

Cofferidge Close, Stony Stratford

Revised Planning Statement

December 2012

Cofferidge Close, Stony Stratford
Revised Planning Statement
On behalf of CB Richard Ellis Investors

Beansheaf Farmhouse
Bourne Close
Calcot
Reading
Berkshire. RG31 7BW

Tel: 0118 943 0000
Fax: 0118 943 0001
Email: planningreading@bartonwillmore.co.uk

Ref: 17073/P3/A5/SD/dw

Date: December 2012

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore LLP.

All Barton Willmore stationery is produced using recycled or FSC paper and vegetable oil based inks.

CONTENTS

	Page No.
1.0 Introduction	1
2.0 Site Description and Surroundings	2
3.0 The Development Proposal	6
4.0 Planning History	8
5.0 Relevant Planning Policies	9
6.0 Planning Issues	19
7.0 Conclusions	28

APPENDICES

Appendix 1	-	Site Location Plan
Appendix 2	-	Existing Site Layout Plan
Appendix 3	-	Pedestrian Access Plan
Appendix 4	-	Listed Building Plan
Appendix 5	-	Noble Chafer Survey

1.0 INTRODUCTION

- 1.1 In 2011, Barton Willmore LLP was instructed by CB Richard Ellis Investors to prepare and submit a Full Planning Application for the partial demolition of the existing buildings at Cofferridge Close and the construction of a new retail food store together with the reconfiguration of the car parking and the replacement of 8 no. private garages on the site.
- 1.2 Since the submission of the original application in January 2011 responses have been received from the Council, the local community and statutory consultees in respect of the proposals. This feedback has resulted in a number of amendments to the original scheme and, as a consequence, the applicants are submitting a revised suite of planning application documents to support revisions to the scheme, the extent of which is described in this Statement.
- 1.3 Furthermore, there has been a change in national planning policy, with the publication of the National Planning Policy Framework (March 2012) and this statement therefore assesses the revised scheme proposals against the most up to date policies.
- 1.4 The site lies within the centre of Stony Stratford, to the rear of the High Street. The site has vehicular access to the rear of the site from Silver Street, with numerous pedestrian accesses from all directions. A site location plan is contained at **Appendix 1**.
- 1.5 The site is approximately 1.4 hectares and comprises the retail and commercial units that form Cofferridge Close; long and short stay car parking; the service yard for the existing food retail store and access to other service yards and parking spaces for surrounding properties; and private residential garaging and parking.
- 1.6 The changes made to the planning application since its submission in January 2011 have resulted in a change to the description of development to omit reference to the demolition and replacement of the garages within the site. The revised application proposals seek permission for:

“the partial demolition of the existing buildings at Cofferridge Close and the construction of a new retail food store together with the reconfiguration of the car parking.”

- 1.7 This revised statement addresses the current planning policy context as applicable at the time of writing (November 2012) and should be read in conjunction with the accompanying revised supporting documentation, in particular the Revised Design and Access Statement and revised Heritage Impact Assessment (dated November 2012).
- 1.8 In Chapter 2.0 of this statement (Site Description and Surroundings) describes the physical characteristics of the site and its immediate surroundings are discussed.
- 1.9 Chapter 3.0 (The Development Proposals) provides details of the revised proposals, including an explanation of the reasons for the changes.
- 1.10 Chapter 4.0 (Relevant Planning History) provides a summary of the relevant past planning applications submitted and decisions made in respect of the site.
- 1.11 Chapter 5.0 (Relevant Planning Policies) makes reference to the relevant policies which directly relate to the proposed development.
- 1.12 Chapter 6.0 (Planning Issues) provides a response to the Development Plan policies which directly relate to the site and the development proposals. The chapter emphasis that the proposals are in accordance with national guidance contained within the National Planning Policy Framework (NPPF) and local planning policies contained within the Milton Keynes Local Plan (adopted December 2005) and emerging Core Strategy.
- 1.13 Chapter 7.0 (Conclusions) states that the application should be approved on the grounds that the proposals for the site accord with the advice given in national and local planning guidance.

2.0 SITE DESCRIPTION AND SURROUNDING

Site Description

- 2.1 The site is located within the town centre and Conservation Area of Stony Stratford, to the rear of the High Street (Watling Street) and is made up of a variety of elements. There are 2 no. A1 retail units and an A3 restaurant fronting onto the High Street, with a dry cleaners, opticians and A1 food store set back from the High Street facing onto the car park. The site also includes a number of office units, all of which are vacant and a dentists practice. See existing site layout plan at **Appendix 2**.
- 2.2 The site itself consists of one large, brick built, two storey building which extends back from the High Street towards Silver Street, with a continuous linear structure as well as a single storey element which projects out from the main structure towards the north west (forming part of the food retail store and the dentists). The site also comprises a large extent of hard surfacing for car parking (both long and short stay), an area of open greenspace which sits to the rear of the office buildings, a number of private residential garages which are occupied by some of the residents of Silver Street and Horsefair Green and a small area of greenery.
- 2.3 In addition to the elements that make up the application site, it also acts as access to a number of privately owned areas, such as Swinfens Yard, and areas over which there are third party legal rights, such as the rear of the properties on the High Street. This can be seen on the plan at **Appendix 2**.
- 2.4 Vehicular access to the site is taken from Silver Street, through an archway formed by residential flats at first floor level, which was statutorily listed as Grade II in May 2012. This is the access for all vehicles, including deliveries for the existing food retail store, other stores within Cofferridge Close and units on the High Street. There are an additional 8 pedestrian accesses into the site from all surrounding directions as shown on the plan at **Appendix 3**.
- 2.5 The outer edges of the site comprise car parking areas, with long stay spaces to the rear of the main elevation, along the western boundary, whilst the short stay spaces lie to the front of the retail food store and other units. The long stay parking comprises 62 parallel and conventional parking spaces, which follow the line of the road which provides access to the rear of the High Street units and to the food store service area. The 59 short stay spaces are arranged around a series of small parking courts and conventional parking spaces along the eastern edge (adjacent to the boundary with the

Baptist Church). There are also 8 parking spaces in the northern corner of the site, to the rear of the High Street, which provide parking for the High Street units along with the other units in Cofferridge Close (such as the opticians and dry cleaners).

- 2.6 The large area of green space within the site includes a number of substantial trees, which due to the location of the site within the Conservation Area, are protected. There are also trees along the edges of the site some of which overhang but are not within the site (including large lime trees along the eastern boundary) and areas of additional landscaping scattered between the parking areas. The green space to the rear of the private garages includes a number of small trees.
- 2.7 In May 2012, the residential properties of nos. 7 to 23 Silver Street were included on the statutory list of building at Grade II status. Whilst the majority of these properties lies outside of the application site (abutting the southern boundary), vehicular access into the site is provided under the archway forming nos. 15 to 21 Silver Street and as such it is included within the application site. There are a number of other buildings on the periphery of the site which are statutorily listed as shown on the plan at **Appendix 4**. The site as a whole lies within the Stony Stratford Conservation Area.

Surroundings

- 2.8 To the south west of the application site, Silver Street comprises a predominately residential street with properties on both sides of the road. It also provides the only vehicular accesses into the Market Square and Cofferridge Close itself and acts as one of the main roads through the town following the implementation of a one way system along the High Street. The listed Methodist Church lies on Silver Street as do the town's public conveniences, adjacent to which is one of the pedestrian accesses into the site. A number of properties on Silver Street (including nos. 7 – 23 which back directly onto Cofferridge Close) are listed.
- 2.9 To the south east is Horsefair Green, with residential properties on both sides of a large linear green area, a number of which are listed. Horsefair Green connects London Road with Silver Street and includes on street residents parking. The listed Baptist Church is located on the western side of Horsefair Green, which has a narrower carriageway and is predominately used by residents as oppose to through traffic. Pedestrian access to the application site is taken from Horsefair Green.

- 2.10 The north western boundary of the application site is defined by the rear of properties on the Market Place and include the town's health centre and a converted office building which now provide residential properties and car parking to the rear of no. 8 Market Square. The Market Place itself offers short stay car parking and provides vehicular access to the town's library and Town Council offices. Pedestrian access to the application site exists alongside the health centre. Within the application site there is also a tattoo parlour which will be demolished as part of the development.
- 2.11 The High Street forms the north eastern boundary of the application site and comprises a mix of property styles, with varying rear projections, including some rear service yards. A vast proportion of the buildings are listed. There are a number of pedestrian access points from the High Street to the application site, including the main access between unit 9 and 10 Cofferridge Close. Where the High Street meets London Road, Swifens Yard provides a small arcade of retail units which provide access into the application site through the car parking area of Swinfens Yard which in turn is served from the application site itself.
- 2.12 The site opens onto the High Street, which is characterised by traditional properties fronting the street. Cofferridge Close was built in the 1970's by the Milton Keynes Development Corporation and whilst it represents the architecture of its time, it is acknowledged that it contrasts with the other properties within the vicinity and has been changed substantially from its original concept of a modern building within a landscaped setting.
- 2.13 The existing retail units fronting the High Street are set back from the other buildings along High Street, behind large brick columns which dominate the frontage and are carried through to the rear elements of the Cofferridge Close development, which were intended to reflect the patterns of coaching arches and side streets within the town. The site and its existing context is considered in further detail in the Design and Access Statement which accompanies this planning application.
- 2.14 The Stony Stratford Conservation Area (designated in 1975) covers a large area of the town centre, including 138 buildings of special architectural or historic interest. There are two medieval church towers within the Conservation Area which form distinctive landmarks.
- 2.15 The local highway network within the vicinity of the site forms important routes for the town itself, although they comprise minor roads, the majority of which are subject to 30mph speed limits.

- 2.16 In addition to the existing foodstore within the development site, the town provides a range of shops and services, including Stony a range of shops and other facilities including a post office, library, primary school, health centre and pharmacy. There is a wide range of restaurants and public houses within the town.
- 2.17 Milton Keynes provides a wealth of employment in all sectors along with a vast array of leisure facilities including the MK shopping centre with multi-national brands, the X-scape arena, cinemas and restaurants. Central Milton Keynes is within 6 miles of Stony Stratford and can be reached by public transport which provides a regular service throughout the day and into the evening, 7 days a week.

