permission on 31st October 31, 2016 for a M&S food store on the area of land in Westbridge park to which the inspector referred to when he stated:

“3. Amend the Stone settlement boundary to exclude the land on the edge of Westbridge Park which is located to the east/south-east of the A520 (Stafford Road) and to the west/south-west of the Trent and Mersey Canal, currently occupied by a surface car park and other community uses, including a leisure centre and tennis courts

The full reasons for the above modifications will be given in my report but in regard to the third modification in the above list, the principal reasons are: the potential impact which could result from the location of the settlement boundary as submitted on the openness of the park and on the setting of the Stone

Conservation Area and key listed buildings which can be viewed from the park; concern over flood risk; concern over the location and impact of retail development on the town centre; and the strong and clear physical boundary of the canal.”

Q3c. Please set out what change(s) you consider necessary to make the Main Modification legally compliant and give your reasons. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Q4a. Do you consider this Main Modification is:

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

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

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

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

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

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

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

Email: forwardplanning@staffordbc.gov.uk

Post: **Head of Economic Development and Planning
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ**

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

Thank you for taking the time to complete this representation.

Comment

Consultee	Mr Andy Osgathorpe
Email Address	
Address	
Event Name	Main Modifications Plan for Stafford Borough Part 2
Comment by	Mr Andy Osgathorpe
Comment ID	11
Response Date	03/11/16 13:55
Consultation Point	The Plan for Stafford Borough Part 2: Modifications (View)
Status	Processed
Submission Type	Web
Version	0.2
To which Main Modification does your comment relate?	MM3a and MM3b
Do you wish to support or object to this Main Modification?	Support

Please explain your answer

As per P2-MM3a and P2-MM3b the proposed settlement boundary should be re-drawn to follow the Trent and Mersey Canal and NOT encompass part of Westbridge Park. I wish to wholeheartedly support the proposed Main Modification 3a and 3b as proposed by the Planning Inspector. Removing any part of Westbridge Park from within the settlement boundary will assist in securing its future as an important leisure/ recreation asset for the good of the wider community. However, it is of concern that the planning application for the new Marks and Spencer retail unit (application reference 16/024242) was not informed by this emerging policy and considered within this site and the decision reached by Stafford Borough Council of a contrary nature therefore by definition makes the PSB2 unsound and unadoptable. Any decision making such a contrary motive is insolvent and against the public interest.

If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to:

2/11/2016.

Sir,

Following your report on Part 2 of the Plan for Stafford Borough I wish to put forward the following evidence that shows that the land in Westbridge Park that M.& S. wish to use as a Foodstore has been a brownfield site since the 18th. Century.

When the Trent and Mersey Canal was built they also built their Headquarters in Stone on this site. It was originally called Navigation House, later being called Westbridge House. It was a substantial 3 storey Georgian building dominating the area.

After the Canal Company was bought out by the North Staffordshire Railway, the house became the Council Offices of the Stone Local Board.

In the 1890's after Government changes to Local Government the council became The Urban district Council of Stone, which finally lost its independence

after the 1972 Act. The Council retained the house as offices until it moved into the High Street.

Its last use was in the 1930's ,by a local cafe owner, as a chocolate factory. It was finally demolished in 1950 to produce the park for the 1951 Festival of Britain.

I have found this evidence from several sources. Stone Library reference section, the William Salt Library in Stafford and 2 websites; viz Staffordshire Past Track and Britain from Above. (I include copies of the evidence in my letter.)

I believe that the photographs clearly show that Westbridge House and consequently that the part of Westbridge Park under consideration should be included as part of the settlement boundary as originally proposed by Stafford Borough Council.

Also I wish to further point out that on 31st. October 2016 the Stafford Borough Planning Committee passed the plans for the proposed Foodstore on the site in question as they could see no material planning reasons to refuse.

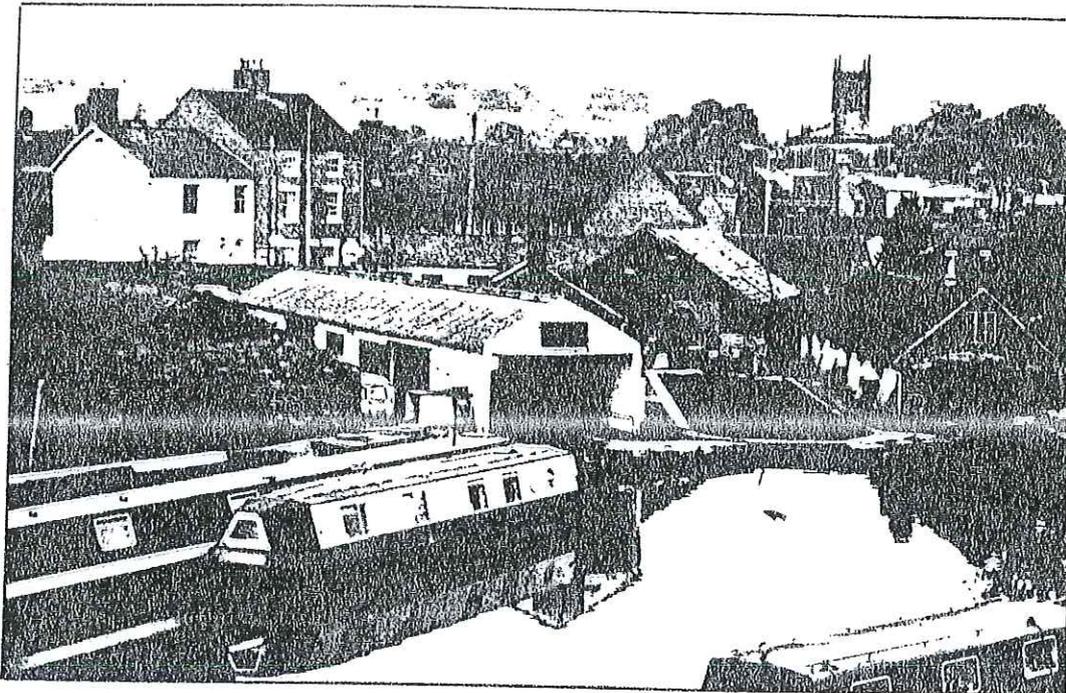
Yours ,

Cllr. M.F. Williamson(Stone Town Councillor.)

REFERENCE ONLY

STONE LIBR

Stone-Canal Town



by John Bolton

A traveller who passed through Stone in 1789 observed: "From a poor insignificant place the town is now grown neat and handsome in its buildings and, from its wharves and busy traffic, wears the lively aspect of a little seaport". Stone, of course, was not alone in this transformation during the golden age of canal building. Many a town grew to the proportions of a city with the increasing industrial prosperity brought by the much-improved transport of raw materials and finished goods. But while Stone's relationship with the cut may be typical of the smaller towns along the routes of the waterways, it played a more important role than most in those pioneering days of the late eighteenth century. For a start, it boasted the headquarters of the Proprietors of the Navigation from the Trent to the Mersey.

The first committee meeting of the canal company was held at the town's Crown Hotel on 10th June 1766, when James Brindley was appointed surveyor-general and Josiah Wedgwood treasurer. Cutting progressed well from the Derbyshire end and within five and a half years the navvies had completed their work to Stone where the celebrations went with rather too much of a bang. A newspaper reported:

"The extraordinary rejoicings on the evening of the 12th instant (November 1771) for the arrival of the Boats up the Canal at Stone ended with great Damage by the repeated Firing of the Cannon. One of the locks and a bridge fell in . . . by which Accident the Boats were not able to return. The damage is computed at £1,000".

A committee report of the following year stated that 28 boats belonging to the canal company, and 11 to other persons, were trading on the 48 navigable miles. Mean-

while, the Manchester packhorse trains were continuing to pass through Stone with loads of cloth for export on their way to Bewdley. The new canal route to the Severn from Great Haywood was still awaiting a northern link, but by 1777 the Trent & Mersey had been completed all the way to Preston Brook.

Development of Stone's boot and shoe industry was post-canal and so was the growth of brewing in the town. The many flint and bone mills in the district sent their powders and glazes to the Potteries by boat and received the raw materials by the same means. The canalside brassworks of George Vernon was set up just south of the town in 1794. Supplies of copper for wire-making eventually came by water from Oakamoor when the Uttoxeter branch was opened in 1811. Bridge 91 is still 'Brassworks Bridge' to the locals although none of the industrial buildings remain.

The town's gasworks chose a waterside site as did the Joule's brewery company whose fine ale stores is a T&M landmark to this day. Industrial growth alongside the navigation continued right into the present century with the building of new potbanks in 1922 by the firm of Taylor Tunnickliff.

The Workhouse (now incorporated in Trent Hospital) was the only building apart from the Star Inn on the river Trent side of Stone dating from before the canal's completion. The Star was an inn 200 years before the navvies came to quench their prodigious thirsts. Buildings and wharves began to mushroom to serve the waterway. The large warehouse below Stafford Street Bridge (93) was probably one of those which company clerk Thomas Sparrow referred to in 1787 as "lately completed".

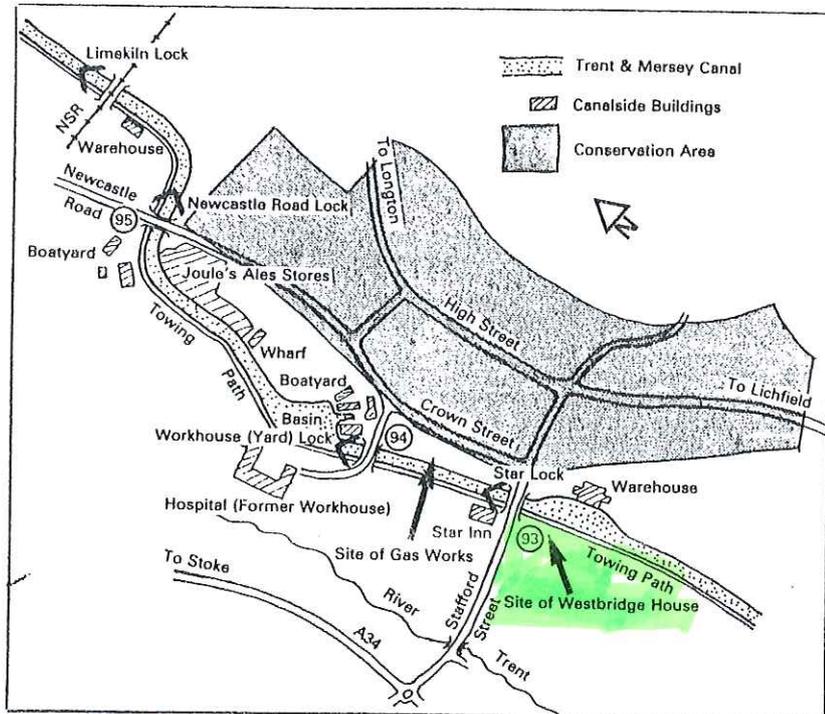
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Title Picture – The Boatyard as it is today with the main building dock on the left, the covered wet dock, the open dock and the old horseboat or butty dock. The Wyatt family, one of the pioneers of the hire boat industry, have been established here since 1948 and it was here that Cressy came for her last fateful survey.

Right – The map of Stone town centre shows clearly how the Conservation Area inexplicably excludes the historic and architecturally interesting canal buildings. Will local enthusiasts bring about an extension of the Area to afford protection for these important buildings?

John Bolton provides a more detailed portrait of this Trent & Mersey community in his book *Canal Town – Stone* just published and obtainable from 34 Springhill Park, Lower Penn, Wolverhampton, W. Midlands, price £1.70, post paid.



Across the canal on the towpath side stood the three-storey Navigation Office, known in more recent times as Westbridge House. This large Georgian building became council offices after the North Staffordshire Railway Company decided to administer the canal from Stoke. It then became a chocolate factory and was derelict for many years before being pulled down in the late 1940s when the area was landscaped to provide a park. The wharf opposite had stables and cottages and the town's weighbridge was set up there. By Star Lock was a toll office and before the gasworks was built in 1878 there was a timberyard on the offside.

