

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**22<sup>nd</sup> November 2018**

<b>Application No:</b>	SMD/2017/0434	
<b>Location</b>	Land off Thorncliffe Road, Leek	
<b>Proposal</b>	Outline planning application for residential development, including access, with all other matters reserved for future approval	
<b>Applicant</b>	Land Designation Ltd	
<b>Agent</b>	AAH Planning Consultants	
<b>Parish/ward</b>	Leek	<b>Date registered</b> 26 <sup>th</sup> July 2017
<b>If you have a question about this report please contact:</b> Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

**REFERRAL**

This is a major application which is locally contentious. In addition the application form indicates that Cllr Brian Johnson is the landowner.

**1. SUMMARY OF RECOMMENDATION**

<b>REFUSE</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This is a greenfield site consisting of pastoral fields extending to approx. 5.5 hectares. The fields are defined by traditional boundary hedges containing various numbers of hedgerow trees. The site has frontage to both Thorncliffe Road and Stile House Lane. A Public footpath No 21 (leek Parish) runs immediately adjacent to the southern boundary. The site has a gentle slope from west to east from approximately 240 metres (m) above ordnance datum (AOD) to approximately 230m AOD. The surrounding area comprises a largely open pastoral landscape which rises up to the Peak District National Park in the east at approximately 400m AOD

**3. DESCRIPTION OF THE PROPOSAL**

3.1 This is an outline application with all matters reserved except for access. Access is shown from Thorncliffe Road. An indicative layout is provided.

3.2 The applicant sought pre application advice from the Council.

3.3 The applicant also sought a Screening opinion from the Council to determine if the application was EIA development requiring the submission of an Environmental Statement. A negative Opinion was issued on the 8<sup>th</sup> August 2017. A third party subsequently requested

a Screening opinion directly from the Secretary of State. This also came back negative and is dated 26<sup>th</sup> September 2017 (ref SMD/2017/0491).

3.4 The application is accompanied by the following which Members are encouraged to read ahead of the meeting

Contamination Report  
Transport assessment  
Bat survey  
Ecology report  
Arboricultural Report  
Combined DAS and Heritage report  
Interim Travel Plan  
Landscape and Visual Impact Assessment  
Flood Risk and Surface Water assessment  
Affordable Housing Statement  
Draft heads of Terms

**Amended information**

During the processing of the application a number of further documents have been received in response to Officer and consultee comments as follows:-

October 2017

23/10/17 Revised Transport Assessment  
23/10/17 Minerals Desktop Study

December 2017

14/12/17 Air Quality Assessment  
14/12/17 Landscape and Visual Review  
14/12/17 Housing Supply and Review of sites in Leek including a sustainability appraisal for the application site

March 2018

21/3/18 Further Revised Transport Assessment

April 2018

3/4/18 Second Landscape and Visual Review - further Viewpoints and Landscape Visual Effects

October 2018

5/10/18 Transport Assessment and Appendices ,  
5/10/18 Air Quality Impact Assessment (based upon the revised Transport Assessment)  
5/10/18 Third Landscape and Visual Review - Visuals that show the viewpoints from locations ARB 04 & ARB 05 as specified in the Landscape Officer's comments.

3.5 All documents have been made available on the Councils web site and relevant consultees consulted. Given the substantive nature of the first Revised Transport Assessment (submitted 23/10/17) the Council undertook further publicity on this in November 2017. Further comments received as a result are summarised in the Representation section below. All documents are assessed in the Officer comment section below.

#### **4. RELEVANT PLANNING HISTORY**

4.1 None recorded

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

##### Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

##### Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6C Rural area strategy
- DC1 Design Considerations
- DC2 Heritage
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

##### Local Plan process

5.4 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.5 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.6 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

#### Emerging Policies

The following policies are considered to be relevant to this application:

Policy SS1 Development Principles

Policy 1a Presumption in favour of sustainable development

SS2 Settlement Hierarchy

Policy H1 New Housing Development

Policy DC2 Historic Environment

#### National Planning Policy NPPF

#### National Planning Policy Guidance

### **6 CONSULTATIONS CARRIED OUT**

Press Notice expiry date: 27/09/17

Site Notice expiry date: 12/09/17

Local residents have been notified by letter.