3.0 THE DEVELOPMENT PROPOSALS

- 3.1 The proposal is a Full Planning Application for the partial demolition of the buildings at Cofferridge Close, the construction of a new food retail store and the reconfiguration of the car parking at the site. The original proposals sought the demolition and replacement of the garages on the site but following the receipt of responses from the owners of those garages this element of the scheme has been removed.
- 3.2 The proposed development is to be considered within the provisions of the National Planning Policy Framework (March 2012); and the relevant policies of the Adopted Milton Keynes Local Plan (December 2005).
- 3.3 The development proposes the demolition of the buildings that currently comprise the offices, food retail store and dentists, and their replacement with a single building comprising a large, modern food store. The new building will represent a similar footprint to the existing building although configured so as not to extend as far from the High Street as the current building. The building will be single storey, however due to the nature of the internal space, and the operational requirements of the food store operator, the new building will effectively be the same height as the buildings to be retained.
- 3.4 The proposed building for the new Food Store element provides a gross internal ground floor sales area of 1,565m² and back of house/deliveries of 556m² with associated storage and staff facilities at first floor (gross internal area of 294m²).
- 3.5 By comparison the existing buildings provide circa 3720m² broken down into the following uses:
- B1 offices – 2350m²
 - A1 Food Retail and D1 dentists – 1330m²
 - Suis Generis (tattoo studio) – 40m²
- 3.6 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 deep. A limited palette of quality materials will acknowledge and reflect those materials found generally or historically in Stony Stratford, for example brick and timber cladding.

- 3.7 In addition to the building works, the application proposes the reconfiguration of the current car parking to provide a more user friendly layout, removing the smaller parking courts and providing additional disabled parking. The proposals also seek to remove the 62 long stay parking spaces from the site (other than those to the rear of the High Street which serve individual retail units) and provide all of the proposed 149 spaces as short stay parking to seek to encourage more visitors to the town centre. To the rear of the High Street, 7 spaces are to be provided for the staff and residents of the shops and flats, with an additional 9 staff spaces for the new store.
- 3.8 The redevelopment and realignment of 8 no. private garages was proposed to afford more privacy to the parking and garaging area for the residents of Silver Street and Horsefair Green through relocating the access into that area and making it clearer that it is private property. However, this element of the scheme has been removed and the revised proposals seek to retain the garages, parking and green space as it exists at present for use by the residents of Horsefair Green and Silver Street.
- 3.9 For clarity, the revised scheme incorporates the following changes:
- Provision of a new feature wall within the car park (included within a landscape setting) which echoes the end wall of the existing office building (to be demolished), providing a reference to the old building and its relationship with the dwellings on Silver Street;
 - Retention of additional bays of the colonnade (now 9 in total), overlapping between the existing and new buildings and assisting in integrating the new foodstore into the retained elements of the existing building. It also provides a continuation of the historic form of the pedestrian route between the High Street and Silver Street (which continues along the front of the proposed foodstore and through the newly configured car park);
 - Increase in the area of green space being retained to the rear of the foodstore;
 - Increase in the width of the pedestrian route from Market Place;
 - Retention of the circular seating to the northern boundary of the site;
 - Retention of the garages and green space to the rear of the houses on Horsefair Green and Silver Street;
 - Creation of a dedicated drop off and taxi point;
 - Adjustment to the pedestrian route adjacent to the proposed service yard to increase pedestrian safety and the aesthetics of the route;
 - Reduction in the size of the service road to reduce the width of the pedestrian crossing to the Silver Street entrance;

- Increase in the size of the service turning circle;
- Realignment of the trees within the western parking area to create a more formal arrangement; and
- Reinstatement of the columns removed previously from the High Street frontage.

3.9 The application seeks full planning permission with all matters to be considered and is supported by this revised planning statement and the following documentation:

- Revised Design and Access Statement prepared by Barton Willmore LLP
- Updated Retail Statement Prepared by Barton Willmore LLP
- Updated Tree Survey Report, Retention Proposals and Height Comparison Study prepared by Forbes-Laird Arboricultural Consultancy
- Updated Flood Risk Assessment and Surface Water Drainage Strategy prepared by Stuart Michael Associates
- Revised Heritage Statement prepared by CgMS
- Revised Heritage Assessment (Archaeology) prepared by CgMS
- Revised Highways, Traffic and Transportation Assessment prepared by WSP

4.0 PLANNING HISTORY

- 4.1 The existing Cofferridge Close development was constructed in the 1970's by the Milton Keynes Development Corporation. Since its construction there have been a number of alterations made to the buildings by the corporation, including the removal of columns from the frontage and the creation of additional parking.
- 4.2 Whilst there have also been a number of planning applications in respect of the various units, a single application for works to the frontage is considered to be of relevance to these proposals.
- 4.3 Application 09/01628/FUI was submitted in September 2009 and proposed works to the frontage of Cofferridge Close, including the extension of Units 9 and 10, recladding of the existing columns and the construction of additional signage.
- 4.4 Following discussions with the Local Planning Authority and the receipt of numerous comments on the scheme, the application was withdrawn in October 2009.
- 4.5 Since the withdrawal further discussions have taken place with the Local Planning Authority, including the Conservation Officer, and other stakeholders to further understand the concerns raised and to explore potential options for the development.
- 4.6 In May 2010, a comprehensive consultation exercise was undertaken which included meetings with the tenants of the commercial properties, immediate neighbouring residents and local interest groups and a public exhibition event for the general public. Whilst this exercise focused upon the redevelopment of the units to the rear of Cofferridge Close, it included information on the revised proposals for the frontage.
- 4.7 Much of the feedback related to the existing frontage structure itself and the desire for the columns to be removed. In respect of the proposals themselves, limited criticism was received, with the only negative being the possible loss of space currently used as a meeting place.
- 4.8 Since the submission of the original planning application for this development, a request to have the building statutorily listed was submitted to English Heritage and has been determined. The outcome of the assessment was that the building was not of sufficient architectural merit to warrant listing but that the dwellings on Silver Street (nos. 7 to 23) were worthy and they are now Grade II listed. This includes the archway which

forms the vehicular access into the site. This application does not propose any changes to that archway or to those properties, which outside of the application site.

5.0 RELEVANT PLANNING POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the development plan contains relevant policies, applications for development which are in accordance with the plans should be allowed unless material considerations indicate otherwise.

National

- 5.2 Relevant national planning policy is to be found in the National Planning Policy Framework (NPPF) which was published in March 2012.

National Planning Policy Framework (2012) (NPPF)

- 5.3 Paragraph 11 of the NPPF restates the relevant planning law which requires that applications are decided in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF replaces almost all previous national planning guidance set out in the various Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) documents. It also replaces Circular 05/2005: Planning Obligations and a number of other guidance documents. Sections of the NPPF of particular relevant in this instance include:

- Achieving Sustainable Development (paragraphs 6 – 149)
- Decision Taking (paragraphs 186 – 207)
- Annex 1 (paragraphs 208 – 219)

Achieving Sustainable Development

The presumption in favour of sustainable development

- 5.4 Paragraph 12 of the NPPF emphasises that the NPPF does not change the statutory basis of the development plan as the starting point for decision making, advising that:

“Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise ...”

- 5.5 The NPPF constitutes guidance for local planning authorities and decision makers as a material consideration when determining planning applications.

5.6 Paragraph 14 highlights the fact that at the heart of the NPPF is:

“... a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking”

5.7 For decision taking, unless material considerations indicate otherwise, this means:

- **“Approving development proposals that accord with the development plan without delay ...**
- **Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:**
 - **Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **Specific policies in this Framework indicate development should be restricted.”**

5.8 Paragraph 17 of the NPPF sets out 12 core land use planning principles that should underpin both plan-making and decision taking. The 12 principles are that planning should:

1. Be genuinely plan led, empowering local people and providing a practical framework within which planning decisions can be made;
2. Not simply be about scrutiny, but be a creative exercise in finding ways to improve and enhance the places within which people live their lives;
3. Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
4. Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
5. Take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting the Green Belt, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
6. Support the transition to a low carbon future in a changing climate;
7. Contribute to conserving and enhancing the natural environment and reducing pollution;
8. Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value;

9. Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;
10. Conserve heritage assets in a manner appropriate to their significance;
11. Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
12. Take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Delivering Sustainable Development

1. Building a strong, competitive economy

- 5.9 Paragraphs 18 and 19 set out the Government's clear commitment to secure economic growth in order to create jobs and prosperity and that the planning system should do everything it can to support sustainable economic growth. Paragraph 21 is clear that:

"investment in business should not be over-burdened by the combined requirements of planning policy expectations."

- 5.10 Paragraph 22 is clear that sites allocated for employment uses should not be protected in the long term where there is no reasonable prospect of the site being used for that purpose.

2. Ensuring the vitality of town centres

- 5.11 The NPPF seeks to ensure that planning policies are positive, promote competitive town centre environments and set out how to manage growth over the plan period. In drawing up policies, Local Planning Authorities should, amongst other things:

- **"recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;**
- **Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;**
- **Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity."**

4. Promoting sustainable transport

- 5.12 Paragraph 29 explains that there is a need to give people a 'real choice' about how they travel; however:

"...the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport measures will vary from urban to rural areas."

- 5.13 Paragraph 32 requires all developments that generate 'significant' amounts of movement to be supported by a Transport Statement or a Transport Assessment. Decisions should take account of the opportunities that have been taken for sustainable transport modes, having regard to the nature and location of the site; whether safe and suitable access to the site can be achieved for all people; and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the developments. The NPPF confirms that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 5.14 Paragraph 35 advises that developments should be located and designed where practical to, inter alia:

"accommodate the efficient delivery of goods and supplies, give priority to pedestrian and cycle movements, have access to high quality public transport facilities and consider the needs of people with disabilities by all modes of transport"

- 5.15 A balance of land uses within the area is encouraged at paragraph 37 so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

- 5.16 Paragraph 40 relates to town centre parking and states that:

"Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles."

7. Requiring Good Design

- 5.17 Paragraph 56 carries forward the requirements of PPS1 for development to be of a high quality design and states that:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

5.18 Paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

5.19 Whilst recognising the importance of good design, the NPPF’s core principle of promoting economic development is clear at paragraph 65 where it states that:

“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits)’

11. Conserving and enhancing the natural environment

5.20 Paragraph 118 relates to biodiversity and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including:

- **“If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;**
- **Opportunities to incorporate biodiversity in and around developments should be encouraged.”**

12. Conserving and enhancing the historic environment

5.21 Paragraph 128 sets out the level of information required for an application which affect a heritage asset:

“The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.”