Land alongside the next pound showed the greatest transformation. Inmates of the old workhouse were to look out on a boatyard complex of workshops, docks, cottages and the busy Crown Street or Grand Trunk Wharf. The brewery had dominated the next stretch by the end of the last century but before then another wharf, sawmill, timberyard, cottages and a rough boatmen's pub called the Hand and Trumpet were sited on the offside below Newcastle Road Lock. Opposite these were stables and another inn, The Boat.

Above the lock were more cottages built parallel to the canal, a smithy and another wharf, the Burton Boat Company warehouse, yet another pub and a timberyard. Alongside the last lock of the town flight were the limekilns that gave it its name and above this a basin for boats. All this activity meant more work and business for townsfolk. In 1789, for instance, Charles Hapsells, carpenter, was paid £43 for his professional part in the erection of a machine house, bridge and wharf for Earl Gower, a promoter of the navigation. In the first 30 years of the nineteenth century the population of the town doubled to 3,000.

Local Carriers

One of the first carriers was the canal company's clerk of works Hugh Henshall who had taken over as resident engineer from his brother-in-law James Brindley. Henshall, and an independent group of businessmen that

included engineer Josiah Clowes, established a fleet that grew to 80 in number and carried long-distance to Run-corn, Manchester and Shardlow.

An 1818 directory of Stone tradesmen lists 16 carriers including two who provided day and night flyboat services to London, Manchester and Liverpool. Stone's wharves received their coal from North Staffordshire (and later the Rugeley area), felspar, flint and clay from Weston Point docks and foodstuffs from many distant sources. Besides a coal merchant based on the Stafford Street wharf in 1818 there were five small companies of flint grinders.

R & D – The Milepost People

The local firm of Rangeley and Dixon advertised themselves at that time as pump manufacturers. They became better known for the mileposts they cast in their Lichfield Road foundry – one for every mile of the navigation. "R & D", as they are lastingly commemorated in cast iron, also built steam engines and no doubt they joined the crowd that turned out to watch the first steam-powered canal boat pass through the town on its way from London to Liverpool in 1828.

John Gilbert, son of the famous agent to the third Duke of Bridgewater, was allotted certain lands at Stone by the 1796 Inclosure Act. These included the two limekilns at the top lock, a large coalyard, a machine house and "a basin of water covering 19 perches for the purpose of turning boats". Gilbert, who began canal carrying with Jonathan Worthington, had 16 boats in 1801. Another famous figure, John Jervis, who was to become Admiral Lord Vincent, also had some canalside property in the town. He was born at nearby Meaford Hall.

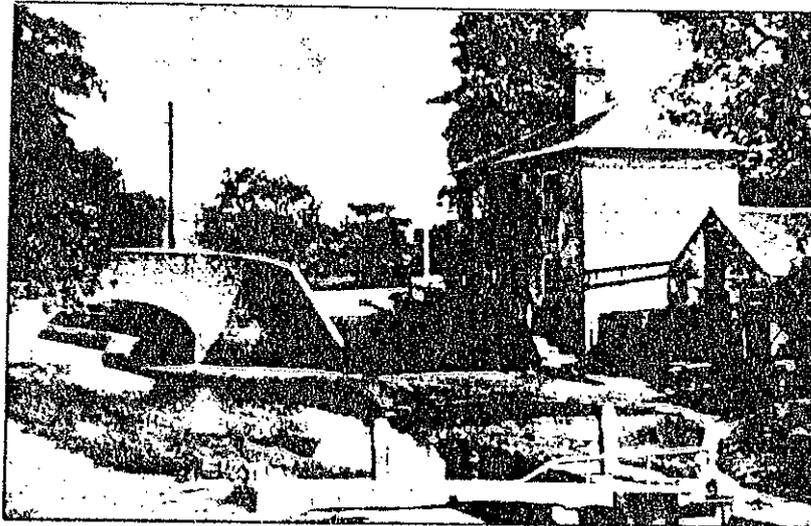
There were two proposals for branches to join the Trent & Mersey main line at Stone but neither project got beyond the survey stage. The 1797 plan for a Lilleshall branch would have linked Earl Gower & Company's limestone network via an 18-mile branch. The other scheme, drawn up in 1825, would have cut across country to Stafford with seven miles and two locks less than the Staffs & Worcester route.

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Stone- Canal Town (continued)

"house-covered" Meaford lock house – as T. C. Rolt described it in *Narrow Boat* – by Bridge 97, on the Meaford Cut. It was demolished about 30 years ago. This was a favourite bathing place for the youngsters of Stone on summer days in the fifties.



When the North Staffordshire Railway Company took over the canal in 1846 and transferred the canal offices to Stone it seemed that the Grand Trunk would be lopped off eventually felled like so many other waterways. But 'Knotty' took a constructive outlook and ran the cut efficiently. Stone's boatbuilding and maintenance yards continued to operate for another century. The workforce dwindling however as the years passed and by the late 1950s it reflected the decline in tonnage moved. The canal workers were by then employed by the Docks & Inland Waterways Executive who made an effort to improve maintenance and increase carrying. But the writing was on the wall long before their successors the British Waterways Board took over in 1962.

ollections of the Boatyard

Stone was one of the few places at that time which showed the shape of things to come with its two holiday hirecraft businesses. These were Midland Luxury Cruisers and the Rolt family's Canal Cruising Company, which was a true pioneer in the field, being founded in 1948. This firm used the old boatyard and three of the four docks. There is little to indicate today the range of activities that took place in the area. Many of the canal company men lived in homes which bordered the site and in living memory as many as 50 boats were maintained at the yard. "There was always plenty of work", recalls 70-year-old builder George Smith, who worked for the NSR and its successors the LMS railway company for more than 40 years. He built maintenance craft including iceboats to start to finish and many of the lockgates needed for the canal's 93 miles. Another Stone craftsman was Herby Potts whose boatbuilding tools can now be seen at the National Maritime Museum. He helped to complete the tunnel used for electric haulage through Harecastle Tunnel. The yard blacksmith forged many of the tools that they used as well as making nails, studs, knees, parts of lock-plates and windlasses.

The building dock was the largest one with its roof supported by iron pillars. The smaller covered dock was for horseboats only as its high sill barred access to deeper draughted craft. The single-storey buildings were painted white and company stores where the passing boatman could buy new cotton lines and other items.

The maintenance gang, operating from the wharf itself, consisted of about 16 men when Mr Percy Bates joined it in 1909. He worked on walling and embankment building,

icebreaking and spoon dredging. He says that winding up the loaded spoon by hand, three men could shift as much as 20 tons in a day.

Another town canal veteran, toll clerk George Bagot, had to pay the boatyard men's wages as part of his duties. There were 60 men on the yard payroll in the 1920s with an average wage of 18 shillings a week.

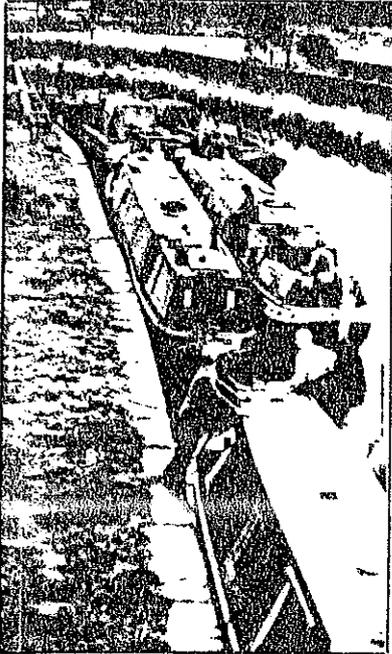
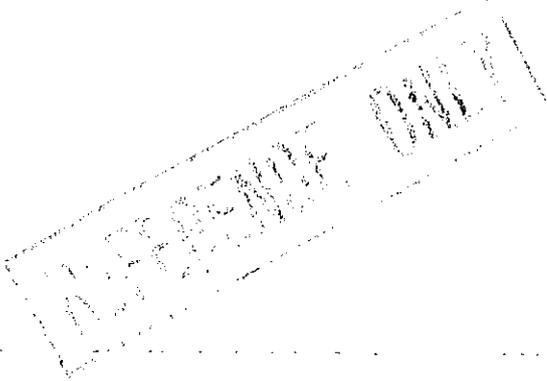
Probably the last working craft, apart from maintenance boats, to tie at the wharf were those of Cowburn & Cowpar from Manchester which carried chemicals in carbons and tanks. This was in the early fifties. And it was in 1951 that a converted narrow boat called *Cressy* arrived there for a survey. Its owner was *Narrow Boat* author L. T. C. Rolt. The boat – broken-backed and rotting in places – was condemned by an Anderton Company boat-builder and burnt on the nearby open dock, according to Mr David Wyatt.

Joule's, who once operated two coal boats of their own, used part of the wharf for fuel delivered by road in recent years until they were closed down by the Bass Brewery Company. Fortunately, the exterior of the canal-side ale stores remains unchanged despite its present use by engineering concerns.

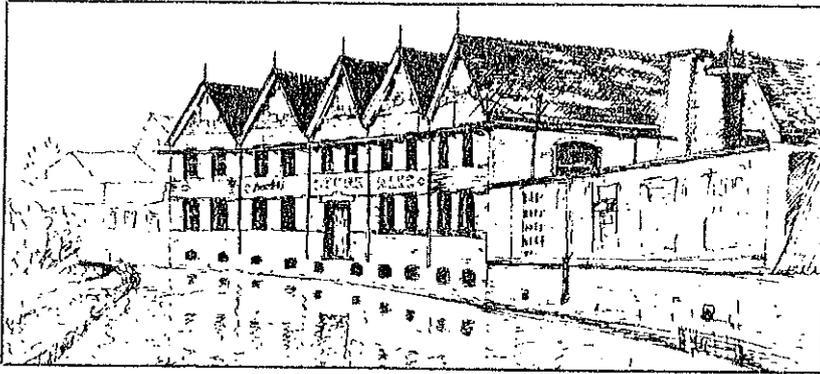
Coal was unloaded for the gasworks just a few yards from the toll office by the side of the Star Lock. Some cold nights the clerks used to slip into the retort house to help with stoking and scrounge a few buckets of coal for their own fire. Like canal clerks on other parts of the system, Mr Bagot used to earn himself a few pence by writing letters for the boat people. Generally, he had a high regard for them as did Mrs Day who was born in one of the Limekilns houses in 1913. "We had such fun with those boat families", she recalls. The horses made quite an impression, too. Mrs Day's bedroom was on a level with the embanked lockside and the animals would keep knocking the window with their heads for titbits. There were stables here, and at many other points along the towpath through the town, and also one of those shops which opened all hours to supply the boaters with paraffin, groceries and other essentials.

In the fifties, when commercial traffic was at a low ebb, the Star Lock and Meaford flight just out of town would draw local youngsters like magnets on hot summer days. A lot of people learnt to swim in the cut and it became a skating rink in hard winters.

Stone was not noted for boating families, but local coal merchant Herbert Sproston, born 1903, left school at the



Grand Trunk Wharf about 1951 with the Wyatt family on their houseboat *Lily*, the hotel boats *Prince* and *Mafeking*, and working boats waiting their turn on the dock.



The 1881 ale stores. (Sketches by Peter Cunningham)



The warehouse by Stafford Street Wharf. The boat entrance has been blocked for many years, the crane is missing from its post, but apart from a wooden extension on the left it looks much the same today.

age of 12 to work his family's narrow boats. His grandfather had a coal wharf at Little Haywood, his uncle another wharf at Sandon, while his father had spent many years as a steerer. The good household coal came from Brereton basin (now filled in) near Rugeley and the gasworks loads were from the Potteries' pits. Occasionally the Sproston's boats would carry a cargo of wheat or cordwood. Loads of flint, felspar and bones would be unloaded beneath the arch of the Stafford Street warehouse into sidebays and then taken by horse and cart to the local mills.