177 letters of objection have been received from individuals and agents raising the following main issues:-

- Site is greenfield
- Will result in sprawl
- Should be using brownfield land not sites like this
- Roads are not suitable for additional traffic from the development
- Development will have an adverse impact on wildlife and natural flora
- It will be an eyesore on the landscape
- Increased pollution
- This is a gateway to the Peak District National Park
- This site is not identified in the Local Plan
- Increased risk of flooding
- Adverse visual impact
- It would adversely and irreversibly change the character of the area
- Will not deliver sustainable development

- The lack of a 5 year supply does not mean that all other polices have to be put to one side
- Seen in the context of The Roaches and Morridge Edge – tourist/visitor attractions

One letter of **Support** received

Consultee	Comment	Officer response
Leek Town Council	Recommend refusal. Express concerns regarding vehicle access and capacity from Thorncliffe Road; visually intrusive development and will spoil the visual amenity of this exceptionally beautiful site	
Tittesworth Parish Council	<p>The development is unwarranted and not needed;</p> <p>The application site is not in the proposed local plan or preferred site options;</p> <p>The proposed development would be visually and environmentally intrusive to the broad open views and the uninterrupted open character of this historic and highly valued landscape which is of vital importance to the identity, personality and character of Leek and the Staffordshire Moorlands;</p> <p>The highway infrastructure could not support such a development, the roads are too narrow to safely support a large increase in traffic and the junction with the Buxton Road (A53) has reduced visibility with oncoming traffic approaching at speed;</p> <p>Without substantial investment there is the potential for surface water to cause local flooding;</p> <p>Local utilities provision is inadequate and there is no gas or mains drainage;</p> <p>Local service provision, schools, doctors, transport are already stretched to capacity;</p> <p>The potential for noise and light pollution;</p> <p>The erosion of the boundary and distinction between Leek and its adjacent small communities.</p> <p>We urge that this application is refused in the interests of the community and of the long term future and character for which this special</p>	

	area between Leek and The Peak National Park is renowned and indeed advertised as a Tourism attraction.	
Local Highways Authority	<p>Recommend refusal on lack of information contained in submitted Transport Assessment to enable assessment of impact and concern that the development will compromise the existing drainage system with consequent increase in likelihood of danger to highway users.</p> <p>Their response to the latest information provided on the 5<sup>th</sup> October 2018 is awaited</p>	
Ecology Officer	No objection subject to conditions	
Trees and Woodland Officer	<p>In terms of relationship with existing trees and hedgerows confirms no objection in principle subject to conditions. Notes that the Tree survey suggests that to achieve the proposed development internal hedges T2 would need to be removed. No notable individual trees are proposed for removal.</p> <p>In terms of landscape and visual impact strongly objects on grounds that the location, scale and character of the proposed development would be extremely incongruous and intrusive in this context, and would have major adverse visual impact on a number of close, mid and longer range receptor viewpoint locations. Objects strongly on the grounds of serious harm to the local landscape character, to the landscape setting of Leek and its eastern rural fringe, to views from the Peak District National Park and to the setting of the Peak District National Park which would be caused by the significantly incongruous appearance and the major adverse visual impact which would result from the proposed development.</p>	
Open space	Due to the proximity of The Waste Open Space and Brough Park, we would not look to secure any on site	

	<p>play/open space or playing pitches. Seek off site contributions for both play and playing pitches, targeted at Brough Park.</p>	
Environmental Health Officer	<p>Objects on grounds of inadequate Air Quality Assessment. Comments on the latest AQA dated October 2018 awaited and will be reported at the meeting</p>	
Senior Regeneration Officer	<p>Advises that 154 new homes in Leek would provide the following economic outputs:</p> <p>a)The new householders occupying each new house will spend some of their income locally through shopping and use of local services. National research has identified that 34% of all household expenditure is spent at district level or below. For this development of 154 units this is calculated at £1,445,752 per year.</p> <p>b)Each new house will generate direct jobs within the construction industry or associated supply chain, of which 25% are likely to be locally based. Indirect Jobs are also generated by local spend in shops and services. This is calculated at an additional local job for every seven new homes. Using these multipliers this development will generate 164 direct jobs and 21 indirect jobs.</p> <p>c)The development will also generate approximately £28,291 council tax for the area per annum</p>	
Peak District National Park	<p>Object due to the impact on the setting of the National Park. The application site is clearly visible from the western boundary of the National Park. Development would appear very prominent in the landscape and would harm the flow of landscape into and out of the park. Whilst the site is relatively close to Leek, it appears to be visually detached from the existing settlement as it is the other side of the ridge line that currently screens views of Leek</p>	