- 5.22 Paragraph 134 sets out that where a development proposal is considered to have less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Determining applications

- 5.23 Paragraph 196 confirms the role of the NPPF as a material consideration in planning decisions. Paragraph 197 states that:

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

Planning conditions and obligations

- 5.24 Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations; planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 5.25 Paragraph 204 echoes the content of Circular 05/2005, now replaced, which states that planning obligations should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 5.26 Paragraph 205 advises local planning authorities to take account of market conditions over time when seeking or revising planning obligations; they should be ‘sufficiently flexible’ to prevent planned development being stalled. Paragraph 206 confirms that conditions should only be applied where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Implementation of the NPPF

- 5.27 It is pertinent to look first at the Implementation section of the document which is found at Annex 1 on the basis that this confirms how the NPPF is to be used. Paragraph 209 states that:

“The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up to date plans.”

- 5.28 Paragraph 210 repeats the guidance at paragraph 11 of the document that, in accordance with planning law, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 212 clearly states that:

“For the purposes of decision-taking, the policies in the Local Plan...should not be considered out of date simply because they were adopted prior to the publication of this Framework.”

- 5.29 Paragraph 214 advises that:

“For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with this Framework.”

- 5.30 Decision-takers are advised that from the date of publication of the NPPF they may also give weight to relevant policies in emerging plans according to the stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

- 5.31 Paragraph 218 of the NPPF confirms at footnote 41 that:

“Regional strategies remain a part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government’s clear policy intention to revoke the regional strategies outside of London, subject to the outcome of environmental assessments that are currently being undertaken.”

- 5.32 Accordingly, in accordance with NPPF guidance regarding implementation at Annex 1 and Section 38(6) of the PCPA 2004, the application proposals fall to be assessed against:

1. The development plan: that is, the South East Plan and the Saved Policies of the Milton Keynes Local Plan (2004);
2. The policies in the NPPF, as a material consideration.

Regional

Regional Spatial Strategy for the South East (RSS9) (Adopted May 2009)

- 5.33 In July 2010, the Secretary of State revoked Regional Spatial Strategies, a move which was challenged by Cala Homes in the High Court. On 10th November, Mr Justice Sales handed down his judgement on that case, ruling that the revocation was unlawful and quashing the decision. Advice issued by PINS now confirms that there will be no appeal and as such the RSS remains part of the Development Plan and is relevant to all planning permissions in accordance with Section 38(6) of the PCPA 2004.
- 5.34 The Regional Spatial Strategy for the South East (RSS9) sets out the broad strategic objectives for the south east area up until 2026. The South East is subdivided into regions with Milton Keynes falling within the Milton Keynes and Aylesbury Vale sub region.
- 5.35 The plan contains Cross Cutting Policies which relate to the whole of the South East together with specific policies for each of the sub regions.
- 5.36 Policies CC2, CC3 and CC4 relate to the sustainability of new development and the need for sustainable construction standards and techniques.
- 5.37 Policy BE6 relates to the management of the historic environment and states that:

“When developing and implementing plans and strategies, local authorities and other bodies will adopt policies and support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.”

Local

Milton Keynes Adopted Local Plan (December 2005)

5.38 The Milton Keynes Local Plan was adopted in December 2005 and covers the period up to 2011. In December 2008 the Secretary of State issued a direction on which policies of the Local Plan should be 'saved'.

5.39 Policy S1 of the Local Plan set out the Council's general principles and seeks to ensure that the scale and distribution of development is based on a number of key principles, including:

"(vi) concentrating new development in or around existing centres, and around nodes along public transport corridors"

5.40 Policy D1 deals with the impact of development proposals and states that planning permission will be refused if it is harmful for any of the following reasons:

- "(i) Additional traffic generation which would overload the existing road network or cause undue disturbance, noise or fumes**
- (ii) Inadequate drainage, which would adversely affect surface water disposal, including flood control, or overload the existing foul drainage system**
- (iii) An unacceptable visual intrusion or loss of privacy, sunlight or daylight**
- (iv) Unacceptable pollution by noise, smell, light or other emission to air, water or land**
- (v) Physical damage to the site and neighbouring property including statutorily protected and other important built and natural features and wildlife habitats**
- (vi) Inadequate access to, and vehicle movement within, the site"**

5.41 Policies D2a and D2 expand upon the design requirements for new development and promotes the fact that the successful integration of a new building into the surrounding context is fundamental. Of particular relevance to this application is criterion i) of Policy D2 which states that development proposals will be refused unless they are:

"In scale with other buildings in the immediate vicinity in terms of their height and massing, except where a greater scale is necessary to reflect the development's function and importance"

5.42 Sustainable construction is addressed in policy D4, which sets out a number of criteria for development exceeding 5 dwellings or 1000m² including:

- **“(i) Energy efficient by siting , design, layout and buildings’ orientation to maximise sunlighting and daylighting, avoidance of overshadowing, passive ventilation**
- **(iii) landscaping or planting design to optimise screening and individual buildings’ thermal performance**
- **(v) sustainable urban drainage systems, including rainwater and waste water collection and recycling**
- **(vii) waste reduction and recycling measures”**

5.43 Policy HE5 relates to development affecting the setting of a listed buildings and states that:

“Planning permission will be refused for any form of development that would adversely affect the setting of a listed building or group of listed buildings. This setting may extend well beyond their immediate building curtilage(s) and may include an extensive street scene or a wider urban design context, especially when the application site is located within a designated conservation area”

5.44 Policy HE6 relates to conservation areas and is clear that developments within or affecting such areas should preserve or enhance the character and appearance of the area. It also makes it clear that:

“Conservation consent for demolition will be refused for buildings or features that make a positive contribution to the character and appearance of a Conservation Area, unless the proposed redevelopment would enhance the character of the area”

5.45 Policy T1 sets out a hierarchy for transport users and states that development should meet the needs of those users in the following order of priority:

- **“(i) Pedestrians and those with impaired mobility**
- **(ii) Cyclists**
- **(iii) Users of public transport and taxis, and motorcyclists**
- **(iv) Others”**

5.46 Policy T10 states that:

“Planning permission will be refused for development if it would be likely to generate motor traffic:

- (i) exceeding the environmental or highway capacity of the local road network; or**
- (ii) causing significant disturbance, noise, pollution or risk of accidents”**

5.47 Chapter 11 of the Local Plan deals with employment, with Milton Keynes City being recognised as one of the main sources of employment within the sub-region. The Local Plan identifies land for employment uses on the Proposals Map and seeks to safeguard the loss of that land for employment except in exceptional circumstances set out within Policy E1. Whilst the application site currently provides employment opportunities by virtue of the offices, it is not an identified employment site and does not fall to be considered against this policy.

5.48 Policy E7 seeks to restrict retail development on employment land. At paragraph 11.30 the supporting text is clear that:

“It is therefore unnecessary to allow retail development outside existing centres, and would be contrary to the sequential approach set out in PPG6*.”

*It is worthy to note that PPG6 has been replaced by the NPPF

5.49 Town Centres and Shopping are dealt with within chapter 12 of the Plan, with generic and town specific policies. Policy TC1 is the overall policy which deals with the character and function of the shopping hierarchy. Stony Stratford is identified as a town centre and Policy TC3 and TC4 relates specifically to the town stating that:

“Stony Stratford is defined as a Town Centre meeting the daily shopping needs of the local population. Small scale additions of new individual shop units will be permitted within the Town Centre. Development proposals should preserve or enhance the character or appearance of the Conservation Area. (TC3)”

“The priorities for improving the town centre are:

- (i) a review of parking in the town centre car parks;**
- (ii) improved signage (TC4)”**

5.50 The supporting text to the policies identifies the objectives as being defining the role or Stony Stratford and improving the attractiveness of the town centre. Paragraph 12.31 is clear that one of the threats to the town centre is the development of out of centre food stores. The Local Plan is clear that the Council will object to such schemes if they are considered to undermine the vitality and viability of Stony Stratford town centre.

5.51 Policy TC18 seeks to retain retail uses in ground floor units within town centres and protect the retailing function in the main shopping centres. The policy notes that permission for non-retail uses will only be allowed where they meet the following criteria:

- “(i) the general restrictions on the location and proportion of non-retail uses set out in Table TC1**
- (ii) They do not create a continuous frontage of 3 or more units in non-retail use within the Primary Shopping Area**
- (iii) They would not have a significant adverse effect on any nearby residential property.”**

5.52 Paragraph 12.53 of the supporting text refers to the change of use of buildings within town centres from non-retail to retail uses and notes that they will be **“generally encouraged”**.

5.53 Paragraph 12.124 sets out the Local Plan aims in relation to retail being to **‘strengthen and regenerate existing Town Centres, and locate new retail development so as to reduce the need for travel by car.’** Policy R1 sets out the criteria for assessing the extent to which major retail proposals are consistent with these objectives, defining major retail proposals as developments over 2500m² gross floorspace). The policy states that such development will only be permitted where:

- “(i) the proposal would not undermine the Council’s development plan strategy**
- (ii) the proposal, either by itself or with other completed or committed development, would not harm the vitality and viability of any Town, District or Local Centre**
- (iii) in the case of developments within existing centres, the development is of an appropriate scale; and elsewhere, there is a quantitative and qualitative need for the proposal**
- (iv) there are no sequentially preferable sites that are suitable, available within a reasonable period of time and viable for the proposed development**
- (v) the proposal would be accessible by a choice of means of transport and be likely to increase opportunities for one journey to serve several purposes**
- (vi) the proposed development would not be contrary to Policy E7 (retailing on employment land)”**

5.54 Policy C2 of the adopted Local Plan states that:

“Planning permission will be refused for proposals that involve the loss of an existing community facility or the loss of a site allocated for such a purposes, unless:

- (i) there is no longer a need for the facility for any type of community use, or**
- (ii) an acceptable alternative facility can be provided elsewhere”**

5.55 The Local Plan also contains policies in relation to Planning Obligations which are intended to ensure that development provides physical and social infrastructure.

