

**PROPOSED RE-DEVELOPMENT AT COFFERIDGE CLOSE
STONY STRATFORD
PLANNING APPLICATION REF: 11/00143/FUL
GROUNDS OF APPEAL**

1.0 INTRODUCTION / BACKGROUND

- 1.1 These Grounds of Appeal have been prepared on behalf of CB Richard Ellis Investors ("the Appellant").
- 1.2 The Appellant has submitted an appeal under Section 78 of the Town and Country Planning Act 1990, following Milton Keynes Council's ("the Council") refusal of an application for full planning permission for the redevelopment of part of the site at Cofferridge Close, Stony Stratford, Milton Keynes.
- 1.3 The planning application was originally submitted in February 2011 and sought permission for:

~~"The partial demolition of the existing buildings at Cofferridge Close and the construction of a new food store, the reconfiguration of the car parking at the site and the replacement of 8 no. private garages."~~

- 1.4 In April 2011, amended plans were submitted following consultation with the Council and statutory consultees, which omitted the replacement garages. The description of development changed to:

"The partial demolition of the existing buildings at Cofferridge Close and the construction of a new food store with the reconfiguration of the car parking"

- 1.5 On 14th March 2013, Milton Keynes Council's Development Control Committee refused the application for 3 reasons (see Section 3 of these Grounds of Appeal).

2.0 THE PROPOSED DEVELOPMENT

- 2.1 The application for the planning permission sought to demolish the buildings that currently comprise offices, a food retail store and dental practice and replace these with a single building comprising a large, modern food store ("the proposed development"). The new building forming part of the proposed development represents a similar footprint to the existing building, although is configured so as not to extend as far from the High Street as the current building. The proposed building is single storey in height, although due to the nature of the internal space and the operational requirements of a food store operator, the proposed development would (at its highest point) be the same height as the buildings to be retained. In summary, the proposed development is single storey and equal in height to the existing buildings being retained as part of the proposed development at Cofferridge Close.
- 2.2 The proposed development provides gross internal ground floor sales of 1,565m² and back of house / deliveries area of 556m², with associated storage and staff facilities at first floor level (gross internal area of 294m²). In comparison the building to be demolished provides approximately 3,720m² of floor space broken down into the following uses:
- B1 offices – 2,350m²
 - A1 Food Retail and D1 dentists – 1,330m²
 - Suis Generis (tattoo studio) – 40m²
- 2.3 The proposed building is 7m in height, 56.7m in width and 53.8m in depth. In comparison the existing buildings are 7m in height, 95m wide and between 15m and 50m in depth.
- 2.4 The proposed reconfiguration of the car parking will provide a more user friendly layout, removing the smaller parking courts and providing additional disabled parking spaces in close proximity to the entrance to the new food store. The proposal also seeks to remove the 62 long stay parking spaces from the site and provide all of the proposed spaces as short stay parking to seek to encourage more visitors to the town centre of Stony Stratford. To the rear of the High Street, 7 private spaces are to be provided for staff and residents of the shops and flats, with an additional 9 private staff spaces for the new food store.
- 2.5 The proposed development comprises:
- the retention of 9 of the original colonnade bays (overlapping between the retained and new buildings);
 - the provision of a feature wall to echo the end wall of the existing office building;

- the retention of an element of green space to the south west of the building;
- a dedicated pedestrian route through the service delivery yard; and
- the restoration of the 1970s frontage to its original design.

3.0 GROUNDS OF APPEAL

- 3.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development would accord with the Development Plan, (the adopted Core Strategy and the saved policies of the Milton Keynes Adopted Local Plan), Supplementary Planning Guidance Documents and the National Planning Policy Framework ("NPPF").
- 3.2 Whilst the Appellant does not agree with the decision of the Council, the reasons for refusal given are detailed and specific. Given the specificity of the reasons for refusal, the Appellant is entitled to assume that all of the grounds of objection to the proposed development are included within them and will prepare its witness evidence accordingly.
- 3.3 The Appellant is also entitled to assume that, in the view of the Council, apart from the policies cited in the reason for refusal, the proposed development is in accordance with all other policies of the adopted development plan.
- 3.4 The Appellant submits that this matter should be determined at a local inquiry, given the need to cross examine and test complex evidence, including cultural heritage matters.
- 3.5 The Local Planning Authority's reasons for refusal stated that:

"1. The size, scale, form and design of the development and extent of the area of hard standing to accommodate an over provision (of) parking to serve the development and the lack of opportunities to retain an existing area of public open space within the site; the loss and re-provision of less trees than are already contained with(in) the site; the lack of opportunities for onsite biodiversity and detrimental impact on the residential amenities of 7 – 23 Silver Street would all constitute an over development of the site. The application would be contrary to policies D2, D2a, D1 (iii and iv), NE3, L2 of the Milton Keynes Local Plan 2001 – 2011.

2. The demolition of a large section of the existing building and proposed scheme would cause harm to Cofferridge Close as a heritage assets in its own right. The proposed development would cause harm to the significance of the designated heritage assets, Stony Stratford Conservation Area and the listed buildings, 7 – 23 Silver Street. The development would be contrary to policies HE5

and HE6 of the Milton Keynes Local Plan 2001 – 2011, Policy CS20 of the Core Strategy and paragraphs 134 and 135 of National Planning Policy Framework.