	<p>from within the National Park.</p> <p>Residential development at the site would erode the existing defined settlement edge and would result in the settlement appearing to encroach towards the National Park, eroding the important contribution that the existing landscape make to the setting of the National Park. The proposal would therefore harm the special landscape qualities of the National Park.</p>	
Environment Agency	Assess the proposal as having low environmental risk. No comments to make	
Severn Trent Water	No objection subject to drainage condition	
Local Lead Flood Authority	No objection subject to conditions to ensure the development is carried out in accordance with the submitted Flood Risk and Surface Water Assessment and to secure the mitigation measures out forward therein	
SCC Minerals	Initially raised a Holding objection as part of the site lies within a Minerals Safeguarding Area. The applicant subsequently provided a Minerals Desktop Study. SCC have now moved to a position of No Objection.	
SCC Education	Seek a contribution towards mitigating the impact on local schools two of which, Leek First School and Churnet View Middle School are projected to have insufficient space to accommodate the likely demand generated by the proposed development.	
Police Architectural Liaison Officer	No objection	
CPRE	Object New homes should be provided through the plan-led system Using brownfield land before greenfield clearly helps to achieve environmental, social and economic objectives: the key test for sustainable development Staffordshire Moorlands Council has adopted a Local Plan. However recognise the real problems caused by the NPPF, in particular paragraph	

	<p>49 which gives such over-riding importance to a 5 year+ land supply. CPRE accepts that, beyond the development of brownfield urban sites, urban extensions potentially provide the most sustainable option for new Development but we consider the site to be an inappropriate location for housing projecting into the open countryside and badly related to the town of Leek. It is development clearly outside (as distinct from adjacent to) developed areas. We would prefer to see the application refused as being an inappropriate development in the open countryside outside Leek; not complying with the Local Plan and the Preferred Options identified in the document published by your Council in July 2017 - which identified the most appropriate sites for additional housing in the District</p>	
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## 7 OFFICER COMMENT AND PLANNING BALANCE

### Principle of Development

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material considerations which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

7.3 This is a greenfield site which lies outside the Saved development boundary of Leek. Leek is one of the three main towns in the District where the adopted Core Strategy seeks to focus most new development.

7.4 Policy SS5a sets out the strategy for the future growth and development of Leek. It seeks to consolidate Leek as the principal service centre and a market town by amongst other matters allocating a range of deliverable housing sites both within the urban area and, on land adjacent to the urban area. On sites adjacent to the urban area it says these shall be in locations which relate well to the urban area, can be assimilated into the landscape, and would help secure infrastructure improvements for the benefit of that part of the town.

Thus Policy SS5a does anticipate small extensions to the existing built up area of Leek in order to accommodate future growth. The issue is whether this is small scale and whether the site a) relates well to the urban area b) assimilates into the landscape and c) secures necessary infrastructure improvements; three mutually inclusive requirements for there to be compliance with this part of the policy and for the principle of development to be accepted. For the reasons discussed more fully below, this site is not considered to be small scale, nor does it relate well to the urban area and nor does it assimilate into the landscape. For these reasons the judgement is that the proposal does not comply with Policy SS5a. On the face of it therefore the principle of development in this location is not therefore acceptable.

7.5 However, there are other material considerations in the form of the NPPF. The Council's current housing supply is 1.99 years. The NPPF says at paragraph 11, footnote 7 that where a five year supply of deliverable housing sites can not be demonstrated, policies which are most relevant for determining the application are out of date and in these circumstances planning permission must be granted unless either the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or the any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The latter is the so-called "tilted balance." These matters are returned to in the planning balance below

#### Highways and access

7.6 Approval of access is sought at this stage. The proposal is to form a new access to serve the site from Thorncliffe Road.

7.7 A Transport Assessment accompanied the application. The Local Highway Authority (LHA) initially objected to the application on the grounds that the submitted document was fell significantly short of what was expected in terms of information and assessment.