5.56 Policy PO1 states that:

“The Council will seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the proposed development.

In making an assessment of such needs, it may be necessary to take into account the cumulative effect of a number of developments on the existing infrastructure of the surrounding area.

Developers will be expected to meet the full costs of facilities required as a consequence of development and contribute to resolving existing deficiencies where these would be made worse by the development.”

5.57 Policy PO2 sets out the main types of development for which the LPA will seek improvements, which include proposals for the redevelopment, extension, change of use or new development for offices, shopping or commercial leisure.

5.58 Policy PO4 deals with percent for art and states that:

“Where new development is proposed, developers are encouraged to allocate at least 1% of the capital cost of a development towards the incorporation of public works of art that enhance the appearance of the development.”

Milton Keynes Emerging Local Development Framework

- 5.59 In July 2012, an Examination in Public was held into Milton Keynes Council's Core Strategy. At the hearings questions were raised relating to the soundness and legal compliance of the Core Strategy and as such the Council are currently drafting modifications to address the comments made by the Inspector. It is intended that the following programme will be followed leading up to the adoption of the Core Strategy:

Consideration of the main modifications by the LDF Advisory Group	21 st Nov 2012
Consideration of the main modifications by Cabinet	19 th Dec 2012
Consideration of the main modifications by Council	9 th Jan 2013
6 week public consultation on the main modifications	14 th Jan 2013
Consultation responses sent to Inspector	25 th Feb 2013
Inspectors Report	March/April

- 5.60 Given the advanced stage of examination into the Core Strategy, it is considered that some weight should be given to the proposed modified version of the document when assessing this application.
- 5.61 The submitted Core Strategy identifies Stony Stratford as a town centre and Policy CS4 states their function will be:

“primarily as local shopping destinations catering for daily or specialist shopping needs.”

- 5.62 In respect of the retail hierarchy within Milton Keynes and the direction for retail and leisure growth the Core Strategy states that:

“The Milton Keynes Retail Capacity and Leisure Study 2010 (37) confirms the above mentioned hierarchy and deals with the future need and requirements for retail and commercial leisure facilities within the Borough and where it should be located. The key findings and recommendations of this study for the preferred strategy (strategy 1) are:

The need for new large scale comparison shopping floorspace and commercial leisure development (including food and drink uses) should be met within Central Milton Keynes, with smaller scale requirements for comparison retail and commercial leisure development provided within the district and town centres”

- 5.63 Policy CS20 of the emerging Core Strategy relates to the historic and natural environment, including biodiversity and states that in order to maximise biodiversity the Council will;

“3. ensure that damage to the biodiversity and geological resource of the Borough will be avoided wherever possible. When unavoidable it will be minimised through mitigated or compensation”

Supplementary Planning Documents / Additional Planning Documents

- 5.64 The Core Strategy is supported by a number of background studies, including the Milton Keynes Retail and Leisure Study which was carried out by Roger Tym and Partners and was completed in 2010. Further information on this is contained with the Retail Impact Assessment submitted in support of this application.
- 5.65 Milton Keynes Council also have a number of adopted Supplementary Planning Documents, relating to a number of matters including planning obligations, sustainable construction and parking standards.
- 5.66 The Parking Standards SPG was adopted in December 2004 and revised in April 2009 and takes a zonal approach to the level of car parking required for new development. Stony Stratford is located within Zone 2 which is defined as an area within a walking distance of 800m to the relevant retail area.
- 5.67 Paragraph 3.4 relates to parking for people with disabilities and states that:

“5% of the provision for new employment premises and 6% for shopping, leisure, recreational facilities and other places open to the public are designated for disabled motorists (Blue Badge Holders). In Milton Keynes, 5% of the parking spaces for B use classes and 6% for A, C1, C2 and D use classes should be designated to meet this requirement.”

- 5.68 The Council's SPD on Sustainable Construction was adopted in April 2007 and relates to Policy D4 of the Local Plan, providing detailed advice on how the authority will meet the aims of the policy. The SPD makes it clear that:

“Any net increase in carbon dioxide emissions from a development will be calculated as tonnes per year. A one-off contribution will be required to the carbon offset fund, at a rate of £200 (index-linked) for each tonne carbon dioxide by means of a Section 106 agreement or unilateral undertaking.”

- 5.69 In July 2009 the Council adopted a Transport and Sustainable Transport SPD which sets out the planning policy framework to secure the necessary contributions and the general principles for the payment of these contributions. Paragraph 3.4 of the SPD states that:

“The Local Plan requires Developers to meet the full cost of facilities required as a direct result of the impacts of the development and to make funding available in order to remedy any worsening of a situation which is currently deficient.”

6.0 PLANNING ISSUES

- 6.1 This section considers the principal planning issues associated with the proposed development and provides an explanation of how those issues are addressed to comply with the aims, objectives and requirements of the relevant planning policies outlined within Section 5.

Principle of Development

- 6.2 The site lies within the town centre of Stony Stratford and within the Conservation Area. The development proposes a single A1 food retail store to replace the existing buildings which include a smaller A1 food retail store, office accommodation and a dentist practice.
- 6.3 Policy S1 of the Local Plan seeks to concentrate new development in or around existing centres. The application site is one of the most centrally located sites within the town centre, and fronts the Local Plan defined Primary Shopping Area. It provides easy access to the highways network, public transport services and the other retail outlets and services within Stony Stratford itself.
- 6.4 Policy TC1 of the Local Plan states that planning permission for retail development will be granted for additional floorspace in the defined shopping centre hierarchy. Policy TC3 identifies Stony Stratford as a town centre, within which small scale additions of new individual shops will be permitted. The proposals provide an additional 915m² net of retail floor space which, taken with all of the existing retail floor space within the town as a whole represents a small increase (9.1%) in accordance with the provisions of Policy TC3. The retail statement which accompanies this application is clear that the proposal will provide a qualitative enhancement in the food retail offer in the Town Centre, to serve the needs of local residents, visitors to the Town Centre and the immediate surrounding area, which is wholly in accordance with the aims of Policy TC1.
- 6.5 The NPPF seeks to direct retail development to 'in centre' locations and requires impact assessment where developments over 2500m² are not within the centres. The site fronts the Local Plan defined Primary Shopping Area and is therefore treated as an 'in centre' development for the purposes of the NPPF. As such, as set out within the retail statement, there is no need for any other sites to be investigated as part of a sequential assessment and no impact assessment is required. Furthermore, paragraph 12.124 of the Local Plan is clear that retail development should strengthen and

regenerate existing Town Centres, and be located so as to reduce the need for travel by car. The location of the site in the centre of the Town complies with this aim, which is set out as the matters to be assessed through Policy R1.

- 6.6 Policy R1 of the Local Plan deals with major retail proposals and sets out the criteria for allowing such development. Criterion iii) requires that where a development is within an existing centre, the development should be of an appropriate scale. The application proposes an additional 915m² of retail floorspace (net) within the scheme, which is just over an additional 50% than the existing store at 650m². The retail statement and the Council's own retail study identify that there is sufficient capacity to support the proposed development. It is clear that a store of the proposed size would serve the day to day convenience needs of the residents of Stony Stratford, as well as having the potential to allow residents to undertake their weekly shop within the town. The size of the proposed store would not affect the function of Stony Stratford within the retail hierarchy and is not so large that it would attract an excessive number visitors from outside the local catchment for their shopping needs. As such, it is considered to be appropriate in scale and in accordance with Policy R1 of the Local Plan and CS4 of the submission Core Strategy.
- 6.7 The proposed development provides ground floor retail use in place of the existing retail and office uses. Policy E7 seeks to restrict retail development on employment land and outside of existing centres. Whilst the existing buildings provide office accommodation, which will be lost as part of the development, it is not identified as employment land and as such the proposals are not at odds with the provisions of the Policy. Furthermore, it should be noted that the offices are (and have been for some time) vacant with no reasonable prospect of a tenant being found due to the plentiful supply of low rent office space within Central Milton Keynes.
- 6.8 The replacement of the existing food store with a larger store, together with the loss of the existing office accommodation on the site is considered to comply with the guidance contained within the NPPF as well as Local Plan Policies S1, E7, TC1, TC3, TC4, R1 and TC18 and Policy CS4 of the submission Core Strategy as the site is the most sequentially preferable location in Stony Stratford, will provide for an improved local facility to serve the residents of Stony Stratford, increasing consumer choice and competition. It will also increase footfall within the Town as a whole as it is anticipated that linked trips will be created which benefit existing retailers, retaining spend within the town itself

Design

- 6.9 The revised scheme is supported by a Revised Design and Access Statement (DAS) prepared by Barton Willmore LLP. The report addresses the requirements of Government Guidance contained within "Guidance on information requirements and validation" DCLG 16th March 2012 and the detailed rationale is not repeated here.
- 6.10 The DAS includes a review of the various design stages, and the site specific considerations that have taken place, and sets out the main constraints and opportunities that the site presents. It includes the rationale for the new building and the reasons for the conversion of the existing building not being feasible, which include matters in relation to ceiling heights, the position of structural columns, and sustainability.
- 6.11 The proposed development ensures:
- That the best and most important trees on the site are retained and provided with adequate space for future growth;
 - That the existing pedestrian routes into and out of the site are retained;
 - That the impact on the existing surrounding buildings is minimal;
 - That there is no adverse impact upon the Conservation Area or the surrounding listed buildings;
 - That the proposed new building ties into the existing through the retention of a large proportion of the colonnade;
 - That the private garages and parking areas on the site are retained;
 - and
 - That an appropriate level of car parking is provided.
- 6.12 Further information on these matters is also provided in the submitted arboricultural information, highways assessment and heritage reports.
- 6.13 Whilst the proposed building is a large structure, careful consideration has been given to its appearance and to its relationship with surrounding properties and uses and to the policies within the Local Plan. Policy D2 is clear that buildings should be in scale with other building in the immediate vicinity. The development will match the retained elements of Cofferridge Close in respect of height and mass, and will tie into the building through the retention of the colonnade which will overlap elements of the new building.

Whilst the building provides a slightly larger footprint than the existing buildings (though reduces the overall floorspace), Policy D2 accepts that this will be necessary where it reflects the development's function and importance – which is considered to be the case. It should be noted that the overall floorspace of the proposed development is less than the existing buildings.