The Australian Connection

A retired head brewer, Mr J. Lewis, gave a 1911 newspaper the benefit of his recollections on Stone's canal traffic:

"Messrs Joule did a large export trade and both that firm and Messrs Bostock (shoemakers) did a big business with Melbourne. Between them they almost filled a ship. Joule's have sent as many as 400 hogsheads of ale to Australia in one vessel and on one occasion it went down in the Bay of Biscay. I remember a particularly large cargo of ale and Bostock's boots going down on that voyage."

Ale was taken by narrow boat to the docks on a regular basis until the 1914-18 war.

The rival town brewery of Bents began to send beer by boat during the last war when that company's main Liverpool brewery was bombed. Production was stepped up at Stone to supply the Manchester area.

Other traffic originating from the town included tar from the gasworks which a Stoke chemical firm took away in decked 'gas boats'. Then there was timber from Bailey's yard (by Newcastle Road lock) for the pits and steelworks

of North Staffordshire and for boatbuilding at the yards of the Anderton and Mersey Weaver companies. Taylor Tunnicliff did not despatch any of their finished porcelain insulators by water, but they did get all their felspars brought from Runcorn docks by boat. There was a tramway on the factory wharf to ease the transfer of ball clay to the slip kiln.

The twilight days of carrying just after the last war were also the dawn of the pleasure cruising age. It must have been quite an adventure for the people who hired Stone's Canal Cruising Company boats at that time - people such as Charles Hadfield, John Liley, Robert Aickman and Malcolm Braine - who were to become waterways personalities. Hirers were requested to use the side pond - long disused - at Yard Lock to save water. And a booklet of useful tips for holidaymakers advised them to tie the lids on to the watercans provided in case they blew away.

Today, Stone has a much-used towpath and presents a more pleasing aspect than many canal towns, but there is much room for improvement. It is 15 years since the town council designated part of the canalside including Stafford Street wharf as an amenity area. Nothing has been done. A new district plan may result in a footbridge to link recreation areas but little else. The canal is just outside the conservation area approved by Staffordshire County Council in 1967. From the industrial archaeologist's viewpoint this is a terrible omission.

So the fine warehouse, the Newcastle Road bridge (with its cobbled horse tunnel complete with towrope roller), the ale stores, the old boatyard buildings and other fascinating reminders of the town's debt to the navigation are at the mercy of any redeveloper. An enlarged conservation area would go some way towards protecting this heritage and it is up to canal enthusiasts to make local authorities here and elsewhere sit up and take notice.

CANAL TOWN STONE

By JOHN M BOLTON

1981

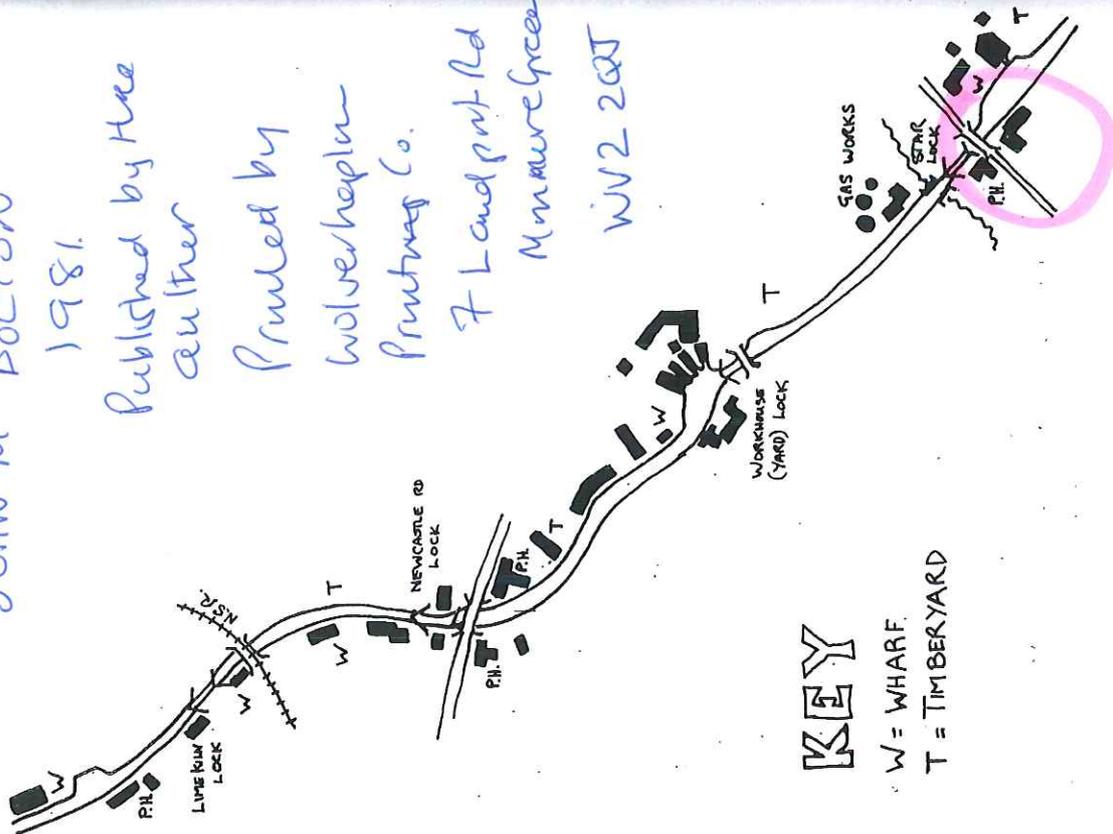
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Apart from the Workhouse and the Star Inn, all of the buildings on this map sprang up in the years following the canal's completion through the town

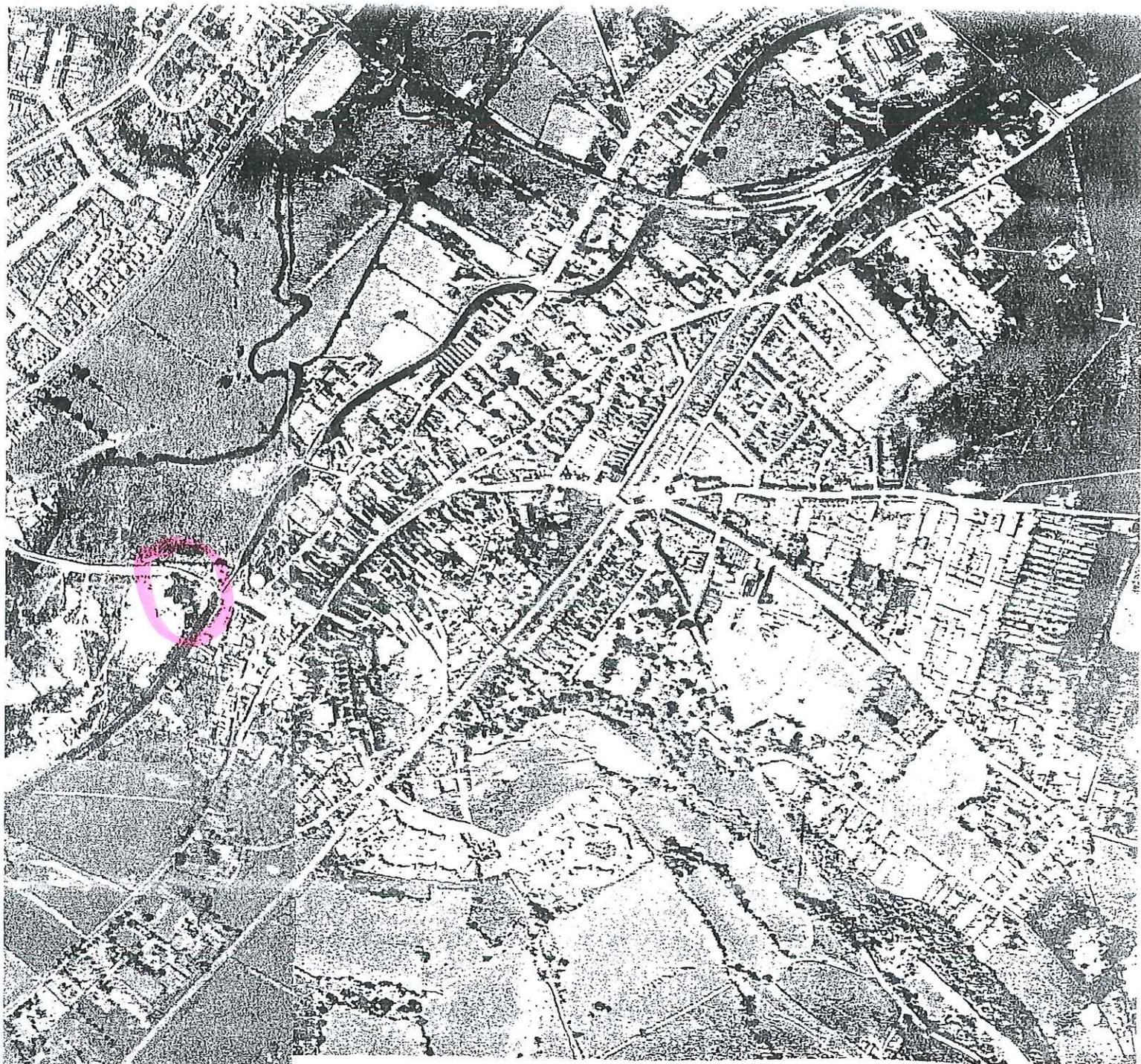
absolutely necessary, and which have been lately completed."

Many of these buildings had already changed the appearance of the western outskirts of Stone. Before the canal was built there was only one major building on that side of town – the Workhouse. This was well established by 1734 as there is a record of it being re-thatched in 1735. The Star Inn also predated the cut as the big difference between floor levels and the embanked lockside shows. It was an inn 200 years before the navies came to quench their prodigious thirsts. One can imagine the mushrooming of wharves and buildings to serve the waterway. One of those Mr. Sparrow referred to as "lately completed" in 1787 could well have been the existing warehouse below Stafford Street bridge.

Across the canal on the towpath side stood the three-storey Navigation Office, known in more recent times as Westbridge House. Also below the bridge were stables and cottages to serve the wharf area. The town's weighbridge was set up on the wharf in later years. By the Star lock was a toll office and also on the offside was a timberyard and, much later (1878), the gasworks.

Land alongside the next pound probably showed the greatest transformation. Inmates of the old workhouse were eventually to look out on a boatyard complex of workshops, docks, cottages and the busy Grand Trunk Wharf. Joule's Brewery had dominated the next stretch by the end of the last century but before then another wharf, sawmill, timberyard, more cottages and an inn were sited on the offside below Newcastle Road bridge and lock. Opposite them were stables and another inn.

Above the lock were more cottages build parallel to the canal, a smithy and another wharf, warehouse and timberyard. Alongside the next lock were the limekilns that gave it its name and above this a basin for boats. All this activity meant more work and business for townsfolk. A 1789 ledger records that Chas. Hapsells, carpenter, was paid £43.15s.10½d



STONE:
CIRCA 1949.


WESTBRIDGE
HOUSE

Stone's big debt to the Trent and Mersey canal

On June 10, 1766 at 11 am an important meeting began at the Crown Hotel, Stone. Present, among others, were the Etruria potter, Josiah Wedgwood and the renowned engineer, James Brindley.

The meeting was a meeting of proprietors of a new waterway which would link the River Trent from its navigable point at Wilden Ferry, south-east of Derby, to the Bridgewater canal at Preston Park, near the Runcorn and the River Mersey.

The waterway in question was, of course, eventually to be the Trent and Mersey and for nearly five years people like Wedgwood, Sir Gower of Trentham, Erasmus Darwin of Lichfield, Sir Walter Gower, John Sneyd and other local notables had been promoting

It was hoped that it would open up the region and improve the movement of pottery, clay, flint, limestone and Staffordshire iron and coal.

Parliament had now approved the scheme and the meeting at Stone was to take key decisions.

Firstly, there was the matter of appointments. After discussion, John Sparrow of Newcastle was appointed clerk to the company.