7.8 In response to this objection the applicant submitted a Revised Transport Assessment on the 23<sup>rd</sup> October 2017 Given the substantive nature of this and the fact that traffic issues had featured heavily in the many letters of representation received, further publicity was carried out on this.

7.9 Having considered this Revised TA, the LHA issued a further recommendation for refusal on January 30<sup>th</sup> 2018. They advised that the Revised TA did not assess the impact of the development on the highway network beyond the proposed access and Buxton Road junction nor did it assess traffic impact through the town centre and at any other junction and route where the development will have an effect. They also commented that whilst visibility at the Thorncliffe Road/Buxton Road junction had been shown on a 2D plan it did not take into account the vertical alignment of A53 Buxton Road; visibility needed to be accurately measured. They also commented that an Independent Road Safety Audit would be helpful. They referred to the ditch on Thorncliffe Road which they said at the times of their visits contained flowing water and this also needed to be addressed. They also expressed concern about the accessibility of the site and lack of assessment of modes of travel other than the car including an assessment of actual walking and cycling distances to key local facilities and the suitability of walking as an option for all users.

7.10 The applicant submitted a further revised TA on the 21<sup>st</sup> March 2018. This led to a further recommendation of refusal from the LHA dated 30<sup>th</sup> April 2018. The LHA advised that whilst updated slightly, the document still did not assess the impact of the development on the highway network beyond the proposed access and Buxton Road junction. Whilst AADT and percentages were quoted, the LHA advised that this did not demonstrate the effect of the proposed development on the town centre junctions or junctions on approaches at peak

hours. They further advised that visibility at the Thorncliffe Road/Buxton Road junction had now been shown on a vertical section taking into account the vertical alignment of A53 Buxton Road. It had demonstrated that visibility was substandard. The matter of drainage was not addressed nor they said was the matter of the sites accessibility.

7.11 A meeting was therefore convened between the LHA and the applicant on the 13<sup>th</sup> June 2018. Following this and on advice from the LHA, the applicant undertook further survey work. A revised TA was received by the Council on the 5<sup>th</sup> October 2018. The comments of the LHA on this document are awaited and will be reported at the meeting. This may lead to a change in recommendation from the LHA but at the time of writing this report the LHA's recommendation is one of refusal on the grounds outlined above. As such there is conflict with the relevant part of Policy DC1 and with T1 and with the NPPF.

7.12 Finally to note that an independent highway report has been submitted by Vectos on behalf of a number of local residents. The LHA has also had sight of this document.

### Landscape and Visual impact

7.13 This is an undeveloped greenfield site. Although on plan the site appears close to the edge of Leek it is apparent when on site that there is no visual or physical connection to the built up area of Leek.

7.14 The application is accompanied by a Landscape and Visual Impact Assessment. During the processing of the application and in response to adverse Officer comments in relation to landscape/visual impact, the applicant has submitted three further documents as follows:-

- Landscape and Visual Review (Dec 2017)
- Further viewpoints and Landscape and Visual effects (April 2018)
- Further visuals (October 2018)

All of these have been considered by Officers and are taken into account in the discussion/analysis below.

7.15 In the Churnet Valley Landscape Character Assessment, an evidence based document supporting the LDF, the site falls within landscape character sub type, Ancient Slope and Valley Farmlands, 5b, East Leek. Key characteristics of this landscape type of relevance to this application include strongly undulating or sloping landscapes cut by small scale steep sided stream valleys, small scale mainly ancient irregular fields bounded by trees, hedgerows and dry stone walls, extensive views from higher ground, isolated properties and narrow lanes. The main land use is given to be low intensity pastoral farming. Notable strengths of the landscape are given to include the small scale pastoral landscape. A notable threat to the landscape is the expansion of Leek into sensitive landscapes. Overall this landscape type is assessed to be a small scale and generally sensitive to change.