- 6.14 Policy D1 sets out a number of criteria on the impact of development proposals. These matters are dealt with within the Design and Access Statement, Highways Assessment, Heritage Assessment and Flood Risk Assessment, which all conclude that the development will not have a detrimental impact upon the surrounding area or users and no physical damage will be done to any historic buildings.

Impact on the Conservation Area and the Surrounding Listed Buildings

- 6.15 The site lies in a central position within the Conservation Area, which includes numerous listed buildings. Whilst full and detailed heritage assessments have been carried out (and submitted) which concluded that the concealed location of the site means that it provides a limited contribution to the conservation area, English Heritage in considering the scheme highlighted 3 main areas of concern:

- The treatment of the façade facing into the car-park, in particular the loss of the rhythmic colonnade beyond the entrance canopy;
- The treatment of the space to the rear of the now-listed houses at the rear of the site; and
- The impact on the conservation area of Stony Stratford.

- 6.16 In addition, following discussions with English Heritage and the Local Planning Authority's Conservation Officer, consideration has been given to the treatment of the High Street frontage and its impact on the wider area.

Treatment of the façade facing into the car parking, in particular the loss of the rhythmic colonnade beyond the entrance canopy

- 6.17 The proposed development sets back the new building away from the existing building line retaining a large proportion of the colonnade to retain the visual alignment from the High Street. The concern from English Heritage relies on the original form and design of the Cofferridge Close scheme, although it is accepted by all parties that the existing building (and landscaping) has been significantly altered since its original

conception. As such, it is concluded within the submitted Heritage Statement that the retention of some of the colonnade within the proposed scheme is both appropriate and in scale with the importance of the existing buildings, retaining the visual alignment from the High Street towards Silver Street and complimented by the addition of a new lightweight colonnade.

Treatment of the space to the rear of the now-listed houses on Silver Street

- 6.18 It is acknowledged that from the rear of some of the properties (nos. 7-11) there is an unimpeded view of the open space to the rear of the existing building (the 'orchard'), whilst only oblique views of the area are available from the other properties with more dominant elements being the car park and existing buildings.
- 6.19 The proposed scheme seeks to set the building back into the site, bringing the rear of the building away from the properties on Silver Street and thus widening the view of the retained green space from all of the properties. The introduction of a new low wall to the rear of the properties (in the same location as the end wall of the existing building) will help to retain the sense of enclosure currently experienced by the properties (although with fuller views of the green space), whilst providing an opportunity to present historic references and details of the original scheme, perhaps in the form of public art.

High Street Frontage

- 6.20 Since its original conception, Cofferridge Close has been altered significantly with the High Street colonnading having been severely compromised through the removal of the three central brick columns, which results in a set-back of part of the elevation, in contrast to the rest of the existing development and the original design ethic. This loss has not only resulted in the set-back of part of the elevation, but has also severed the rhythm of the colonnading, which impacts on the appearance of the entrance to Cofferridge Close, and also on both the wider settings of the listed buildings (7-23 Silver Street) and to some degree on the conservation area, through the removal of part of the designed and intended building line partially created by this elevation.
- 6.21 Following discussions with English Heritage and the Local Planning Authority it was considered that the reinstatement of the columns would contribute significantly to improving the wider setting of the listed buildings surrounding the site and in particular in view to them from the High Street.

The impact on the conservation area of Stony Stratford

- 6.22 There is no Conservation Area Appraisal for Stony Stratford but a joint document between English Heritage and Milton Keynes Council entitled 'Draft Historic Town Assessment Report' is available and sets out that the town's character is derived from:

"the ordered rows of Georgian and Victorian buildings that stand each side of Watling Street ... Enclosing these views if a large and hugely diverse collection of houses, shops, inn and commercial premises that form the town's High Street."

- 6.20 The reports goes on to identify Cofferridge Close as a later civic and retail area, with very little aesthetic value but with a high communal value as an important retail area in town.

- 6.21 English Heritage provides guidelines on character assessments for conservation areas and it is clear from this that Cofferridge Close only conforms to 1 point within that list – that the architect was of some regional or local note. It can, therefore, be concluded that the existing buildings, whilst being worthy of listing (in respect of nos. 7 – 23 Silver Street) are not elements which preserve or enhance the historic and architectural character of the conservation area instead providing, at best, a neutral contribution.

- 6.22 In line with the NPPF, policy BE6 of the RSS and policies HE5 and HE6 of the adopted Local Plan any new development within a conservation area should preserve or enhance its character and appearance, as well as ensuring that there is no adverse impact upon the setting of a listed building. The building has therefore been deliberately designed to respect its context, which is reflected both in its form and in the materials used in its construction, and as such complies with the relevant policies in ensuring that there is no significant adverse impact from the new development.

- 6.23 It should also be noted that the NPPF is clear that:

"where a development proposal 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."

- 6.24 This is discussed in further detail below.

Highways / Transport Implications

- 6.25 The existing vehicular access to the site is taken from Silver Street and this arrangement is to be retained. There are 8 additional pedestrian accesses into the site, including a covered walkway from the High Street to the centre of the site and the existing Budgens Store and office buildings.
- 6.26 The existing layout provides for 121 public car parking spaces, of which 59 have a short stay (2 hour) limit and 62 are long stay spaces. In addition there are private parking areas to the rear of the High Street, in the southern corner of the site adjacent to the residential properties (which comprises unmarked parking areas and 14 garages) and in private areas accessed from the site, such as Swinfens Yard. Cycle parking is provided (through the provision of 12 Sheffield stands) in close proximity to the store entrance, as well as 3 to the rear of the store for staff.
- 6.27 The proposed development provides 149 car parking spaces, which will all be provided on a short stay basis. To the rear of the High Street 13 formal car parking spaces will be provided for the owners and employees of the properties serviced from that area. Accesses to the private areas in the south, north and east corners of the site will be retained. Long stay parking will be removed from the site but a review of existing car parks (contained within the Transport Assessment) within Stony Stratford has demonstrated that there is an adequate capacity for long stay parking in other car parks on the edges of the town centre. The review of parking within the town centre is one of the priorities identified within Policy TC4 of the Local Plan and the alterations to the parking arrangements are considered to provide a more appropriate solution for this town centre car park.
- 6.28 The private garages and car parking areas to the rear of Silver Street and Horsefair Green are to be retained as existing following the receipt of consultation responses from the residents.
- 6.29 The proposed development includes a service yard for the food store, which is located on the north western elevation. Service vehicles for the store, as well as the properties on the High Street and the remaining units in Cofferridge Close, will enter the site via the existing access point from Silver Street and travel through a small area of the public car park before using a designated service road.
- 6.30 Throughout the car parking area and service road, pedestrian crossing facilities are proposed to ensure that pedestrians entering the site from the various points can easily

and safely reach the store itself, and continue onwards to the High Street unimpeded. This will provide an improvement over the current situation where there are no crossings within the car park area. Policy T1 of the Local Plan is clear that development should meet the needs of various users in the following order of priority:

- “(i) Pedestrians and those with impaired mobility**
- (ii) Cyclists**
- (iii) Users of public transport and taxis, and motorcyclists**
- (iv) Others”**

- 6.31 The inclusion of the pedestrian crossing within the site and cycle parking, which do not currently exist, and the contributions towards highways matters set out in paragraph 6.46 to 6.48 ensure that the redeveloped site follows the identified hierarchy and is consistent with Policy T1.
- 6.32 In terms of traffic generation, the Highways Assessment demonstrates that there will be an additional 74 two way trips in the AM peak hour and an additional 196 two way trips in the PM peak hours. The additional vehicle movements can be accommodated within the existing road capacity, subject to a minor change in layout to the London Road / Horsefair Green mini roundabout junction.
- 6.33 The additional delivery vehicles will provide a negligible increase in vehicle movements and these will be controlled by means of a delivery Management Plan with all deliveries routed to Silver Street from the west.
- 6.34 The highways assessment concludes that the impact of the development on the local highway network is either insignificant or resulting in a situation of nil detriment. This is in accordance with Policy T10 of the Local Plan.

Landscaping, Trees and Ecology

- 6.35 The accompanying revised tree survey report shows that there are 83 trees on the site (including 3 groups of trees) and 11 no. trees which are on the edges of the site but fall outside of the application site and land ownership of the applicants.
- 6.36 Of the 83 trees, 2 are in a poor condition and need to be removed regardless of the proposed development, with a further 25 being of low quality due to their expected life span. In total 35 trees will be retained and 46 will be removed.

- 6.37 At least 30 new trees will be planted within the site, which will include semi mature trees. The species have been carefully selected to be suitable for the available growing conditions and their proposed locations and they will result in a 15% net increase in tree cover over time compared to the existing situation.
- 6.38 Concern has been raised regarding the loss of the fruit trees within the 'orchard' due to their potential to support the Noble Chafer Beetle and also that they are recorded on the national inventory of priority habitats. In respect of the Noble Chafer Beetle, a survey has been carried out which confirms the absence of any such species from any of the trees. The survey and report are included at **Appendix 5**.
- 6.39 In respect of the 'orchard' paragraph 118 of the NPPF is clear that the loss of priority species is not a reason for refusal planning permission unless the loss cannot be mitigated against or compensated for. It is proposed that the loss of the existing trees with the application site will be mitigated with the planting of a significant number of new trees, in addition to a proposed contribution towards a 'community orchard' as highlighted in paragraph 6.56.
- 6.40 Additional planting is proposed which will be attractive, resilient and easily manageable, whilst adding colour and seasonal interest. Details of landscape management and maintenance are contained within the DAS and within the hard and soft landscaping details.
- 6.41 Whilst it is acknowledged that the proposed development will reduce the grassed area which currently exists within a central location within the site, the reduced area will be managed and maintained appropriately to ensure that it contributes to the overall appearance of the site.
- 6.42 In conclusion, the loss of trees from the site will be mitigated through the planting of new trees throughout the development and the proposed contribution to the 'community orchard' at Calverton Road will provide additional compensation within the vicinity of the application site. As such, the proposals are in accordance with the NPPF, policy CS20 of the emerging Core Strategy.

Archaeology

- 6.43 An archaeological assessment has been undertaken which has established that although the study site is located within the historic core of Stony Stratford, it is away from the main focus of Medieval settlement activity.