James Brindley, not surprisingly, was made surveyor and chief engineer. His brother-in-law, Hugh Henshall, was appointed clerk of the works and Josiah Wedgwood agreed to be honorary treasurer.

Once these decisions had been made, the meeting agreed unanimously to start work on the canal — beginning at Wilden Ferry and at both ends of Brindley's proposed tunnel at Harecastle, near Kidsgrove.

Brindley and his team of workmen — the navigators or 'navvies' — started their digging on July 26, 1766, that is after Josiah Wedgwood had been given the honour of cutting the first sod. Soon, Brindley, Henshall and others were travelling to and fro across Staffordshire, especially when work began on the 15 vertical shafts which marked the route of the 2,800 yard long Harecastle tunnel.

Nearly, the new company decided a base that was centrally-located.

This fact was appreciated when the company shareholders met again in Stone in April 1767. This time, those present included the wealthy Sir Gower and his friend, the famous canal-building Duke of Bridgewater.

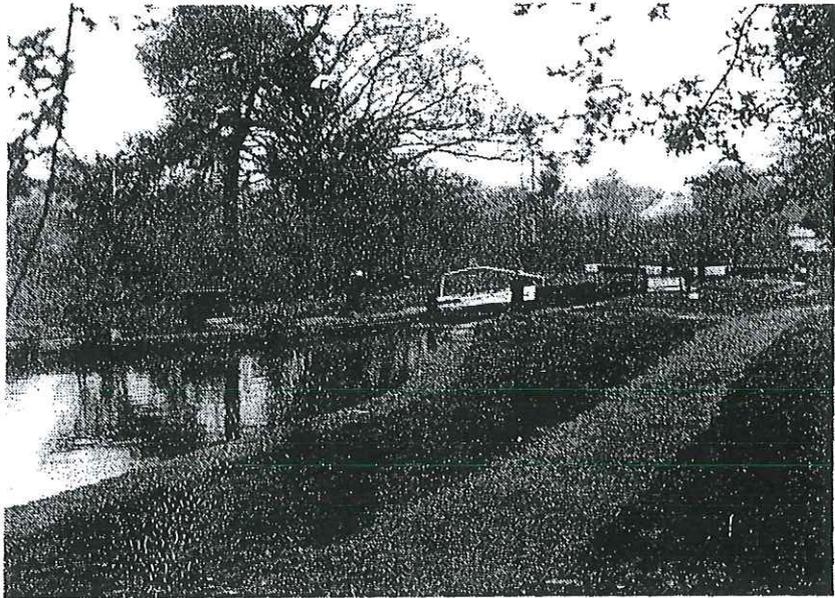
It was decided that the headquarters of the new company should be in Stone!

Things then proceeded rapidly. By September 1770, the canal had been completed from Wilden Ferry through to Great Haywood, where it was to link with another of Brindley's canals, the Staffordshire and Worcestershire. By June 1771, it was completed up to Sandon and, finally, on November 12 1771, it was officially opened to Stone.

A plaque on the wall of the Star Inn reminds the visitor today of this aspect. The occasion was marked at the time by the arrival of two boats which had travelled up from Great Haywood laden with flint and clay.

It was also marked by the repeated firing of a cannon but this apparently caused a lock and a bridge to collapse! As a result, the newly-opened canal had to be closed temporarily while repairs costing £1,000 were carried out.

From this point, though, Stone never looked back. As a visitor to the canal wrote in 1788 — "The market town of Stone, in



ABOVE: A picturesque scene of the Trent and Mersey canal.

particular, soon felt this comfortable change, which from a poor insignificant place is now grown neat and handsome in its buildings, and from its wharfs and busy traffic wears the lively aspect of a little sea-port."

Wealth simply flowed into the town as the brewing trade, coal-merchants and boot and shoe manufacturers took advantage of the low canal freight charges.

With the opening of the canal to the Potteries in 1772 and the final completion of the Harecastle Tunnel in 1777, Stone benefited even more, becoming a key base for the carrying-trade along it.

By 1818, there were 16 different firms of carriers operating in the town and firms like Pickfords were not only working by day but were also sending 'fast' fly boats by night — to London and Manchester.

Another firm that was prospering directly was that of Rangeley and Dixon, ironfounders of Lichfield Street. They were casting mileposts for the canal bank — like the one which can be seen at Meaford top lock and bears the inscription 'R & D Stone 1819'.

By that time, the new canal was often referred to as the 'Grand Trunk'. This was because it increasingly seemed to resemble a trunk with 'branch' canals linking it to adjacent areas.

One of the branches that was proposed was designed to run from the lime works at Lilleshall to the main canal near Stone.

After much discussion the plan was finally abandoned in favour of other schemes further north!

Travellers to Stone in the 1820s and 1830s could be in no doubt that it was the centre of operations. It not only had the imposing headquarters building of Westbridge House (alongside the canal in what is now Westbridge Park).

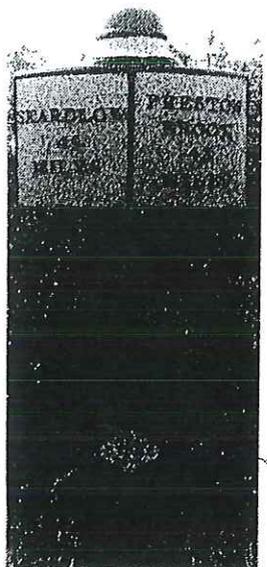
It also had extensive warehousing on the opposite bank and the three dry docks and two boatyards which are still in existence today.

This was the heyday of the Trent and Mersey and something like 700 canal boats a week were passing through the town.

Many of them stopped off at the Star Inn, where, for a small charge the boatmen could stable their horses for the night.

During these years of prosperity few people could doubt the wisdom of the decision to build the canal sixty years before. Stone owed a tremendous lot to the Trent and Mersey!

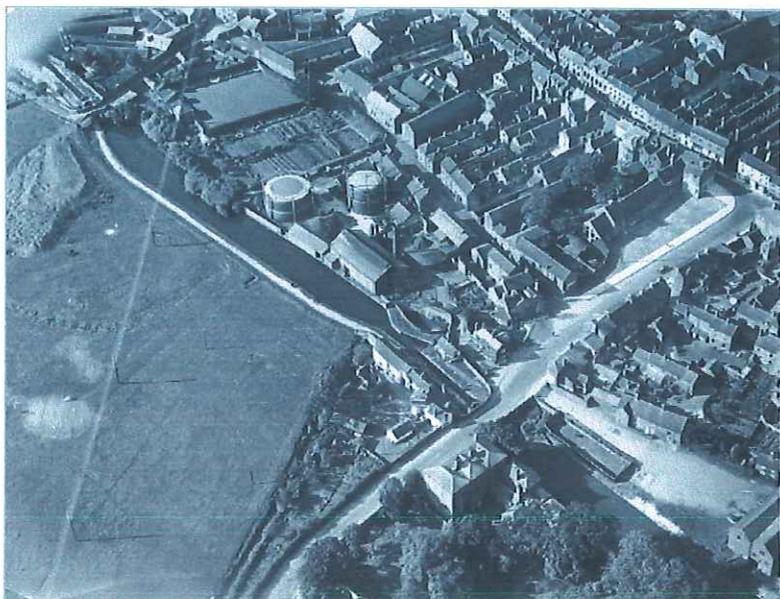
BELOW: The historic mile post at Meaford.



Steve Booth



Aerial View of Gas Works, Stone



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Move your pointing device over the image to zoom to detail

Date: 1930 - 1932 (c.)

Description: An aerial view showing the Gas Works and surrounding area. The two gasometers shown here were demolished shortly afterwards, and a new one built closer to Stafford Street. Top right is the Crown Bowling Green, and at the bottom of the image the Star Inn and Westbridge House can be seen alongside the Trent and Mersey canal. The High Street runs along the top right hand corner.

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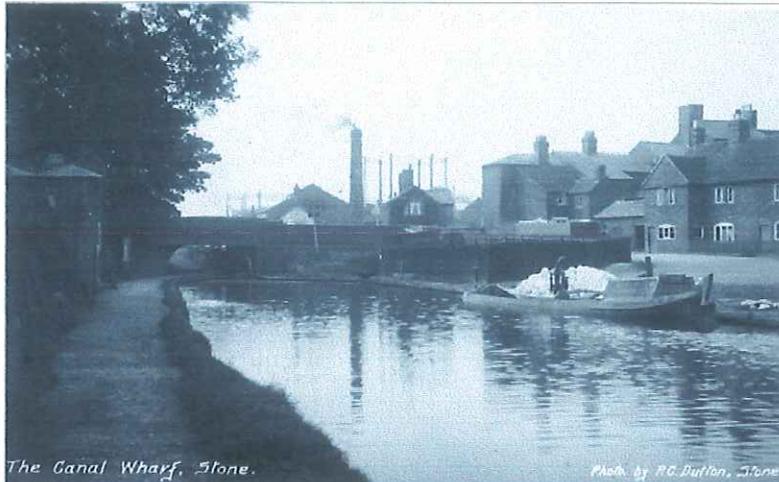
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Trent and Mersey Canal Wharf, Stone



The Canal Wharf, Stone.

Photo by R.G. Duffin, Stone

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Move your pointing device over the image to zoom to detail

Date: 1916

Description: The Stafford Street bridge over the Trent Mersey canal at Stone. In the distance can be seen the gas works. the canal boat appears to be unloading a cargo of lime at the wharf on the right.

To the left can be seen part of Westbridge House. It was derelict by the Second World War, when it was used by the Home Guard for 'War Games'. At the time it was known by local children as 'The Chocolate Factory' because Mr Comber, owner of an Italian cafe in the High Street, used it to make chocolate goods.

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Martin
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3:38pm



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bescotbeast
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December
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Meaford Crossing signal box
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bescotbeast
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NSR Norton Bridge branch
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bescotbeast
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October
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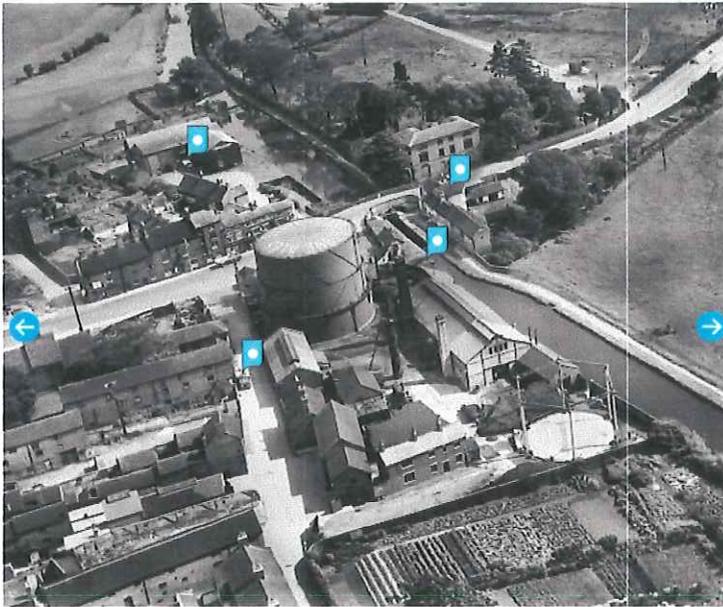


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The town Gas Works and Star Lock Bridge, Stone, 1938

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Title The town Gas Works and Star Lock Bridge, Stone, 1938
Image reference EPW058369
Date 28th July 1938

Place name [Stone](#)
Parish [Stone](#)
County [Staffordshire](#)
Administrative area [Stafford](#)
Country [England](#)
Easting/Northing [390232, 333720](#)
NGR [SJ902337](#)

Tags [canal lock](#), [Coal](#), [Gas works](#), [Industrial](#), [Staffordshire](#), [Stone](#)
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Lorry with what looks like sacks of flour

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bescotbeast
 Tuesday 30th
 September
 12:42am

The Star inn - web site here: [www.starpub.co.uk/](#)