7.16 The applicants LVIA concludes that the site is not prominent, is at the lower part of the topography of the surrounding landscape and as such any potential impact on the PDNP is reduced. It says the development works with levels, utilises key views to give a distinctive residential proposal and represents a very small part of the wider landscape. Although it recognises that the development would suburbanise this part of the pastoral landscape it says it would relate well to Leek and form a logical extension to Leek. Overall the change to landscape character of this part of the landscape along Thorncliffe Road is given to be moderate/major significance of effect . in terms of the Councils CVLCA and sub type 5b, it says the proposal would result in only a very minor alteration to the landscape character area and a negligible magnitude of effect and significance of effect. It confirms that the effects would be permanent and irreversible. In terms of visual impact the greatest

magnitude of effect is from those receptors in close proximity to the site, including the 'attractive rural lanes' of Thorncliffe Road and Stile House Lane; Leek Town 21 Footpath adjacent to the southern boundary of the site; and the residential receptors, particularly to the west and north of the site. Beyond these receptors it says the views dissipate quickly within the landscape and whilst there are isolated views beyond those identified (as set down in Appendix D and chapter 5) these views would equate to a low or less magnitude of effect. There would be no heritage receptors that would have a significant impact and the PDNP would, in the main, remain unaffected. It recognises that in all cases the impact would be over the long term (5+ years), would be irreversible and thus any impact would be permanent. It says that there is however opportunity to offer mitigation and that following mitigation the expected visual effects will reduce with many of the views being unaffected. All of the identified visual effects are local in nature with no more than minor/negligible effects on the wider appreciation of the surrounding countryside's landscape and visual values

7.17 Officers response to the submitted LIVIA and information subsequently provided (see above for details) is as follows. As described above the application site comprises of three fields which are defined by traditional field boundary hedges and hedgerow trees. There are no urbanising or suburbanising influences directly affecting the site. When on site there is no physical or visual association with the built up area of Leek despite its proximity, largely due to the intervening ridge of The Mount and mature landscaping. There are some glimpsed views of the A52 but overall the landscape character of the site itself is strongly rural/pastoral agricultural. Clear views into the site and across the site into the wider countryside are available from Thorncliffe Road, Stile House Lane and public footpath No. 21 (Leek Parish) which runs immediately adjacent to the southern boundary. The application site is seen in the context of surrounding fields and open countryside continuing to the north, east and south of the site, rising to the horizon of the prominent Morridge ridgeline approximately 2.2km to the east and the very notable skyline features of Ramshaw Rocks, Hen Cloud and The Roaches approximately 4.75km to the north and the conical summit of Shutlingsloe in the far distance approximately 13km to the north. As seen from the application site and its immediate vicinity, there are scattered dwellings, smallholdings and farmsteads within this close/medium range surrounding area, and some strongly linear areas of woodland generally along watercourses. Overall this landscape has a strongly rural/agricultural character. From the elevated landscape to the north and east including from within the Peak District National Park itself, there are what the Trees and Woodland Officer refers to as outstanding long distance views to the west over the area containing the application site. He also refers to Ramshaw Rocks, Hen Cloud and The Roaches all within the National Park and iconic visitor destinations from where there are also outstanding long distance views towards and well beyond the application site. These views include the upper reaches of the Churnet Valley with the ridgeline of Lask Edge beyond to the west terminating at Bosley Cloud above the Cheshire plain, Gun Hill closer to the west/north-west (itself also within the National Park) and Tittesworth Reservoir lying in the valley below, straddling the National Park boundary. In this context the Trees and Woodland Officer refers to this as a much valued, very high quality, large-scale landscape to which the area containing the application site strongly relates; the site lies in an area which is important to the setting of the National Park.

7.18 The Trees and Woodland Officer accepts the applicants conclusion that the proposed residential scheme would have limited direct effects on many of the individual physical features (trees, hedges, public rights of way ) other than the obvious replacement of grassland/pasture fields with new dwellings and hard surfaced roads. Field pattern would also be affected if, as suggested in the applicant's tree survey report, the internal hedgerows were removed. The applicant considers these changes to landscape in the wider context of the Landscape Character Type Sub Area 5b (Ancient Slope and Valley Farmlands – East Leek) and concludes that there would be only a very minor alteration to the overall landscape character area, and negligible magnitude and significance of effect.

However, as the Trees and Woodland Officer notes, at a more localised level i.e. the site itself and more immediate surroundings representing the visual context in which the proposal would be viewed in real life (as opposed to broader landscape planning assessments and strategies), the application would fundamentally change the visual character of the site from its present rural/agricultural character to one of a substantial suburban residential development, and this in turn would affect the surrounding landscape character. Given the existing character of the site and its surroundings, the proposed major development (over 100 dwellings) would be notably incongruous and would undoubtedly have suburbanising effects, and would clearly result in an expansion of Leek into sensitive landscapes on the fringe of the National Park. In Officers opinion it would be viewed as an isolated and stand-alone development rather than being “well-related to the existing settlement of Leek” as suggested by the applicant. It would adversely harm the high quality character of the local and wider landscape.