- 6.44 There are no designated heritage assets that would be affected by the development and the current evidence indicates that the archaeological potential and significance of the site is not of sufficient importance to constrain development.

Flood Risk Assessment (FRA) and Drainage

- 6.45 The submitted flood risk assessment demonstrates that the proposed development will be subject to minimal risk of flooding and that the proposals will not create an unacceptable flood risk elsewhere.
- 6.46 The proposed development will include surface water drainage solutions to reduce runoff rates, as well as providing improvements in water quality. The FRA demonstrates that the runoff rates are expected to significantly reduce as a result of the proposed development in accordance with Policy D4 of the Local Plan.

Sustainable construction

- 6.47 Policy D4 deals with sustainable construction and is supported by an SPD which sets out the need for a Sustainability Statements to accompany applications where they do not provide a BREEAM pre-assessment demonstrating that the development can achieve an excellent rating.
- 6.48 A BREEAM pre-assessment has been undertaken which demonstrates that the building is capable of achieving a very good rating without any details of the internal fit out and that with assumptions on the internal matters, an excellent rating can be achieved in accordance with Policy D4 and the SPD.

Other matters

- 6.49 The NPPF is clear that town centres should be recognised as the heart of their communities and their viability and vitality should be supported. Paragraph 23 sets out a number of objectives, including:
- **“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;**
 - **Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.”**

- 6.50 At the present time over 50% of the existing buildings on site (the offices) are vacant, having been in that state for either 4 years or 18 months. The reason for the high levels of vacancy include:
- that the offices are not of modern standards
 - that they are configured in such a way as to restrict their subdivision into smaller units
 - that the amount of office space within Central Milton Keynes is such that they can offer much lower rents
 - that Stony Stratford is not an 'office' location.
- 6.51 Despite marketing the offices and offering both short and long term leases, there has been no interest since the previous tenants vacated the site and is it therefore clear that the site in its current form is not a viable concern moving forward.
- 6.52 The Council's Economic Development Team has confirmed that the unemployment rate in Stony Stratford was 4.3% between January and August 2012, which is 0.4% above the Milton Keynes average. The current development, given the vacancy rates, supports a maximum of 67 full time equivalent jobs (based on the 2010 Employment Density Guide). The proposed development is expected to create a total of 110 jobs (70 part time and 30 full time). It is acknowledged that low skilled jobs are the most sought after by unemployed people within Milton Keynes and as such this development will provide a welcome boost and an economic and social benefit to the local population.
- 6.53 The retail statement concludes that the proposed development has the potential to increase the footfall within Stony Stratford as a whole through linked trips, which will clearly have an economic benefit in retaining retail spend within the town, which is currently lost elsewhere.
- 6.54 Paragraph 14.1 of the adopted Local Plan identifies "community facilities" as a wider range uses including education, health, meeting halls and libraries. The dentist surgery therefore falls to be considered under Policy C2 which seeks to resist the loss of such facilities. Whilst retention of the surgery is not possible in its current location, the applicants have entered into discussions with the dental practice with regards to their relocation within Cofferridge Close and as such there will be no loss of the facility, in line with the aims of the Policy.

Section 106

- 6.54 Policies PO1 and PO2 of the Local Plan set out the Council's requirements for new developments to provide contributions to mitigate the impact of their developments, where this is appropriate.
- 6.55 Policy PO4 sets out that a contribution for Art will be required, whilst the supplementary planning documents in respect of Transport and Sustainable Construction set out the requirements in those respects.
- 6.56 It is expected that the development will make a range of contributions to infrastructure and services, either through on site provision, secured by S106 agreement and in accordance with the provisions of the NPPF.

7.0 CONCLUSIONS

7.1 In summary the application submitted on behalf of CBRE Investors should be approved for the following reasons:

- The site constitutes previously developed land within a town centre location and the development accords with Government policy, specifically the requirements set out by the NPPF representing an appropriate form of development which respects and enhances the character and appearance of the area and which provides for additional retail floor space within the most appropriate location sequentially.
- Consideration has been given to the possibility of retaining and converting the existing building but the physical restraints of the building (i.e. head height, location of structural columns and layout) do not allow for its re-use for a viable food store.
- Since the submission of the planning application in January 2011, English Heritage has considered the quality of Cofferridge Close in respect of its architectural and historical importance and concluded that it was not worthy of listing. However. The residential properties to the rear of the site were considered to of merit and they have been listed as Grade II. Accordingly, significant work has been undertaken to revise the proposed development to address the concerns raised by English Heritage and the Council's Conservation Officer, in addition to 3rd party representations including:
 - Provision of a new feature wall within the car park (included within a landscape setting) which echoes the end wall of the existing office building (to be demolished), providing a reference to the old building and its relationship with the dwellings on Silver Street;
 - Retention of additional bays of the colonnade (now 9 in total), overlapping between the existing and new buildings and assisting in integrating the new foodstore into the retained elements of the existing building. It also provides a continuation of the historic form of the pedestrian route between the High Street and Silver Street (which continues along the front of the proposed foodstore and through the newly configured car park);

- Increase in the area of green space being retained to the rear of the foodstore;
 - Increase in the width of the pedestrian route from Market Place;
 - Retention of the circular seating to the northern boundary of the site;
 - Retention of the garages and green space to the rear of the houses on Horsefair Green and Silver Street;
 - Creation of a dedicated drop off and taxi point;
 - Adjustment to the pedestrian route adjacent to the proposed service yard to increase pedestrian safety and the aesthetics of the route;
 - Reduction in the size of the service road to reduce the width of the pedestrian crossing to the Silver Street entrance;
 - Increase in the size of the service turning circle;
 - Realignment of the trees within the western parking area to create a more formal arrangement; and
 - Reinstatement of the columns removed previously from the High Street frontage.
- The NPPF is underpinned by an assumption in favour of Sustainable Development, it goes on to clarify the 3 strands of Sustainable Development: Economic, Social and Environmental, and this report and the accompanying documentation sets out how the proposals accord with all 3, including:

Economic – that the development provides a larger foodstore than the existing, providing the opportunity for the residents of Stony Stratford to meet their convenience goods needs within the town itself and thereby retaining spend. Furthermore, the larger store will provide additional jobs in an area of higher unemployment than the local area average, thereby providing an economic boost to the town.

Social – the creation of additional jobs in the area will provide a social benefit through the potential to reduce the town's unemployment figures, as well as replacing existing vacant and underused buildings within the town centre. The inclusion of public art within the scheme, the proposed funding towards the community orchard and the reinstatement of the columns on the High Street elevation of the scheme all represent significant public benefit which would otherwise not be possible.



Environmental – The development proposes the retention of a significant number of trees within the site, at the same time as mitigating and compensating against the loss of some trees. The reinstatement of the columns has a positive impact upon the wider area by restoring the design and rhythm of the building and enhancing the views of the newly listed buildings on Silver Street from the application site, in particular on the High Street. Coupled with the retention of the majority of the colonnade at the rear of the High Street, the carefully designed scheme (taking into account the comments of both English Heritage and the Council’s Conservation Officer) ensures that there is no detrimental impact upon the surrounding listed buildings or the wider Conservation Area. Furthermore, the replacement of an old, environmental unsustainable building with a modern building allows for the use of current technologies to achieve high levels of sustainability within the building, demonstrating by the intention to achieve BREEAM ‘Very Good’.

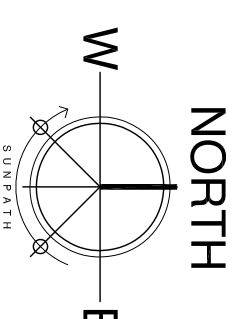
- 7.2 This report and the accompanying documentation demonstrate that the proposals comply with adopted National and Development Plan Policies and as such should be granted planning permission.

APPENDIX 1

The scaling of this drawing cannot be assured

Revision	Date	Dm	Ckd
-			
A	07.01.11	WB	NC
B	20.01.11	WB	NC

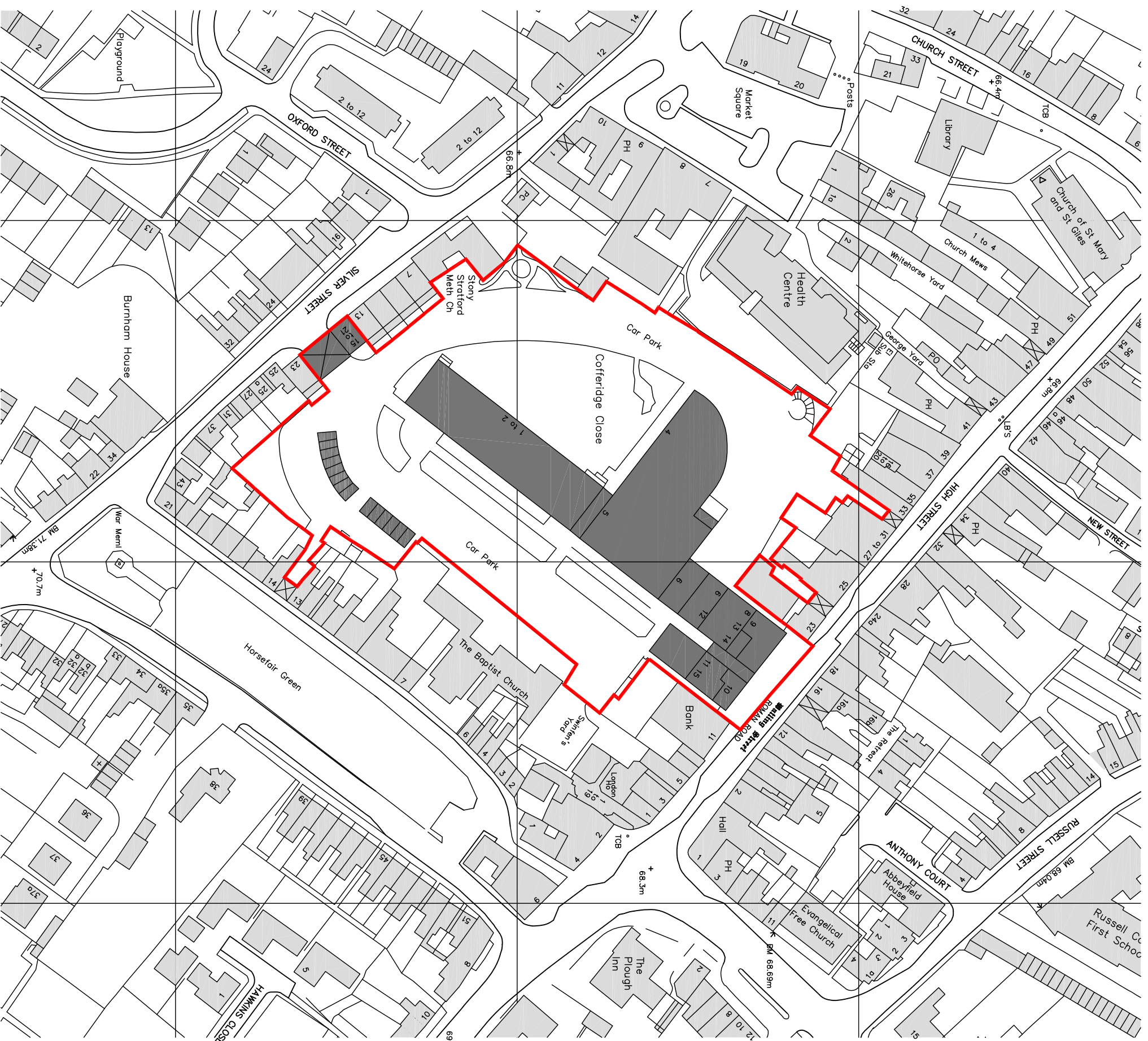
-  Indicative Site Boundary
-  Existing Building Footprint Within Site Boundary