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MB
 Friday 28th March
 3:16pm

Truck possibly an ERF - identification: a faint double diagonal band on the radiator grille

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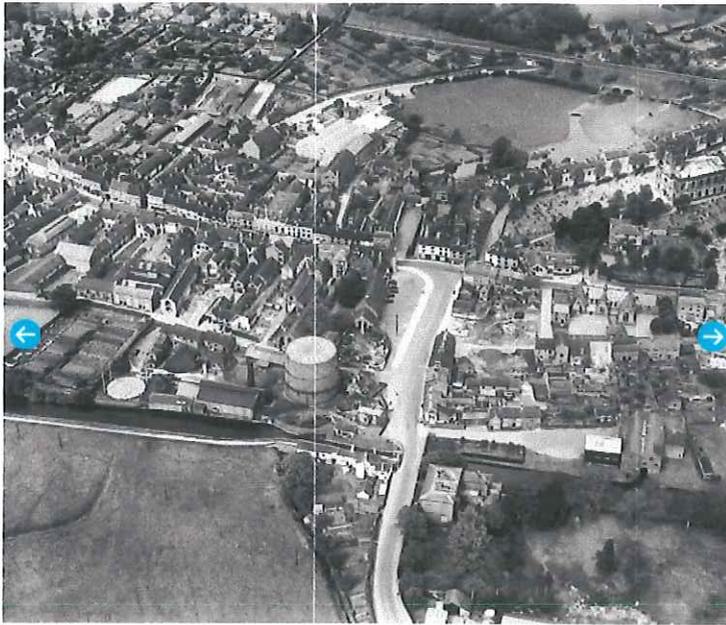
MB
 Friday 28th March
 3:14pm

Canal spillway or overflow

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MB
 Friday 28th March
 3:11pm



Nearby images



Image details

The town Gas Works, Stafford Street and St Michael's Church, Stone, 1938



part of flight [AFL3350](#)

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Image details & comments

Factual summary

Latest activity

Title The town Gas Works, Stafford Street and St Michael's Church, Stone, 1938

Image reference EPW058365

Date 28th July 1938

Tags [Gas works](#)

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Place name [Stone](#)

Parish [Stone](#)

County [Staffordshire](#)

Administrative area [Stafford](#)

Country [England](#)

Easting/Northing [390277, 333756](#)

NGR [SJ903338](#)

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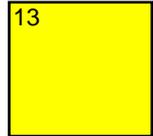
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For Office Use Only:		
Date		
Ref		

Stafford Borough Council

Main Modifications to the Plan for Stafford Borough Part 2

Response Form



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

This form has two parts:

Part A - Personal Details

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

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

PART A: PERSONAL CONTACT DETAILS

1. YOUR DETAILS		2. AGENT DETAILS (*if applicable)
Title		Mrs
Forename		Amy
Surname		James
Job Title		Associate
Organisation	Commercial Estate Group (CEG)	Indigo Planning
Address	C/O Agent	Lowry House
		17 Marble Street
		Manchester
Postcode		M2 3AW
Email address		Amy.james@indigoplanning.com
Telephone No.		0161 836 6910
Mobile No.		

Which is your preferred method of contact?	Email	X	Post	
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How we will use your personal information: *The information you provide will be used by the Council to help prepare the Plan for Stafford Borough Part 2 and will be shared with other employees or agencies (such as the Planning Inspectorate) who may be involved with the examination of the Plan. Please note that the Council is obliged to make representations available for public inspection, this means that with the exception of telephone numbers, email addresses and signatures, your comments and other personal details that you provide will be publicly available for inspection at the Council's principle offices and will also be published on the internet. Should you have any further queries please contact Stafford Borough Council on 01785 619000 and ask for Forward Plans.*

PART B: YOUR REPRESENTATION

Name	Amy James	Organisation	Indigo Planning
-------------	-----------	---------------------	-----------------

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

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

Main Modification Number	Stafford Town Inset Map
--------------------------	-------------------------

Q2. Do you wish to support or object to this Main Modification?

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

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

Please refer to the cover letter

Q3c. Please set out what change(s) you consider necessary to make the Main Modification legally compliant and give your reasons. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the cover letter

Q4a. Do you consider this Main Modification is:				
Sound?	Yes		No	X
Q4b. If you consider the Main Modification is unsound, please identify which test of soundness your representation relates to by placing a cross by the appropriate box.				
Please select	Test of Soundness			
X	It is not positively prepared in that is not prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements where it is reasonable to do so and consistent with achieving sustainable development.			
X	It is not justified in that it is not the most appropriate strategy based on a robust and credible evidence base.			
X	It is not effective in that it is not deliverable over its period.			
X	It is not consistent with national policy .			
Q4c. Please use this space to explain your answer to Q4a above. Please be as precise as possible.				
Please refer to the cover letter				
Q4d. If you consider the Main Modification unsound, please set out what change(s) you consider necessary to make it sound and give your reasons. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.				
Please refer to the cover letter				

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

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

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

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

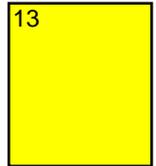
Email: forwardplanning@staffordbc.gov.uk
Post: **Head of Economic Development and Planning
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ**

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

Thank you for taking the time to complete this representation.

Head of Economic Development and Planning
Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ



By email and post
forwardplanning@staffordbc.gov.uk
let.041.AJ.AJ.01920164

4 November 2016

Dear Sir/Madam

**THE PLAN FOR STAFFORD BOROUGH PART TWO EXAMINATION –
RESPONSE TO MAIN MODIFICATIONS**

We write on behalf of Commercial Estates Group (CEG) in response to the Main Modifications proposed to the Local Plan Part Two.

Representations have been submitted on behalf of CEG throughout the Local Plan Part Two process and we also participated in the Examination. Having reviewed the Main Modifications proposed to the Local Plan Part Two our response is that comments and points raised in our previous representations remain relevant.

In summary, we object to the tightly drawn and restrictive settlement boundaries proposed, in particular around Stafford Town. The boundaries have been drawn on the basis that the Stafford North and West Strategic Development Locations (SDLs) will deliver housing at the rates assumed by the Council, which we have already highlighted is extremely optimistic and not a positively prepared approach.

Given the uncertainties associated with timings of delivery of housing at Stafford North and Stafford West, there should be flexibility incorporated into the settlement boundaries to enable other sustainable sites to come forward that will be able to contribute to the delivery of both market and affordable housing, such as extending the Stafford East SDL.

We do not consider that the Main Modifications proposed will make the Local Plan Part Two sound. The restrictive and inflexible settlement boundaries proposed do not represent a positively prepared or justified approach.

It is requested that our previous representations submitted on behalf of CEG and the arguments presented at the Examination are carried forward and form our response to the Main Modifications along with the summary of our main points above.



We trust these comments will be taken into consideration. If you have any queries, or should wish to discuss, then please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink that reads 'Amy James'. The signature is written in a cursive style with a long horizontal stroke at the top that extends over the first few letters.

Amy James

Enc: Comments Form
cc: CEG

Stafford Borough Council's response to the Modification to amend the Settlement Boundary at Westbridge Park, Stone

14

The Council considers that the settlement boundary, as defined on the Stone Settlement Boundary map (P2-A3), including previously developed 'brownfield' land at Westbridge Park is sound.

Policy Stone 1 in the adopted Plan for Stafford Borough 2011-2031, requires new retail provision including 1700 sq.m. (net) of new convenience (food retailing), and high quality multi-use indoor sports facilities in association with community and educational establishments. Furthermore, Policy C7 supports additional provision and enhancement of all types of sports and recreation. The Council owns the land at Westbridge Park and proposes to redevelop part of the area to provide a new leisure centre, including a swimming pool, as well as delivering a significant element of the retail requirement for Stone Town, in accordance with these adopted policies.

To achieve the police objectives within the adopted Plan and progress delivery, a planning application for a new retail outlet at Westbridge Park within the proposed settlement boundary was submitted in May 2016, and subsequently resolution to grant planning permission was agreed at Committee on 31st October 2016, subject to referral to the Secretary of State. The sale of the land for retail development would in part, finance the new leisure facility. Amending the boundary at this location, as set out in the Main Modifications Consultation, to align with the canal, would undermine a key element of the Stone Leisure Strategy (P2- N22) and delivery of adopted Plan Policies.

Background

The Plan for Stafford Borough 2011-2031 Adopted 2014 (Part 1)

Although the area of brownfield land was originally identified for mixed use development in Policy Stone 1 this policy aspiration was withdrawn at the Examination stage following comments from the Inspector. Furthermore the brownfield land at Westbridge Park was also included within the Stone Town Centre boundary in Part 1 of The Plan for Stafford Borough. However this was also excluded the Inspector. The area of land in question is occupied by buildings in the north-western corner of Westbridge Park incorporating the sports centre, access road, car parking area, tennis courts, play area and Girl Guide building.

Stafford Borough Council's response to the Modification to amend the Settlement Boundary at Westbridge Park, Stone

At that time the Inspector advised that there was insufficient evidence to show that the site could be developed in the manner intended, but if it were to be decided that this scheme was needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage.

Nevertheless despite being excluded from the Stone Town Centre boundary, the area was not included within the Green Infrastructure allocation for the main area of Westbridge Park. The Inspector acknowledged that *“much of the disputed area comprises leisure facilities (including buildings, meeting halls and playing courts), along with surfaced car parks, which would not fit within SBC's original or revised definition of green infrastructure; this designation is also not supported by SBC's Green Infrastructure Plan”* (P2- L31).

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

The Plan for Stafford Borough Part 2

Since the Plan for Stafford Borough was adopted in June 2014 the Council has invested significant resources in order to deliver new leisure developments at Westbridge Park, as set out in the Cabinet report dated 11 December 2014 (P2-N22) and the Leisure Strategy for Stone (P2-N23). The new leisure development will be part financed by a new retail development (see P2-N22 Appendix 1 for details), with a conditional contract for the sale of the land to a third party in place.

The area, therefore, was included within the proposed settlement boundary for Stone in Part 2 of the Plan for Stafford Borough. It is consistent with the methodology applied to

Stafford Borough Council's response to the Modification to amend the Settlement Boundary at Westbridge Park, Stone

settlement boundaries using the 'recognised physical feature' of the service road. The settlement boundary at Westbridge Park is aligned with the Green Infrastructure designation identified on the Stone Area Inset 2 map (P2-C3) of the adopted Plan, which excludes the existing brownfield land.

Application for a new foodstore

Prior to the Examination into the Plan for Stafford Borough Part 2, a planning application was submitted for a new retail outlet at Westbridge Park within the proposed settlement boundary (P2- A3). A number of evidence based reports have been submitted to support the application, including a Retail Impact Assessment; Heritage Statement; and Flood Risk Assessment.

Resolution to grant planning permission was agreed at Committee on 31st October 2016. Keep Westbridge Park Green has requested that the application is recovered by the Secretary of State under section 77 of the Town and Country Planning Act 1990 (see Committee report attached at Appendix 1).

Impact upon the conservation area

As a result of the settlement's topography, when facing the Trent and Mersey Canal from Westbridge Park there are significant townscape views of Stone. The Stone Conservation Area includes several listed buildings, with three particularly prominent examples: The Moorings, Stafford Street (Grade II), The Priory, Lichfield Road (Grade II*); and the Church of Saint Michael, Church Street (Grade II*). The site is also adjacent to the Trent and Mersey Canal Conservation Area.

The Stone Conservation Area Appraisal (2008), states in the Landmarks, Focal Points and Views section that St. Michael's Church is the most important prominent landmark within the Conservation Area and beyond is the stone-built tower, which can be viewed from many parts of the town and from the canal towpath and is one of the defining features of the town. Paragraph 6.9 of the Appraisal states "*The most impressive view is obtained along the*

Stafford Borough Council's response to the Modification to amend the Settlement Boundary at Westbridge Park, Stone

approach to Stone from Walton where the church stands well above its surroundings. Unfortunately this view is spoiled by the blue Westbridge modern sports centre (outside the conservation area) in the foreground". It should be noted that this view is not visible from Stafford Road.