7.19 In terms of visual impact the applicant considers a number of viewpoints in the surrounding area. These have been considered by the Trees and Woodland Officer. He comments that in his opinion the applicants assessments considerably downplay the impact that residential development would have in some of the views, fails to acknowledge some views, disagrees with the magnitude of effect and significance of effect on a number of views and also commented that some of the photographs have been taken in rather hazy weather conditions. He also disagrees with the applicant that the proposed positive management of existing trees/hedges, the introduction of new landscape planting and creation of public access to the site would mitigate the impact which he refers to as significant and adverse.

7.20 Paragraph 172 of the NPPF says that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. Planning permission should be refused, it says for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In addition Paragraph 170 refers to protecting and enhancing valued landscapes. It does not go on to define what constitutes a ‘valued’ landscape. However the scope and definition of the term ‘valued landscape’ has been considered in several cases notably the so called Stroud case (Stroud DC V SoS CLG 2015 EWHC 488). In this case Mr Justice Ouseley’s said that to be ‘valued’ a landscape has to be more than just popular. It must have physical attributes which take it out of the ordinary. Policy DC 3 says that the Council will protect and where possible enhance local landscape and the setting of settlements in the District. It says it will do this by, amongst other matters resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and recognising and conserving the special quality of the landscape in the Peak District National Park and ensuring development does not adversely affect the wider setting of the National Park.

7.21 Drawing on this, it is considered that the application site is indeed part of a ‘valued landscape’. The Trees and Woodland Officer also describes it as such. It is more than simply undesignated countryside. It has physical attributes which take it out of the ordinary. Objections from the PDNP, the CPRE, Leek Town Council, Tittesworth Parish Council and the many letters of representation all add weight to the view that this is indeed a valued landscape in terms of the NPPF.

7.22 For all of the reasons above, the conclusion is that the proposal would seriously and significantly harm local landscape character, the landscape setting of Leek and its eastern rural fringe, views from the Peak District National Park and the setting of the Peak District National Park (and thereby it’s landscape and scenic beauty). There is conflict with Policy DC3 and the NPPF.

## Biodiversity

7.23 The application is accompanied by a Preliminary Ecological Appraisal (PEA) – extended phase I habitat survey (dated April 2017). This concludes that the majority of the site is poor semi-improved grass land or improved grassland and that no protected or priority species were found. A further bat activity survey was carried out in July 2017 which revealed that hedgerows at the southern and eastern part of the site had the most bat activity . Hedgerow enhancement via tree planting and pond creation are advocated to increase foraging opportunities for bats together with a lighting strategy to mitigate likely impacts on bats by avoiding illuminating boundary hedgerows.

7.24 The Ecology Officer has considered the application and surveys. He raises no objection to the application but suggests a number of conditions. These will ensure through mitigation the protection of biodiversity interests during and after construction, including a requirement to carry out, as a precautionary measure, a Great Crested Newt survey and will secure biodiversity enhancements as part of the reserved matters application. With such conditions in place, the proposal is considered to comply with NE1 of the Core Strategy and advice in the NPPF.

## Affordable housing

7.25 Policy H2 requires that 33% of the total number of dwellings shall be affordable, to be secured as usual through a Section 106 Agreement. The applicant has confirmed that he is willing to accept this and has suggested a tenure split of 70% rent to 30% shared ownership. With this secured there is compliance with Policy H2 and the NPPF

## Flood Risk

7.26 The site lies within Flood Zone 1 which is land with the lowest probability of flooding. However given the size of the site and advice in the NPPF, a Flood Risk Assessment accompanied the application. This has been assessed by the Environment Agency, Local Lead Flood Authority and Severn Trent Water none of whom raise any objection to the application subject to the details for drainage and the mitigation measures proposed in the FRA being secured by condition.

