

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

27 June 2019

Application No:	SMD/2018/0528	
Location	Lock up Garages, Broad Street, Leek.	
Proposals	Outline planning permission with all matters reserved for the demolition of redundant lock up garages, construction of dwellings with landscaping and parking.	
Applicant	Mr & Mrs R K Barker	
Agent	Planware Ltd	
Parish/ward	Leek	Date registered 14/08/2018
If you have a question about this report please contact: Rachael Simpkin tel: 01538 395400 ex 4122 rachael.simpkin@staffsmoorlands.gov.uk		

1. SUMMARY OF RECOMMENDATION

APPROVE subject to recommended planning conditions.

The scheme has been time extended to deal with matters of ecology concerning the submission of a bat survey and noise impact assessment.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The proposed 0.23ha brownfield site is located immediately to the southwest of Leek Town Centre and is accessed from Broad Street (the A53). The proposed residential properties would be located on the site containing the redundant garages / parking spaces, which is to the northeast and above the level of the adjoining car showroom / MOT garage where access is gained. The site also abuts the rear gardens of property's at Eversley Avenue / Sneyd Street, which are elevated above the application site. This is owing to the site's topography rising more steeply from Broad Street. The immediate area is characterised by a mix of residential, commercial, business and retail uses typical of an edge of centre location. The proposal is within the development boundary of Leek as per the Adopted Local Plan's boundaries. The application site also overlooks the LCA (Leek Conservation Area), with its boundary defined by Broad Street to Daintry Street.

2.2 The application, the details attached to it, including the plans, comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=125605>

3. DESCRIPTION OF THE PROPOSAL

3.1 The revised resubmitted scheme, as before, seeks outline planning permission with all matters reserved for residential units. The reference to a specific number of units (6), however, has been removed to allow scheme flexibility. It follows the refusal of scheme ref. SMD/2015/0818 for the Drive Thru Restaurant / Residential hybrid scheme by Members at the 14th July 2016 Planning Applications Committee. The housing element of the hybrid scheme raised design and layout concerns forming a refusal for refusal.

3.2 As before, the existing access is shown to be retained off Broad Street, which lies between the existing car showroom site and the repair / MOT garage at no.52 Broad Street. The illustrative scheme still shows the two-storey housing laid out in a terrace arrangement orientated east to west but pulled towards the site's frontage. An access drive and turning head would occupy the southern area of the site. Retaining structures and steps are shown to the rear of the proposed dwellings with the car parking and access drive now at the rear. Some peripheral and modest landscaping is indicated to the site's frontage whilst established trees are shown to the site's northeast and western boundaries.

4. RELEVANT PLANNING HISTORY

4.1 Relevant history is detailed as follows:-

SMD/2015/0818 – Drive Thru Restaurant / Residential. Refused July 2016.

SMD/2015/0202 Erection of a drive-thru McDonald's Restaurant (Class A3/A5) with associated landscaping, parking and access and outline permission for 6 two storey residential units with landscaping, parking and access. Withdrawn.

SMD/2015/0203 Advertisement consent for various site signage including 1 no. gateway, 9 no. freestanding signs, 1 no. side by side directional, 2 no. banners and 16 dot signs. Withdrawn.

SMD/2015/0204 Advertisement consent for 9no. new fascia signs. Withdrawn.

SMD/2015/0205 Advertisement consent for the installation of a freestanding 12.0m drive totem sign. Withdrawn.

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.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS5 Towns
- SS5a Leek Area Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- H1 New Housing Development
- DC1 Design Considerations
- DC2 Historic Environment
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

Emerging Local Plan

5.4 The existing plan for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new plan will include sites for developments and boundaries. It will be a single document that will take a fresh look at the development needs of the district for the next 14 years to 2031. As well as early public engagement, the Council have undertaken public consultations on the draft plan site allocation options during 2015, preferred options and boundaries in 2016 and preferred options in 2017. The comments received in response have been used to prepare, publish and consult upon the final Local Plan draft 'submission' version, which was examined by the Inspector during sessions held in October 2018.

5.5 A full schedule of main modifications to the Local Plan is expected to be subject to consultation this Summer. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan later in the year.