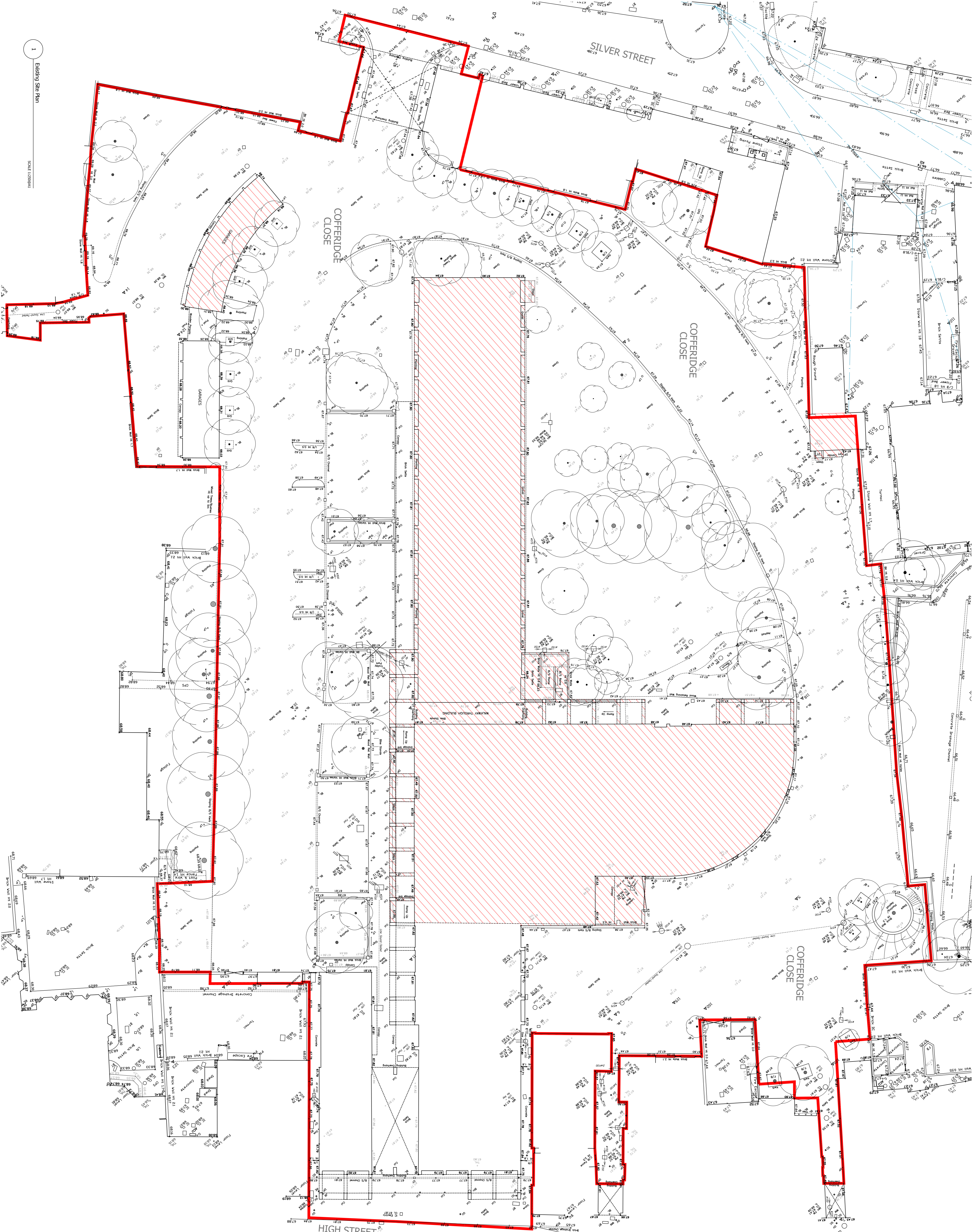
DRAWING BASED ON O.S. BASE RECEIVED 01.06.05




Project
Cofferidge Close, Stony Stratford
Milton Keynes
 Drawing Title
Site Location Plan

Date	Feb 2008	Scale	1:1250@A3	Drawn by	SJ	Check by	NC
Project No	13919	Drawing No	PP-001	Revision	B		

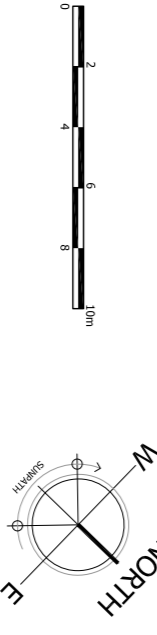


APPENDIX 2



-  Site Boundary
-  Existing Buildings to be Demolished
-  Existing Trees

- Notes
1. Existing site plan based upon the topographic survey received from Laser Surveys (dated 22/05/08).
 2. For the existing site elevations (sheets 1 - 3), based upon the topographic survey received from Laser Surveys (dated 22/05/08), refer to drawing nos 13919/P-003, P-004 & P-005.
 3. For the existing site sections, based upon the topographic survey received from Laser Surveys (dated 22/05/08), refer to drawing no 13919/P-006.



PRELIMINARY

Project
Cofferdge Close
Stony Stratford

Drawing Title
Existing Site Plan

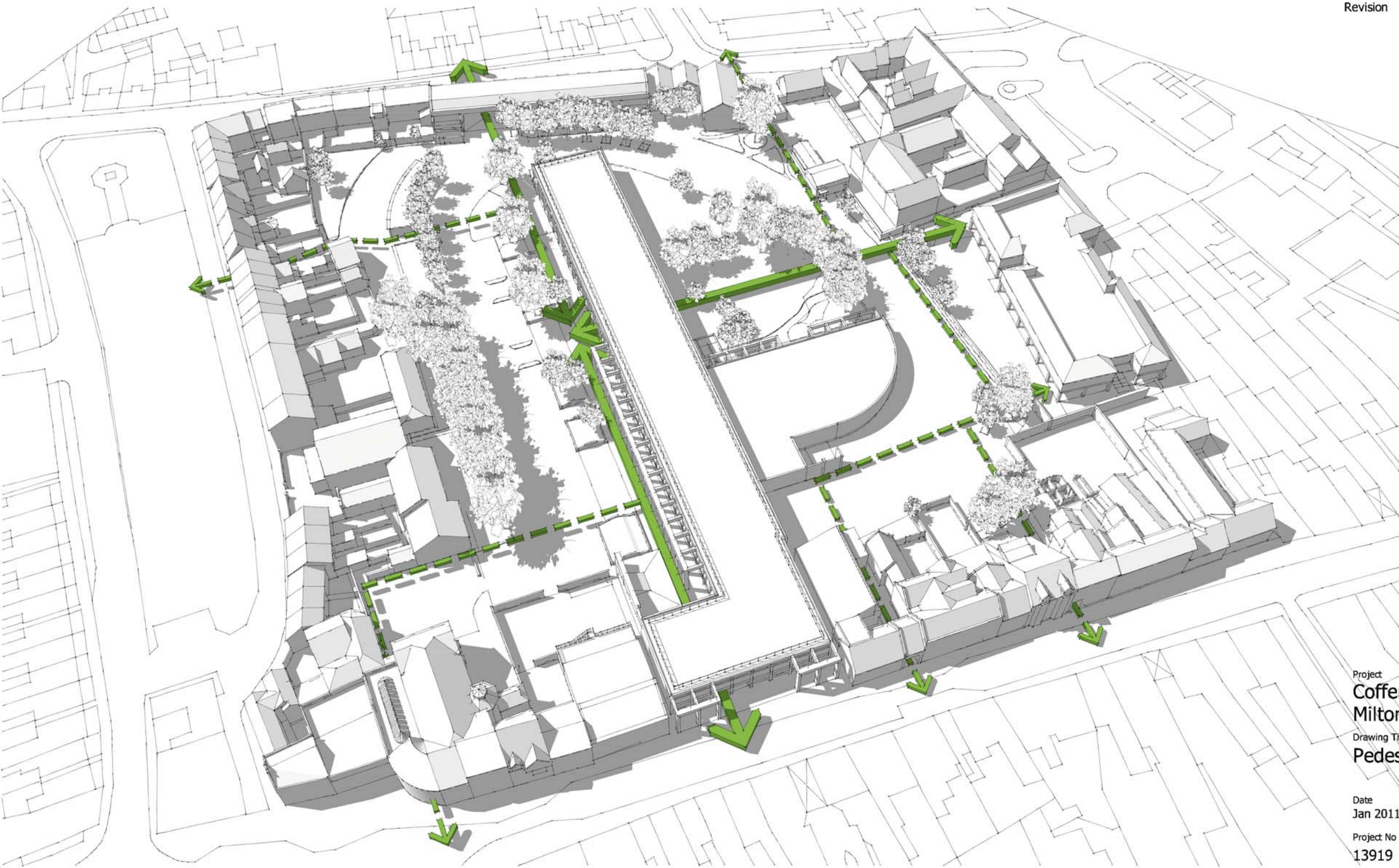
Date	Scale	Drawn By	Check By
January 2011	1:250 @A1	GS	WB
Project No		Revision	
13919		PP-002	