7.27 During the course of the application an independent review of the submitted FRA was prepared by Vectos acting on behalf of local residents. This has been considered by the LLFA who advise that there is nothing in this report that gives reason to change their previous response i.e. no objection subject to conditions. They advise that flooding out of the site could easily be solved by making the attenuation pond larger. They also point to a further area of POS to accommodate this and the fact that in their recommended condition the amount of attenuation volume is left unspecified on the basis that volume might need to be increased. This would be a matter for the detailed design stage. However for this outline application the FRA establishes that an adequate SUDS scheme is possible for the site. The detailed design can be appropriately conditioned and for these reasons and with conditions in place, the proposal is considered to comply with Policy SD4 and the NPPF.

## Mineral Safeguarding

7.28 The application site falls partially within a Minerals Safeguarding Area for superficial sand and gravel deposits. Paragraph 144, of the NPPF and Policy 3 of the recently adopted Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from

sterilisation by other forms of development as well as safeguarding permitted mineral operations from undue restrictions.

7.29 Staffordshire County Council (Minerals and Waste Planning Authority) initially issued a Holding objection due to the lack of any information submitted to enable the impact of the development on any underlying mineral resources to be assessed. In response to this the applicants provided a Minerals Desktop Study which has been further considered by the SCC. They advise that on the basis of the further information submitted it is reasonable to conclude that the proposed development would not lead to the sterilisation of an important mineral resource and because of this their holding objection is removed and no objection raised. For these reasons there is compliance with Policy 3.2 of the INERALS Local Plan and advice in the NPPF.

#### Amenity – air quality, noise, construction impacts

7.30 The EHO initially objected to the application on grounds that no information had been provided to assess the potential impacts from the development on local air quality. The main cause for air pollution in Leek Town centre is via traffic emissions. As discussed above the initial TA's did not assess the impacts of traffic from the development on Leek town centre and it was this that led in part to the recommendations of refusal from the LHA. If the TA hasn't assessed traffic through Leek it follows that the Air quality assessment is similarly not robust. A Revised Air Quality has been submitted with the latest TA (October 5<sup>th</sup> 2018). This has been reviewed by the Environmental Health Officer who advises that the report is suitably robust and it is accepted (subject to the date being accepted by the LHA) that the proposal will have only a negligible effect impact on Leek air quality from transport sources. However, he goes on to say the development does not offer any air quality improvements. It is therefore considered appropriate that the developer should offer electric vehicle charging points at properties, to give potential purchasers the opportunity to purchase low emission electric vehicles to potentially offset this slight increase in emissions. This could be conditioned.

#### Developer Contributions

7.31 In order to mitigate the impact of the development on existing infrastructure, particularly local open space provision and local school capacity and in accordance with the adopted SPG Developer Contributions, the following are sought

7.32 Open space - Due to the proximity of The Waste Open Space and Brough Park the Project Officer advises that she would not be looking to secure any on site play/open space or playing pitches but would be seeking off site contributions for both play and playing pitches, targeted at Brough Park. She advises that the play area in Brough Park is very old and has little play value and is great need of refurbishment. She says that this is a key designation park in the town of Leek which will undoubtedly be used by new residents from this development. Similarly, in terms of playing pitches, both the tennis courts and bowling greens in this key park require improvement. The contributions would be based on bed spaces and calculated based on the open space formula and prevailing costs.

7.33 Education – The Schools Organisation team (SCC) advise that a development of this size could result in demand for first, middle, high school and sixth form places. They advise that Leek First School and Churnet View Middle Schools are projected to have insufficient space to accommodate the likely demand from pupils generated by the development and therefore a request will be made towards First and Middle School places. Leek High Specialist Technology School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School and 6th Form places. A contribution is therefore sought to be based on

the usual formula once numbers are known. This would need to be secured through a Section 106 Agreement.

With a Section 106 Agreement in place to secure these matters there is compliance with Policy C1.

### Economic benefits

7.34 In order to assess the economic impact of the development and using data supplied by the applicant in the application and applying the Council's approved multipliers the Regeneration Officer comments that the economic outputs are likely to be the additional spend in the local economy (£1.4 million approx. per annum), 164 direct jobs and 21 indirect jobs from construction, supply chain, local spend in shops and services and £28 291 Council tax per annum.