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 discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- 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

5.7 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1 a Presumption in Favour of Sustainable Development (Significant)
- SD1 Sustainable Use of Resources (Limited)
- SD3 Carbon-saving Measures in Development (Moderate)
- SD4 Pollution and Water Quality (Significant)
- H1 New Housing Development (Limited)
- DC1 Design Considerations (Moderate)
- DC2 Historic Environment (Significant)
- NE1 Biodiversity and Geological Resources (Moderate)
- NE2 Trees, Woodlands and Hedgerows (Significant)
- T1 Development and Sustainable Transport (Moderate)

Supplementary Planning Document

Space about Dwellings (1996)

Supplementary Planning Guidance

Staffordshire Moorlands Design Guide (2018)

National Planning Policy Framework (NPPF) revised.

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

6.1 Expiry date:

Site Notice: Expired.

Neighbours: Expired.

No representations have been received as a result of scheme consultation carried out.

Leek Town Council

Not unneighbourly.

SCC (Staffordshire County Council) Local Highways Authority

No objections subject to recommended conditions.

No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Details of a widened access, including vehicular visibility splays onto Broad Street.
- A safe pedestrian route/ access to the proposed development.
- A secure weatherproof cycle storage facilities for each dwelling unit.
- Means of surface water drainage and outfall.
- Surfacing materials.
- A swept path drawing demonstrating that the current refuse vehicle (11.9 m) operated by Waste collection Services can manoeuvre within the site. Alternatively show on a plan details of a refuse store/bins collection point close to the highway.

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation/first use of development.

Prior to commencement of the development a Construction Vehicle Management Plan including any demolition works, details of site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to any works commencing on site.

The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with drawing number PL03B and shall be surfaced in a porous bound material and thereafter retained for the lifetime of the development.

Notes to the planning officer: The existing Vehicle Access Crossing to the new development will have to be realigned to suit the widening of the access.

SMDC Aboricultural Officer

No objections subject to revised layout and recommended conditions.

The application is for outline planning permission only, with all matters reserved, but the description of development is specifically for the erection of 6 dwellings. An indicative-only proposed site layout plan is included with the application.

The as-existing topographical survey plan, and the indicative layout plan, show a number of trees located at/close to the edges of the application site. However, the 2 trees shown adjacent to the western boundary were removed some time ago and are therefore no longer relevant.

No tree survey/arboricultural impact assessment report is submitted, and partly as a consequence of this the indicative layout does not obviously appear to have taken account of the presence of some of the remaining trees.

Given that the trees are at the very edges of the site leaving the main central area unencumbered by tree-related constraints, and that the site is already developed with long standing garages, concrete bases and hard-surfaced vehicle access/turning areas, the site could clearly accommodate some residential development without adverse direct impact on trees, and also without significant issues arising from tree-dwelling relationship.

I therefore have no in-principle objection to the residential development of this site, and possibly for specifically 6 dwellings, although the indicative layout as submitted would not allow for the satisfactory retention of the main group of trees at the south-east corner, and an amended layout for this number of units may be required to meet such an objective.

Direct access to the tree stems in this group near the south-east corner was not possible during my site visit due to overgrown vegetation and intervening Heras fence panels, but my impression is that the tree positions on the application plans are not shown precisely accurately and that they are, in some instances, a little further to the east (i.e. further away from the proposed development and probably outside the red-edge boundary of the application site) but only by a matter of a few metres. Nevertheless, the dwelling at the eastern-most plot would probably encroach directly into the Root Protection Areas of some of these trees (this could be confirmed by checking the topo survey and production of a tree survey in accordance with BS 5837). In addition, the rear garden of this plot would be heavily and unacceptably over-shadowed beneath the canopies of the trees, and the outlook from front and rear of the dwelling would be overly-dominated by the trees.

One option may be to join the 6 detached dwellings into a continuous terrace, starting from the footprint position of the western-most dwelling as currently indicated; using the same housetype layouts/sizes, this would bring the eastern end of the terrace approximately to the level of the eastern elevation of the 5th detached dwelling as currently indicated – whilst still providing 6 dwellings. At the same time, it might be useful to progressively step the dwellings back (i.e. northwards) to give perhaps an additional 2m or so of distance between the front elevation of the last (eastern-most) dwelling and the existing hedge along the southern boundary of the site.