3. The development would result in the loss of an important community facility (NHS dental practice) for which no alternative provision has been made within Stony Stratford Town Centre. The development would be contrary to policy C2 of the Milton Keynes Local Plan 2001 – 2011."

REASON FOR REFUSAL 1

3.6 It is considered that the first reason for refusal can be broken down into 6 parts, which the council allege cumulatively result in an overdevelopment of the site. This position is not accepted by the Appellant. These are:

- The size, scale, form and design of the development;
- The extent of hard standing to accommodate the parking spaces (which the Council considered to be in excess of the required parking standards);
- The lack of opportunities to retain the open space known locally as 'The Orchard';
- The loss and re-provision of less trees than are already contained within the site;
- The lack of opportunities for onsite biodiversity; and
- Detrimental impact on the residential amenity of 7 – 23 Silver Street.

3.7 It will be shown that the proposed development is not just appropriate to its immediate and wider context, but also represents high quality architecture and landscaping, in suitable materials, and thus will enhance the appearance of the area. The applicant will also demonstrate the proposed development respect the setting of nearby listed buildings and undesignated assets.

3.8 It will be shown that the car parking spaces proposed do not represent a significant overprovision; it will in fact provide parking to a level that is optimised and in any event is just below the Council's maximum parking requirement for new development.

- 3.9 The Appellant will show that the open area is not the subject of any national or local designation as open space and that whilst the area will be reduced; the retained element will provide a more usable area of enhanced amenity value, given its orientation, relationship to the new building and prominence within the proposed development site.
- 3.10 In respect of the trees, the Appellant will provide evidence to demonstrate that the quantum of trees should not be the only factor considered and that the quality, condition and remaining lifespan of the trees are all material considerations.
- 3.11 The site currently exhibits limited biodiversity, which will be demonstrated through ecological survey work. The Appellant will further show that the proposed development, coupled with the mitigation measures proposed, the majority of which are already agreed with the Council, will increase the biodiversity opportunities in accordance with the NPPF and Local Planning Policy whilst also providing an opportunity to contribute to a local biodiversity initiative in the local area.
- 3.12 In relation to residential amenity, it is noted from the Council's committee report that the detrimental impact cited in the reason for refusal 1 relates specifically to the change in outlook; an increased disturbance through more frequent comings and goings; and the removal of 2 lime trees along the rear of the properties. The Appellant will demonstrate that the trees could be retained (and secured through the imposition of a planning condition), that the change in outlook would not be detrimental and that the level of disturbance would be comparable to existing conditions on site.
- 3.13 In summary, the Appellant will show that the component parts of reason for refusal 1 do not individually nor cumulatively demonstrate that the scheme represents an overdevelopment of the site, nor that there will be a detrimental impact upon adjoining occupiers or the immediate and wider environment.

REASON FOR REFUSAL 2

- 3.14 The Appellant does not necessarily accept that, in respect of heritage matters, harm is caused to the historic interest of part of the conservation area or the designated heritage asset.
- 3.15 In the event that harm is demonstrated, in respect of heritage matters the Appellant will show that the harm caused to the historic interest of this part of the conservation area is less than substantial and that as such it falls to be considered under paragraph 134 of the

NPPF. Furthermore, the Appellant will show that the harm is very limited for a number of reasons including the overall size of the area affected; its containment; the effect on the significance of the conservation area as a whole; the previous alterations to the building itself; and the success of the original design in meeting the objectives of the Milton Keynes Corporation.

3.16 The Appellant will demonstrate that if harm is demonstrated, the harm to the designated heritage asset, which is the conservation area, is limited and, in any event, less than substantial for the following reasons:

3.16.1 The building and site are not characteristic of the wider conservation area; and

3.16.2 The impact of the development is limited because the site is well enclosed and not widely visible.

3.17 The Appellant will also explore in evidence the cultural significance of the structure proposed for demolition and the practical challenges to the reuse of the existing building.

3.18 In these circumstances, Paragraph 134 of the NPPF specifically advises that any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Committee report acknowledges the proposed development will help to meet the daily shopping needs of the local population and represents major investment in the town centre which will enhance consumer choice and promote the vitality and viability of the town centre and clawback trade lost to nearby centres. In these and all other respects, the proposals accord fully with section 2 of the NPPF which seeks to ensure the vitality of the town centre. Taken together with the provision of local jobs, the proposed development will deliver very significant benefits, which the Council has failed to take properly into account in reaching its decision.

REASON FOR REFUSAL 3

3.19 The Appellant will show that an alternative premise for the dental practice has been identified and that discussions with the operators are well advanced. A planning application for the change of use of the relevant premises has been submitted to the Local Planning Authority.

RESPONSE TO MATTER RAISED BY 3RD PARTIES

- 3.20 A number of issues were raised by 3rd parties during the course of the consideration of the planning application. The Appellant will demonstrate that all such matters were considered and, to the extent the Appellant considered necessary, were dealt with in an appropriate manner within the planning application documentation.

CONCLUSIONS

- 3.21 In summary, and for the reasons set out above, the proposed development is in full compliance with the development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. There are no other material considerations which indicate that permission should be refused. Accordingly, this appeal should be allowed and planning permission granted.
- 3.22 The Appellant reserves the right to amend these grounds in light of any material provided within the questionnaire received from the Council or representations by third parties.