Where a development will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the NPPF (P2-F1) is applicable. This states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

A detailed assessment was made in respect of the original submitted application and the Council's Conservation Officer concluded that there will be some harm to the setting of the Stone Conservation Area and to the setting of St Michael's Church, but that the harm that would be less than substantial. Additional information from the Applicant was received on 6th October 2016 and the Council's Conservation Advisor has reviewed this information. In terms of the impact on heritage assets it is his opinion that the proposal would cause harm to the Trent and Mersey Conservation Area, the Stone Conservation Area and their setting, and to the setting of The Moorings (Grade II), The Priory (Grade II*) and St Michael's Church (Grade II*) listed buildings.

However in determining this application the Planning Committee considered that the overall benefits of the scheme outweighed the impact on the setting of the listed buildings, and the character or appearance of the Conservation Areas.

Retail Impact

As the proposed site lies outside Stone Town Centre, paragraph 24 of the NPPF, requires that a sequential test and impact assessment must be applied. The NPPF states that outside town centres, preference should be given to accessible sites that are well connected to the town centre.

Stafford Borough Council's response to the Modification to amend the Settlement Boundary at Westbridge Park, Stone

With regard to the sequential test, sites and units capable of accommodating a foodstore of between 1,263 sq m and 1,709 sq m of gross floorspace, together with circa 68 and 92 car parking spaces would be required, resulting in sites ranging between 0.42 ha and 0.56 ha. The report concluded that there were no sequentially preferable sites suitable to accommodate the proposed development within the Stone Town Centre boundary, and that the application site was available and is located in an edge-of-centre location very well connected to Stone Town Centre.

The impact assessment concluded that the proposed development would not have a significant adverse impact on Stone Town Centre and that the redevelopment would not affect its ongoing vitality and viability. It stated that the development would help to address issues of overtrading at the existing Morrisons store within Stone, and help to retain a greater amount of local expenditure within the town by clawing back trade currently lost outside of the town.

The Council has instructed its own independent retail consultant to assess the statement. This independent assessment confirmed that, in their view, there were no sequentially preferable sites within Stone Town Centre that are both available and suitable for the development proposed in the application. Furthermore, they were also satisfied that there were no other available and suitable edge-of-centre sites that are more accessible and better connected to the town centre.

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

At the time that the planning application was submitted, being prior to the Examination of Part 2 of The Plan for Stafford Borough, the outcome of the independent retail assessment

Stafford Borough Council's response to the Modification to amend the Settlement Boundary at Westbridge Park, Stone

undertaken on behalf of the Council had not been completed and, therefore, was not available at that time. Accordingly this can now be found in Appendix 3 of this statement.

Flood Risk

With regard to Flood Risk, as illustrated on the Stone Environmental Constraints Settlement Boundary Plan (P2 –L4), much of the land within the Stone Town Centre Boundary and the Primary Shopping Area Boundary (P2- C3) falls within both Flood Zone 2 and 3. Given the buildings and development already in the area, this does not preclude land from being included in the settlement boundary.

The application site for the retail food store falls within Flood Zone 2, and following receipt of an updated Flood Risk Assessment, the Environment Agency in their letter dated 7 September 2016 has no objection to the planning application, subject to a number of planning conditions being attached should planning permission be granted (see Appendix 2 of this statement).

Conclusion

For the reasons set out above the Stone Settlement Boundary as shown on P2 A3 is sound and the previously developed land at Westbridge Park is a key element of delivering new retail and leisure facilities for the community and is in accordance with adopted Plan Policy Stone 1 and Policy C7 of the Plan for Stafford Borough.

Appendices

1. Westbridge Park Committee Report 31 October 2016
2. Independent Retail Impact Assessment on behalf of Stafford Borough Council dated 1 September 2016.
3. Letter from the Environment Agency Dated 7 September 2016.

Appendix 1

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

REASON FOR REFERRAL TO COMMITTEE

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

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

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

Context

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

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

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

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

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

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

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

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

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

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

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

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

Officer Assessment - Key Considerations

1. General Development Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

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

2. Open Space, Recreation, Leisure and Community Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

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

3. Retail Impact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

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

4. Parking and Access

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

National Planning Policy Framework - Section 4 paragraphs 32, 39

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

5. Design, Character and Appearance

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

The Plan for Stafford Borough - Policy N1 Design

6. Residential Amenity

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

The Plan for Stafford Borough - Policy N1 Design

7. Impact on Heritage Assets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

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

8. Flooding and Drainage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

The Plan for Stafford Borough - Policy N2 Climate Change

9. Public Safety

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

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

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

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

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

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

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

Policies and Guidance:-

National Planning Policy Framework - Section 11 paragraph 121

10. Conclusion

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

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

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

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

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

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

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

Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Is the children's play area an appropriate location?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway Authority: Comment as follows:

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

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

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

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

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

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

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

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

Environment Agency: Comment as follows:

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

Flood Risk:

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

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

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

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

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

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

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

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

Contamination Issues:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lead Local Flood Authority: Comment as follows:

Flood Risk

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

Surface Water Drainage

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

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

Point of Discharge

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

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

SuDS Management Train

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

Staffordshire County Council Flood Risk Management position

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

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

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

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

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

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

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

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

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

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

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

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

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

Health and Safety Executive: Does not advise against development.

Sport England: Comment as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Canals and Rivers Trust: Comment as follows:

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

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

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

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

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

Borough Biodiversity Officer: Comments as follows:

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

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

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

Head of Environmental and Health Services: Comments as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Keep Westbridge Park Green - amended plans: Points raised:

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

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

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

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

Relevant Planning History

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

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

19696 - Westbridge Park Recreation Scheme - Approved January 1987.

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

35684 - New vehicular access - Approved February 1998.

Recommendation

Approve, subject to the following conditions:

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

9642 PL 01 H;

9642 PL 02 M;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

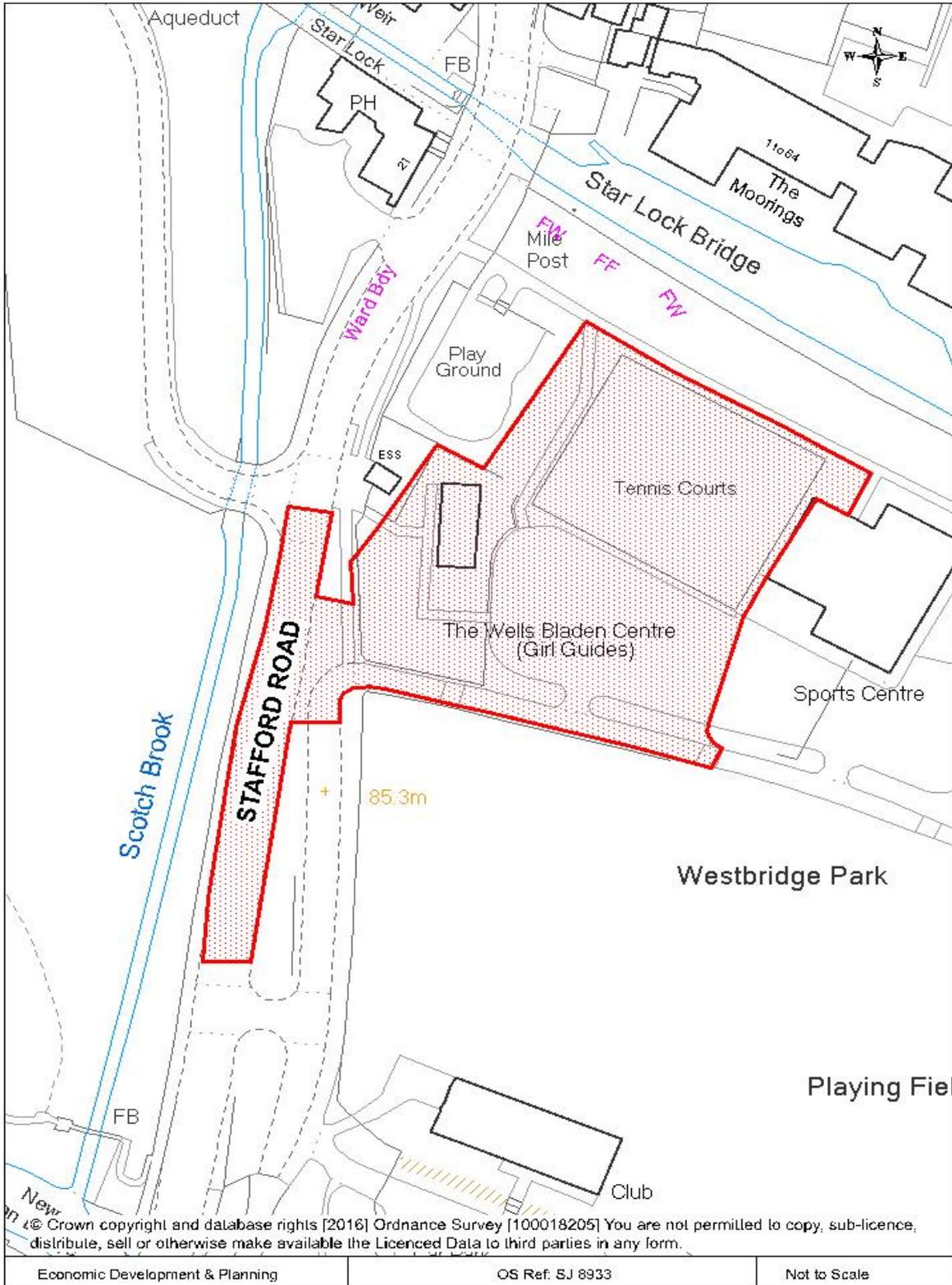
5. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
7. To ensure the provision of adequate off-street facilities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

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

Informative(s)

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

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



Appendix 2

Your ref: 16/24242/FUL

Our ref: 38429



1 September 2016

Mr John Dolman
Development Management
Stafford Borough Council
Civic Centre
Riverside
Stafford

Peter Brett Associates LLP
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Dear John,

RE: PLANNING APPLICATION 16/24242/FUL - PROPOSED FOODSTORE, WESTBRIDGE PARK, STONE

Further to the Borough Council's instructions, we write to provide you with our advice in respect of the above planning application that has been submitted by DPP Planning (DPP) on behalf of Liberty Properties Ltd (hereafter 'the applicant'). The application proposes the erection of a freestanding retail unit to be occupied by Marks and Spencer (M&S) and to be operated as an 'M&S Foodhall'. The application site is located at Westbridge Park which is accessed from Stafford Road and is approximately 50 metres to the south of Stone Town Centre (and 85 metres from the town centre's primary shopping area). It is therefore 'edge-of-centre' according to the definition contained within the glossary to the National Planning Policy Framework (NPPF).

This advice concentrates on the retail and town centre planning policy issues associated with the proposed development. As an edge-of-centre site, it is necessary to consider whether the application proposals satisfy the sequential test set out at paragraph 24 of the NPPF, and the impact test set out at paragraph 26 of the NPPF, together with the relevant provisions of local planning policy. In this case, such policy includes Policies E8 and Stone 1 of the Plan for Stafford which was adopted in 2014.

Our advice is split into three sections; the first considers whether there are any available and suitable sites in sequentially preferable locations, the second considers the potential impacts of the proposal on defined centres, and the third contains our conclusions and recommendations to the Borough Council. In doing so we have regard to DPP's 'Retail Statement' of March 2016 and the statement prepared on behalf of M&S by Nathaniel Lichfield and Partners (NLP) which is dated May 2016 (hereafter the 'Operator Statement'). We have also taken account of the contents of the additional information contained in NLP's letter of 5th August 2016 and DPP's letter of 22nd August 2016.

Sequential Assessment

Paragraph 24 of the NPPF states 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. The first preference location for main town centre uses is within defined centres, then with edge-of-centre locations being the next preference and, only if suitable sites are not available, should out-of-centre sites be considered.