1 Existing Site Plan
 SCALE 1:250 @A1

APPENDIX 3

The scaling of this drawing cannot be assured

Revision	Date	Initial



Project
**Cofferridge Close, Stony Stratford
 Milton Keynes**
 Drawing Title
Pedestrian Flow

Date Jan 2011	Scale NTS	Drawn by
Project No 13919	Drawing No PP-044	Revision -

**BARTON
 WILLMORE**

Planning • Master Planning & Urban Design
 Architecture • Landscape Planning & Design • Project Services
 Environmental & Sustainability Assessment • Graphic Design

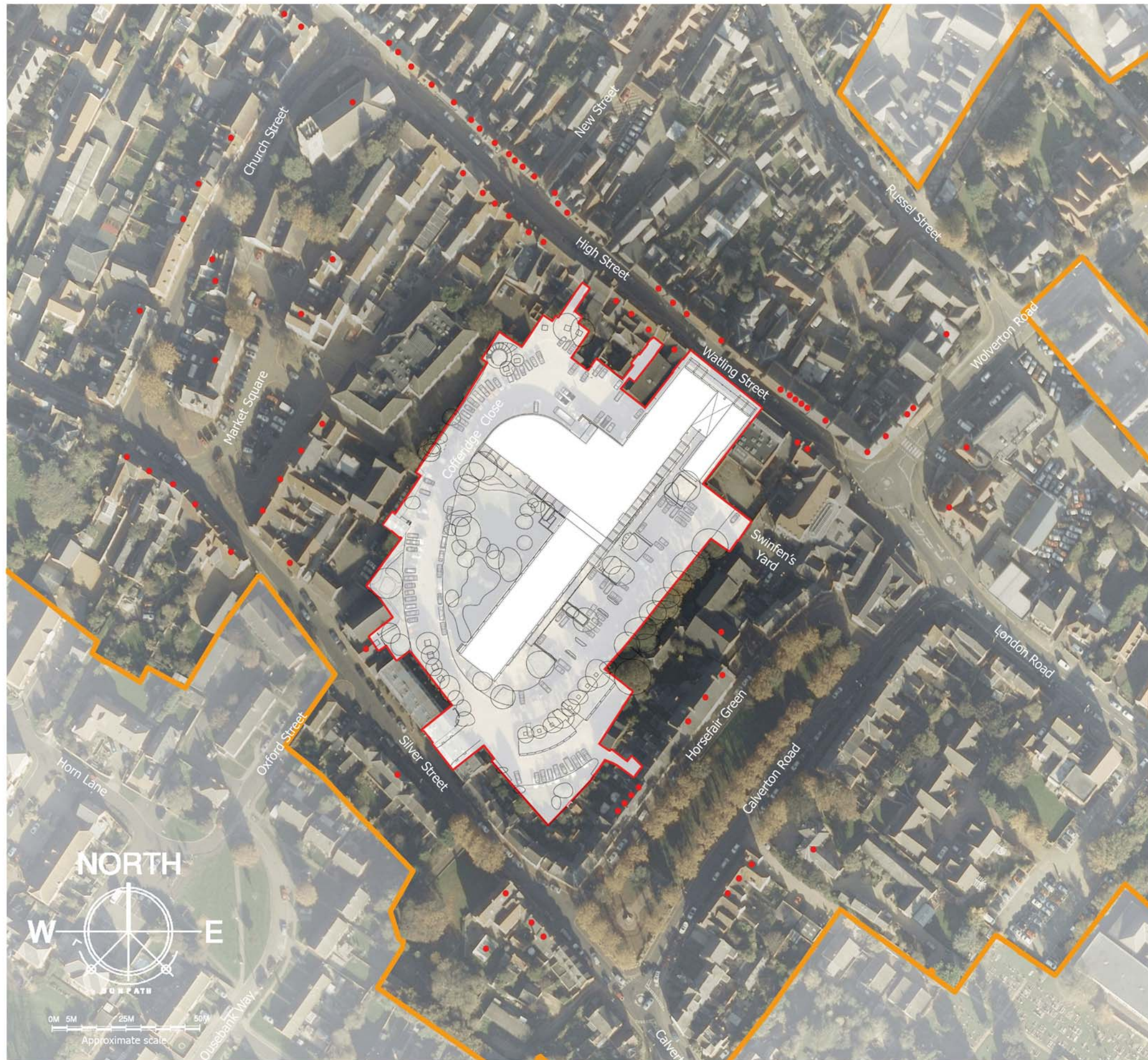
bartonwillmore.co.uk 

Offices at: Reading London Bristol Cambridge Edinburgh Leeds Solihull West Malling (Kent)

APPENDIX 4

The scaling of this drawing cannot be assured

Revision	Date	Initial



- Conservation Area
- Listed Buildings

Project
**Cofferridge Close, Stony Stratford
 Milton Keynes**

Drawing Title
Listed Buildings Plan

Date Jan 2011	Scale NTS	Drawn by EG
Project No 13919	Drawing No PP-045	Revision -

**BARTON
 WILLMORE**

Planning • Master Planning & Urban Design
 Architecture • Landscape Planning & Design • Project Services
 Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk 

Offices at: Reading London Bristol Cambridge Edinburgh Leeds Solihull West Malling (Kent)

APPENDIX 5

November 2012

COFFERIDGE CLOSE, STONY STRATFORD

Phase 2 Species Survey: Noble Chafer

Introduction

Aspect Ecology Ltd has been commissioned by EC Harris to undertake a specialist survey to determine presence/likely absence of the UK Biodiversity Action Plan species Noble Chafer *Gnorimus nobilis* in a number of fruit trees within a site located at Cofferridge Close, Stony Stratford, Milton Keynes (see Plan 3071/BN1).

This document reports on the survey work undertaken, briefly describing the methodology followed and the findings of the survey. On the basis of the survey results the value of the site is assessed in relation to Noble Chafer.

Site Description

The site is situated in an area of existing built development within the town of Stony Stratford. The features relevant to the Noble chafer survey are fruit trees, located close to a number of other tree species and within an area of well managed amenity grassland. Fruit tree species include Pear *Pyrus communis* and Apple *Malus domestica*. Other tree species include Yew *Taxus baccata*, Lime *Tilia* sp, Holly *Ilex aquifolium* and Pine *Pinus* sp..


Noble Chafer

The Noble Chafer is a beetle species associated with traditional orchards, where it is dependent on old decaying wood within live trees. Apple, Cherry and Plum trees are particularly favoured by the species. Larvae feed on decaying wood within tree hollows and feed within the tree for 2 to 3 years before emerging as adults. Adults may be seen during a flight period from late June to August and, when seen, are often found feeding on umbellifers and similar flowers, including Hogweed *Heracleum sphondylium*, Elder *Sambucus nigra* and Meadowsweet *Filipendula ulmaria*.

The species has been relatively rare within the UK for the past century and today is known mainly from Worcestershire, Gloucestershire and Herefordshire, with outlying populations in the New Forest, Kent and South Oxfordshire. Historically, it has also been recorded in Essex, Devon, Cumbria and Buckinghamshire.

Survey Methodology

Adult Noble Chafers may occur at sites in relatively low numbers and can only be searched for during the June to August flight period. Consequently, the methodology set out by People's Trust for Endangered Species (PTES) for survey for this UK BAP



species is to search orchards for presence of feeding signs characteristic of the species. These take the form of distinctive frass (droppings) produced by the larvae. These may be found by inspecting accumulated detritus within hollows in fruit trees. This methodology can be followed at all times of year.

The site at Cofferridge Close was surveyed on 24 October 2012 in dry, overcast conditions. Given the timing of the survey, survey effort was restricted to searching for evidence of larval presence by examining potentially suitable hollows within fruit trees within the site, as recommended by PTES.

Fruit trees within the site were first assessed for presence of hollows supporting decaying wood potentially suitable for Noble Chafer. A ladder was used to enable a thorough inspection of all fruit trees present.

Hollows identified as potentially suitable for Noble Chafer (based on the size of the hollows) were sampled for accumulated detritus. This involved collection using a spoon where possible. Less accessible hollows were sampled using a pooter with a long collection tube.

Collected material was assessed the following day by inspection in good light and with the aid of hand lenses and a binocular microscope.

Results

The site was found to support only two fruit trees with hollows potentially suitable for Noble Chafer. These trees, both Apple, were sampled using a spoon and pooter as set out above.

Examination of the collected material failed to reveal any frass likely to have been produced by Noble Chafer larvae. A single insect larva was collected with the samples. However, this was identified by a suitably experienced entomologist as NOT being a larva of Noble Chafer.

Discussion and Conclusion

The site supports a small number of fruit trees of which only two supported hollows with any potential for Noble Chafer presence. Of these, one tree was considered likely to be sub-optimal on the basis of the relatively small hollow size.

No evidence to indicate the presence of Noble Chafer was found in the collected material. Further, it was noted that the trees are located within an area of close-mown amenity grassland in an urban environment. As such, it is considered that the habitat is sub-optimal for the flower-feeding adult beetles.

On the basis of the survey work undertaken, it is concluded that Noble Chafer is likely to be absent from this site. This conclusion is supported by an assessment of the habitat suitability for this species, which is considered to be very limited in extent in regard to larval habitat and sub-optimal in respect of the adult.

Summary

Phase 2 survey work undertaken in October 2012 and carried out in line with recommended survey techniques for Noble Chafer found no evidence of the presence of this species at the site at Cofferridge Close, Stony Stratford. The site is considered sub-optimal for this species and it is concluded that Noble chafer is absent from this site.

landscape planning • ecology • arboriculture

aspect

Aspect Ecology Ltd
West Court
Hardwick Business Park
Noral Way
Banbury
Oxfordshire OX16 2AF

T: 01295 276066
F: 01295 265072
E: info@aspect-ecology.com
W: www.aspect-ecology.com