### Planning Balance

7.35 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise

7.36 As set out above, the proposal is not in accordance with the Development Plan. There is conflict with Policy SS5a which is the Leek development strategy and substantial harm has been identified to the character and appearance of the area including the adverse impact on the National Park and its setting, thus conflict with Policy DC 3. There is also an outstanding objection from the Local Highway Authority and conflict with Policy DC1 and T1.

7.37 However the NPPF is a material consideration of weight in the determination of this application. It sets out a presumption in favour of sustainable development. For decision taking it says at paragraph 11 that where those policies which are the most important for determining the application are out of date (as in this case because the Council can not demonstrate a 5 year deliverable supply of housing) planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 confirms that such policies include those relating to a National Park. As discussed above, there would be significant harm to views from the Peak District National Park and the setting of the National Park. Paragraph 172 says that great weight should be given to conserving and enhancing the landscape and scenic beauty in National parks which have the highest status of protection in relation to these issues. It says that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. However, in this case the public interest is not overriding for the reasons set out in paragraph 7.38. There is, in this case a clear reason for refusal. The 'tilted balance' is disengaged and the application should be refused.

7.38 Even if the alternative view is taken that footnote 6 does not apply, then paragraph 11 says that permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would deliver economic benefits through the construction of the dwellings and once completed through extra spending power in the local economy and increased Council tax receipts. Moderate weight is attached to this. The provision of housing in circumstances of a chronic housing under supply attracts very significant weight. The application also proposes to reserve 33% of the total number of dwellings as affordable homes in line with policy and this too is a weighty social benefit of the proposal. However the harm to the character and appearance of the area including the adverse impact on the National Park and its setting as discussed above would be significant

and substantial. There is also an outstanding highway objection. It is possible as noted above that this matter may be satisfactorily addressed in the amended information submitted. At the time of writing this report it remains a reason for refusal; reflected in the recommendation below. Even if the highway reason is satisfactorily addressed the significant harm to the character and appearance of the area including the adverse impact on the National Park and its setting is considered to be significant and demonstrable and alone outweighs any benefits that housing would deliver in this particular case. In this scenario also the application should be refused.

## **8 RECOMMENDATION**

### **A. That planning permission be refused for the following reasons:-**

- 1. This is a greenfield site. It consists of open pasture land. From the site there is no physical or visual connection with the built up area of Leek. It is very much part of an open landscape which forms the setting to the Peak District National Park (PDNP) with the site seen in the context of view of a large scale open landscape and a number of iconic visitor destinations within the PDNP, Ramshaw Rocks, Hen Cloud for example. For these reasons it displays physical attributes which make it a valued landscape. The application would fundamentally change the character and appearance of the site from its present rural/agricultural character to one of a substantial suburban residential development, and this in turn would affect the surrounding landscape character. It would be notably incongruous and would undoubtedly have suburbanising effects, and would clearly result in an expansion of Leek into a sensitive landscape on the fringe of the Peak District National Park resulting in harm to views from the Park, its setting and special qualities. It would be viewed as an isolated and stand-alone development rather than being “well-related to the existing settlement of Leek” as suggested by the applicant. It would adversely harm the high quality character and appearance of the local and wider landscape. Reference in the application to the proposed positive management of existing trees/hedges, the introduction of new landscape planting and creation of public access to the site would not, it is considered mitigate the impact of the development which is considered to be significant and adverse. There is as such conflict with Policy DC3 of Staffordshire Moorlands Core Strategy DPD and the NPPF which seeks to preserve and enhance valued landscaped and attaches great weight to conserving and enhancing landscape and scenic beauty in National Parks.**
- 2. Insufficient information has been received to demonstrate that the proposed development will have an acceptable impact on the highway network, that safe and suitable access can be achieved for all users and that the existing drainage system will not be adversely compromised by the development. As such there is conflict with the relevant part of Policy DC1 and T1 of the Staffordshire Moorlands Core Strategy DPD and the NPPF**
- 3. Whilst it is acknowledged that the Council cannot demonstrate a 5 year supply of housing, and therefore policies which are most important for determining the application are out-of-date, the application of policies in the Framework relating to National Parks provide a clear reason for refusing the proposed development. Notwithstanding this it is considered that the benefits of the provision of housing, including the social and economic benefits are significantly and demonstrably outweighed by the harm arising to valued landscape, the landscape and scenic beauty of the National Park the impact on the highway network and failure to provide safe and suitable access.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