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Peter Brett Associates LLP is a limited liability partnership and is registered in England and Wales with registered number OC334398.
A list of members' names is open to inspection at our registered office.



Paragraph 24 goes on to say that 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 are urged to demonstrate flexibility on issues such as format and scale. For the purposes of proposed retail developments, in-centre sites are considered to be within a defined primary shopping area (PSA) and edge-of-centre sites are considered to be within 300 metres of the boundary of the PSA.

As noted above, the application site is located in an edge-of-centre location. It is therefore necessary to consider the availability and suitability of any alternative sites within the PSA of Stone Town Centre and any alternative edge-of-centre sites that are more accessible and better connected to the town centre than the application site. The applicant's 'Sequential Test Assessment' is contained at Section 6 of the Retail Statement.

With regard to the NPPF requirement for applicants and local planning authorities to demonstrate flexibility, we take on board and agree with the summary of relevant appeal decisions and case law set out at paragraphs 6.3 to 6.12 of the applicant's Retail Statement. These confirm that disaggregation is no longer a requirement when considering the suitability of sequentially preferable sites and that such suitability should relate to the development proposed by the applicant rather than alternative needs that might be identified by the local authority.

Paragraph 6.14 of the Retail Statement sets out the applicant's parameters in terms of flexibility and suitability. The application site is 0.49 ha in size and the application scheme would deliver 1,486 sq. m (gross) of retail floorspace, together with 80 car parking spaces. The applicant considers that sites and existing units that are 15 per cent larger or smaller than the proposed development may be regarded as suitable for the purposes of the sequential test. In our assessment this represents a reasonable degree of flexibility and is considered to be consistent with the requirements of the NPPF.

In applying the sequential test the applicant has adopted an area of search based on the catchment area of the proposed development. Paragraph 6.18 of the Retail Statement states that '*the purpose of the proposed foodstore is to provide a main-food shopping and top-up food shopping destination to primarily serve residents within Stone*'. The applicant goes on to argue that sites outside of Stone would not serve this identified need and that this would include sites in Stafford Town Centre, where M&S is shortly to open a new anchor store within the Riverside development. This position is considered to be reasonable and we would therefore accept the applicant's focus on sequentially preferable sites within and on the edges of Stone Town Centre.

Section 6 of the Retail Statement goes on to identify sequentially preferable sites within Stone Town Centre on the basis of the findings of the Council's Stafford and Stone Town Centre Capacity Assessment of 2011. The only identified sites of sufficient size are site reference number SN TC T7, which includes part of the application site, and land to the west of Crown Street known as 'Crown Wharf' and referred to as site number ST TC T3.

Land at Crown Wharf comprises a car park, former garden centre and a boatbuilding yard which, according to the applicant, provides a total of 0.6ha. The Retail Statement notes that whilst the part of the site including the car park has recently been marketed by DTZ on behalf of the Canal and River Trust, this only comprises 0.38 ha and is now under offer. It has also been subject to a planning application for retirement housing that was submitted in October 2015 (ref: 15/23178/FUL). Although this application has recently been refused planning permission, the availability of this site, which would fall below the parameters for suitable sites set out by the applicant, remains uncertain.

The applicant states that the remainder of the site at Crown Wharf comprises the boatyard and former garden centre. Whilst the applicant acknowledges that it would be possible to create a larger



development site by including these additional areas, the boatyard is said to contain a number of designated heritage assets and the Stone Conservation Character Appraisal (2008) confirms that there are a number of listed buildings within the boatyard site. Comprehensive redevelopment including the boatyard site (which in any case appears to be occupied by a number of small businesses) in order to deliver the proposed foodstore would appear to be inappropriate. We note that the reasons for refusal of planning application 15/23178/FUL include concerns about the design of the proposed retirement housing and its impact on the '*established small-scale character of the canal frontage*' and its failure to '*enable the town to engage with its canal side function, character and setting*'.

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

In terms of other sequentially preferable sites, paragraph 6.31 of the Retail Statement finds that there are no other potential development sites within or on the edges of the town centre, and that vacant units are too small to accommodate the proposed foodstore. Our own high-level analysis of vacant units within the town centre suggests that the largest available retail unit is at 32 High Street and provides 341 sq. m of floorspace over four levels. This would clearly be unsuitable and we accept the applicant's conclusions that there are no other available and suitable sites within or on the edges of Stone Town Centre.

We are therefore satisfied that the application scheme accords with the sequential approach and complies with paragraph 24 of the NPPF.

Impact Assessment

Paragraph 26 of the NPPF requires proposals for out-of-centre retail developments to be supported by an impact assessment if they exceed 2,500 sq. m or any locally defined threshold. Impact should be assessed against two criteria; impact on committed and planned in-centre investment, and impacts on the vitality and viability of town centres, including impacts on town centre trade and trade within the wider area.

Policy E8 of the Plan for Stafford sets a local impact threshold of 500 sq. m for the proposed development of main town centre uses in Stone. The application scheme clearly exceeds this threshold and the applicant has therefore provided an impact assessment at Section 7 of the Retail Statement which is supported by a quantitative assessment of trade impacts contained at Appendix 2. The methodology for the quantitative assessment is set out at Appendix 3 of the Retail Statement.

The applicant's assessment of impacts is focused on Stone Town Centre and is informed by a town centre 'healthcheck', the findings of which are set out at Section 5 of the Retail Statement. This concludes that the town centre has a vacancy rate that falls well below the national average, a relatively strong comparison retail offer, a healthy presence of independent retailers, and a pleasant and safe environment. However, Section 5 does note that some of the larger units in the town centre are vacant and that it would benefit from attracting some new national multiple retailers.

We set out below our appraisal of the applicant's quantitative assessment of trade impacts before addressing the two impact criteria set out at paragraph 26 of the NPPF.

Catchment Area and Assessment Period

Appendix 3 of the Retail Statement refers to a retail impact assessment 'study area' that includes all eight of the study zones identified for the purposes of the Stafford and Stone Town Centre Retail Capacity Update (2013). However, we understand that the applicant considers the primary catchment area of the proposed foodstore to be the built-up area of Stone (as stated at paragraph 6.18 of the Retail Statement).



The base year for the impact assessment is 2010 (we assume this is for consistency with the Council's retail study) and the design years for the assessment of impacts are 2019 and 2021. We agree that it is possible that the proposed foodstore could be fully trading by 2019 and that trading could be expected to have matured by 2021. By assessing impacts up to five years from the date of the application the applicant's approach is consistent with the advice contained at paragraph 26 of the NPPF.

Turnover of the Application Scheme

The assumptions applied by the applicant in estimating the turnover of the proposed foodstore are explained at paragraphs 1.8 and 1.9 of Appendix 3 of the Retail Statement. The estimated turnover is calculated at Table 19 of Appendix 2. It is expected that the proposed development will provide approximately 855 sq. m of retail sales floorspace, including the proposed café (which the Operator Statement says will occupy approximately 117 sq. m). Given that the gross floorspace of the proposed development is 1,489 sq. m, this equates to gross:net floorspace ratio of 57 per cent. This ratio is lower than we would expect for a medium-sized, new-build foodstore.

However, the applicant has not made any specific allowance for the customer café within its estimates of turnover and has assumed that all 855 sq. m of sales floorspace is used for the sale of convenience goods. Only a very small proportion of the retail sales floorspace (9 sq. m) is to be used for the sale of comparison retail goods which reflects our own understanding of the M&S Foodhall concept. We accept that comparison retail sales floorspace will be minimal and that there is no need to consider the trade impacts of this in any detail.

Company sales density figures for M&S have been derived from Mintel's Supermarkets UK report of November 2015 and revised to a 2010 price base. PBA has access to the same Mintel data and we can confirm that the sales density figure of £9,130 per sq. m for convenience sales floorspace (at 2010 prices) presented at Table 19 of Retail Statement Appendix 2 would be in line with our expectations. This results in a total convenience retail turnover of £7.81 million in 2016, reducing to £7.77 million in 2021 (this reflects forecasts of negative sales density growth in the convenience retail sector due to increased competition and falling food prices). Notwithstanding our concerns regarding the assumed gross:net floorspace split of the proposed foodstore, we consider that, on balance, the estimated retail turnover of the application scheme is robust and provides a suitable basis on which to assess future trade impacts.

Patterns of Trade Diversion

The turnover of existing convenience retail destinations has been taken from the Council's Retail Capacity Update and revised to reflect more recent estimates of market shares for special forms of trading (such as online shopping). On this basis Table 5a of Appendix 2 shows that in 2016 the applicant estimates the convenience retail turnover of the Morrisons store at Stone to be £37.66 million and the Co-op at High Street to be £4.41 million. These compare to equivalent figures of £38.4 million for the Morrisons store at Stone and £4.8 million for the Co-op store in 2010, as presented within the Retail Capacity Update of 2013. The slight decline in these figures between 2010 and 2016 will reflect higher market shares for special forms of trading and negative convenience retail expenditure growth rates through much of this period.

In terms of patterns of trade diversion, the applicant's detailed assumptions are set out at Table 20a of Appendix 2 of the Retail Statement. It is assumed that 44 per cent of the convenience retail turnover of the proposed foodstore will be diverted from destinations within Stone Town Centre. This includes the Co-op store at High Street (within the PSA) and Morrisons store at Mill Street (outside the PSA but within the town centre boundary). A further 13 per cent of the turnover of the proposed foodstore is expected to be diverted from out-of-centre destinations in Stone. A total of 38 per cent of the turnover of the proposed development would be diverted from existing convenience retail shopping destinations within Stafford (including 23 per cent from destinations within Stafford Town Centre, including the existing Sainsbury's store and M&S Foodhall).

These patterns of trade diversion broadly reflect the findings of the Council's Retail Capacity Update. This identified that for residents of study zone 2 (the Stone area), destinations within Stone



held a main food shopping market share of 67 per cent and those within Stafford a market share of 22 per cent. It is reasonable to expect that the proposed M&S Foodhall will divert a higher proportion of trade from Stafford Town Centre given its existing M&S food offer.

In terms of the more detailed patterns of trade diversion from destinations within Stone, we note that 35 per cent of the turnover of the proposed foodstore is expected to be diverted from Morrisons at Mill Street, 13 per cent from Aldi at Stafford Road, and 8 per cent from the Co-op at High Street. This appears to be reasonable given the market shares and turnovers of these existing destinations, as well as the likely degree of overlap with the convenience goods offer of the proposed M&S Foodhall.

Solus and Cumulative Trade Impacts

The applicant has presented both solus and cumulative trade impact figures at Table 20a of Appendix 2 of the Retail Statement. Table 20a presents trade impacts at 2019 and Table 20b presents impacts at 2021. We note that the solus and cumulative impact figures at Table 20b have not been reproduced correctly as they all show impacts of 0 per cent. However, given the lack of convenience retail expenditure growth forecast in the period up to 2021, we would not expect trade impacts to be significantly different in 2021 when compared to 2019.

Table 20a shows the percentage trade impacts of the proposed development in terms of the total retail turnover (i.e. including both convenience and comparison goods) of the relevant centres and destinations. For Stone Town Centre, the solus trade impacts of the proposed development are anticipated to be -5.5 per cent. When impact on just the convenience retail turnover of the town centre is considered, solus trade impacts would be around -7.4 per cent.

The applicant's cumulative assessment includes the impacts of the Aldi store at Stafford Road. This was treated as a commitment within the Council's Retail Capacity Update of 2013 but has now been implemented and is trading. However, given that this store was not included in the household survey results that informed the Retail Capacity Update, it is appropriate to treat it as a commitment for the purposes of this assessment. The applicant has increased the estimated turnover of the Aldi store so that it is in line with current company average sales density figures. We are not aware of any other commitments in the Stone area that should be included in the cumulative impact assessment.

Under the cumulative impact scenario, impacts on the total retail turnover of Stone Town Centre rise to -8.3 per cent at 2019. Cumulative impacts on the town centre's convenience retail turnover would be around -10 per cent. In terms of impacts on individual stores within Stone Town Centre, Table 20a of Appendix 2 shows that the Morrisons store would experience trade impacts of -9.5 per cent and the Co-op store trade impacts of -24 per cent. These individual percentage trade impacts are high and we discuss their implications below in respect of impacts on town centre vitality and viability.

Both solus and cumulative impact scenarios show that impacts on the total retail turnover of other defined centres would be relatively low. For Stafford Town Centre, these impacts would be up to -1 per cent (although we note that cumulative impacts on the convenience retail turnover of the town centre would be higher at a little over -3 per cent). Given recent investment in Stafford Town Centre, including the Riverside development, it is well placed to absorb these low levels of trade impact. The local centre at Eccleshall would experience solus impacts of -2.4 per cent and cumulative impacts of -6.5 per cent. Although the applicant's Retail Statement does not consider these impacts in any detail, our own impression is that Eccleshall is an attractive and healthy centre which serves a distinct catchment area. It is therefore likely that these levels of impact could be sustained without resulting in significant adverse impacts.

Impacts on In-Centre Investment

The first impact criterion set out at paragraph 26 of the NPPF requires consideration of the impacts of the proposed development on existing, planned and committed investment in town centres. Paragraph 7.29 of the Retail Statement states that there is no committed or planned investment within Stone Town Centre. We are not aware of any significant investment proposals within the



town centre that would be undermined by the proposed development. However, we recognise that the proposed M&S Foodhall may potentially have a positive impact on investment within the town centre if it stimulates interest from other high quality retailers and national multiple operators.

The Retail Statement goes on to say that whilst the application scheme will draw some trade from the new M&S store in Stafford this would not result in any adverse impact. It is clear that M&S is committed to Stafford Town Centre and we understand that the new M&S store within the Riverside development has recently opened. As such, we do not consider that the proposed development would have any significant adverse impacts on existing, committed or planned investment within the Borough's defined centres.

Impacts on Town Centre Vitality and Viability

The second impact criterion at paragraph 26 of the NPPF refers to impacts on the vitality and viability of town centres, including local consumer choice and trade in the town centre and wider area.

At the outset, we recognise the potential for linked trips between the proposed development and existing facilities within Stone Town Centre, and we recognise that the proposed development would serve to 'claw-back' some convenience retail expenditure from out-of-centre destinations and from the Stafford area. The proposed foodstore should also help to expand consumer choice within Stone. As set out at Section 4 of the applicant's Retail Statement, Policy Stone 1 of the Plan for Stafford identifies a need for an additional 1,700 sq. m of additional convenience retail floorspace 'at Stone Town Centre', and the Morrisons store at Mill Street is currently believed to be overtrading (albeit that such overtrading is likely to have been reduced by the opening of the out-of-centre Aldi store at Stafford Road).

As discussed above, solus and cumulative trade impacts on the convenience goods turnover of individual foodstores within Stone Town Centre are relatively high. We accept that, given that the Council's Retail Study Update of 2013 found that the Morrisons store was overtrading by £16.7 million against company benchmark turnover figures, it is unlikely that cumulative trade impacts of almost -10 per cent at 2019 would compromise the future trading of this store. However, the Council's study found that the Co-op store at High Street was undertrading by £3.1 million in 2013. The applicant's own estimate (set out at Table 16 of Retail Statement Appendix 2) is that the Co-op store is currently undertrading by £2.88 million, or by almost 40 per cent when compared with company average figures.

The applicant's assessment of cumulative impacts suggests that trade impacts on the Co-op store would be -24 per cent in 2019, reducing its convenience retail turnover to £3.68 million (i.e. to less than half the turnover figure that would be expected based on company average sales densities in 2015). Paragraph 7.14 of the Retail Statement states that:

'whilst this will result in the store trading further below its benchmark turnover.....a trade draw of just £0.59m will not suddenly result in the store no longer being viable and as such will not result in the closure of the store'.

It has been requested that the applicant provides further information to justify this statement and its response is contained within NLP and DPP's letters of August 2016. DPP provides clarification of the existing trading performance of the Co-op store, noting that the submitted Retail Statement relies upon floorpace figures presented within the Council's Retail Capacity Update that were derived from the 2010 IGD database. Since that time, DPP note that the Post Office has relocated to within the Co-op store and that approximately 20 per cent of the existing floorspace is used for the sale of comparison goods rather than convenience goods. It therefore estimates that the Co-op store currently provides convenience goods floorspace of 620 sq. m compared to the equivalent figure of 974 sq. m assumed within the Retail Statement.

DPP therefore estimate that the benchmark convenience goods turnover of the Co-op store is £4.77 million compared to the existing turnover figure of £4.26 million estimated within the applicant's previous assessment. On this basis, the Co-op store would be currently trading at 89 per cent of its company benchmark. When the impacts of the proposed development are taken into



account this figure reduces to 77 per cent. DPP note that the Council's Retail Capacity Update estimated that the Co-op store was trading at 60 per cent of its expected benchmark level but concluded that the store was still considered to be viable.

The additional information provided by DPP goes on to say that whilst the existing Co-op store and proposed foodstore would be similar in size, the proposed M&S Foodhall would contain significantly less comparison goods floorspace and 98 per cent of its product range would be own-brand items. There would also be qualitative differences in the offer with the proposed foodstore which would be focused on premium goods, the purchase of which is usually supplementary to other main food and top-up shopping trips. DPP add that demographic data from the Mintel UK Supermarkets report (2015) shows that 92 per cent of M&S customers are concentrated in the AB and C1 social grades compared to 41 per cent of Co-op customers.

The additional information provided by NLP confirms these qualitative differences. It notes that M&S sell much lower proportions of ambient products than other convenience retailers' and that the proposed M&S Foodhall would be expected to compete with existing stores '*on a discrete range of higher end products*'. It further notes that larger foodstores are more likely to contain a greater range of goods targeted at the premium end of the market and that the proposed development would therefore be more likely to compete with such stores.

The applicant's revised assessment of the performance of the Co-op store indicates that whilst this facility is currently undertrading it is not undertrading to the extent indicated by the Council's Retail Capacity Update and assumed within the Retail Statement. We consider that it is reasonable to assume that the convenience goods sales area of the Co-op may have been reduced by its reconfiguration to include the Post Office in 2013, and that given its size, this particular branch of the Co-op may contain a higher than average proportion of comparison retail sales floorspace.

Although we cannot verify the lower sales floorspace figures now put forward by the applicant, it is possible that the Retail Capacity Update could have overstated the undertrading of the Co-op and that the trade impacts of the proposed foodstore at the application site may result in the Co-op trading at around 70 per cent of company benchmark figures, rather than at 50 per cent as previously assumed. The additional information provided in terms of the overlap between the convenience goods offer of the Co-op and the proposed M&S Foodhall confirms our earlier conclusions that the level of trade diversion forecast by the Retail Statement is reasonable.

Whilst the applicant's estimated levels of cumulative trade impact on the Co-op store remain high, we are reassured that the existing performance of the Co-op store is not as weak as previously indicated and that it is unlikely that the future trading of this store would be compromised by the proposed development. It is apparent that the Co-op store has withstood the impacts of the opening of the out-of-centre Aldi store and we note that the Co-op has not objected to the application scheme at Westbridge Park. We also note that Stone Town Centre is a generally healthy centre and that the Morrisons store within the town centre is trading well. We therefore conclude that, on balance, the proposed development is unlikely to result in significant adverse impacts on the vitality and viability of the town centre.

Conclusion and Recommendations

PBA has been instructed by Stafford Borough Council to provide advice in respect of the retail and town centre policy issues associated with the proposed development of an M&S Foodhall at Westbridge Park, Stone (planning application ref: 16/24242/FUL). In this letter we have considered whether the application proposal would accord with the requirements of paragraphs 24 and 26 of the NPPF and Policy E8 of the Plan for Stafford.

In terms of the sequential test of paragraph 24 of the NPPF, we have concluded that there are no sequentially preferable sites within Stone Town Centre that are both available and suitable for the development proposed by the application. We are also satisfied that there are no other available and suitable edge-of-centre sites that are more accessible and better connected to the town centre than the application site.



Turning to impacts on town centre interests, we are broadly satisfied by the methodology that has been employed by the applicant in estimating the future trade impacts of the proposed development. We recognise that Stone Town Centre performs well in terms of a number of indicators of vitality and viability and that the application proposal would not have any significant adverse impacts on in-centre investment.

We are also satisfied that, following the submission of additional information by the applicant, the proposed development would not be likely to have significant adverse impacts on the vitality and viability of Stone Town Centre. We therefore confirm that the proposal meets the requirements of paragraph 26 of the NPPF and that there would not be grounds to refuse planning permission under the terms of paragraph 27 of the NPPF or Policy E8 of the Plan for Stafford.

In reaching our conclusions on the impacts of the proposed development and its compliance with the NPPF and local planning policy, we have had regard to the specific trading characteristics of the proposed retail operator. Whilst it appears that M&S is committed to the application scheme and that the scale and nature of the proposed development would have limited appeal to alternative operators in current market conditions, we consider that, if the Borough Council is minded to grant planning permission, it should impose planning conditions to restrict the total amount of retail sales floorspace to be provided within the proposed retail unit, and to prevent its occupation by a non-food retail operator. The latter could include a restriction on the amount of comparison retail floorspace to be provided within the proposed foodstore.

I trust that the contents of this letter are of assistance. If you have any queries then please don't hesitate to contact me.

Yours sincerely

JONATHAN WADCOCK
Senior Associate

For and on behalf of
PETER BRETT ASSOCIATES LLP

Appendix 3

John Dolman
Stafford Borough Council
Development Control
Civic Centre Riverside
Stafford
Staffordshire
ST16 3AQ

Our ref: UT/2016/115468/02-L01
Your ref: 16/24242/FUL
Date: 07 September 2016

Dear Sir

**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
(ADDITIONAL INFORMATION)**

**WESTBRIDGE PARK SPORTS CENTRE STAFFORD STREET STONE
STAFFORDSHIRE ST15 8QW**

Thank you for your email and additional information which was received on 24 August 2016.

In light of the information submitted we are now in a position to **remove our objection** to this application.

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are recommended.

Flood Risk:

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

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

Environment Agency
Sentinel House, 9 Wellington Crescent, Fradley Park, Lichfield, Staffs, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

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

Condition

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

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

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

Reason

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

Further Information

The applicant and all future occupiers should sign up to the Environment Agency's free flood warning service. The service offers three levels of flood warning and can give the applicant vital time to prepare their property for flooding. Warnings can be received by telephone, fax, text message, pager and email. To sign up call Floodline on 0345 988 1188 or visit www.gov.uk/flood.

Contamination Issues:

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

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

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

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

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

Unsuspected contamination

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

CONDITION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON

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

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

Groundwater policies – Groundwater Protection: Principles and Practice

The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

Waste on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

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

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and;
- The Environmental regulations page on GOV.UK.

Waste to be taken off site

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste – Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

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

Finally, in order for the Environment Agency to monitor its effectiveness in influencing the determination of the planning application, a copy of the decision notice (including conditions) for this application would be appreciated.

Yours faithfully

Ms Noreen Nargas
Planning Advisor

Direct dial 020 8474 5004

Direct fax

Direct e-mail noreen.nargas1@environment-agency.gov.uk



Historic England

15

Alex Yendole
Planning Policy Manager
Stafford Borough Council

Forwardplanning@staffordbc.gov.uk

Your ref: PFSB-P2-M
Our Ref: PL00040307

4 November 2016

By email only

Dear Mr Yendole

**RE: STAFFORD BOROUGH COUNCIL LOCAL PLAN PART 2 – MAIN
MODIFICATIONS AND REVISED SA**

Thank you for your letter dated 20 September 2016 and accompanying information. I can confirm that Historic England has no comments to make on the proposed main modifications (proposed by the Inspector and Council) or the revised SA information.

I hope that this information is of use to you at this time.

Yours sincerely

Rosamund Worrall
Historic Environment Planning Adviser