The 2 trees shown adjacent to the northern boundary are early-mature Sycamores which appear to be situated just within the rear garden(s) to 4 and/or 6 Eversley Avenue (again difficult access prevented close-up

verification). However, the trees appear to be growing from a significantly higher ground level than the application site and in any event the proposal at this part of the site is for car parking provision on the footprint of the existing garages and therefore this element of the proposed scheme would not have impact on these trees. In addition, both trees have evidently been heavily reduced at least twice previously and are of poor form; they are not regarded as good specimens which should in any way constrain development proposals on the adjacent site.

In view of the fact that it appears some layout acceptably providing 6 dwellings could be achieved in relation to impact on and relationship with the trees, I do not object to the application in principle, but note that the indicative layout as submitted does not appear to work acceptably with regard to trees.

I would request that the following conditions be imposed in the event that planning permission is granted:

1. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping or site establishment) shall be the erection of temporary tree protection barriers fencing and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and this shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.
2. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) a fully detailed arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to existing trees to be retained on and adjacent to the application site, in particular in relation to the demolition and removal of the existing garages and their bases, shall be submitted to and approved by the LPA. Thereafter, the development shall be constructed only in full accordance with details approved under this condition.

In addition, I would request that the following informative note be included on the decision notice in the event of approval:

1. Notwithstanding the consent hereby granted, nor any indication on the plans submitted with the outline application, any subsequent reserved matters application for detailed approval of layout shall be accompanied by a tree survey/arboricultural impact assessment report

in accordance with British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and it is advised that the output from such a report be used to inform and guide the detailed layout design.

SMDC Ecology Officer

No objections subject to recommended conditions.

A preliminary ecological appraisal was carried out of the site. Buildings on site were assessed as having low potential for roosting bats. A single bat activity survey was carried out in May 2019. No bats were recorded using the building as a bat roost.

I would suggest the following conditions:

Birds:

Demolition and site clearance must be carried out between 1st March to 31st August unless a check for breeding birds has been carried out by an ecologist. In the event that breeding birds are present no work should be carried out until the birds have finished breeding, and all dependent young have left the site.

Reason: All breeding birds, nests eggs and young are protected from harm under the Wildlife and Countryside Act 1981 as amended.

Bats:

Demolition of structures should be carried out carefully by hand to avoid impacts on bats. In the event that any bats are located during demolition work must stop and Natural England must be contacted for advice.

A lighting scheme should be submitted that avoid illuminating any new artificial bat roosting features and minimising impacts on bats or birds. Details of lighting schemes should be submitted to the local Planning Authority in writing for approval.

Reason: to avoid impacts on bats that are fully protected under the Conservation of Species and Habitat Regulations 2017.

Landscaping scheme for biodiversity enhancement:

A landscaping plan to include biodiversity enhancement should be submitted and this should include:

- Creation of artificial bat roosting structures in at least four buildings.
- Creation of bird nesting features in two buildings.
- Planting appropriate to shade, aspect, moisture of native species providing food and foraging sources for native invertebrates. Planting should seek to maximise green infrastructure and include climbing species against the sides of houses.
- Bee boxes/ artificial site for invertebrates within a suitable location of gardens.
- Small garden ponds to increase biodiversity species richness of garden plots.

- Ensure gardens are permeable to wildlife with appropriate hedge planting and gaps in the base of fences.
- Details shall be provided on appropriate specifications, scale plans and drawings.
- The timing and persons carrying out works shall be provided.
- Details of remedial measures should be detailed.
- Full details shall be submitted to the local planning authority. Biodiversity enhancements shall be established in accordance with the approved details and all features shall be retained in that manor thereafter.

Reason: Biodiversity enhancement appropriate to the size and scale of development, to comply with the requirements of National Planning Policy Framework (NPPF) 2012 and Policy NE1 of the adopted Local Development Framework.

SMDC Environmental Health Officer

No objections subject to revised layout and recommended conditions.

Noise: (17/06/19) A noise assessment has been undertaken by SBM Safety Solutions between 23-24th April 2019 to address potential noise and amenity concern for future occupiers. The assessment predicts that amenity levels compliant with BS8233:2014 and PROPG can be met with suitable mitigation measures. The report indicates the primary noise source as the road and in the main masking noise from the two motor vehicle maintenance yards in the vicinity. Noise is noted on occasion from the commercial/industrial units but at levels which the report advises can be mitigated so that internal sound levels are compliant with national standards.

There remains the concern that the proposed outline layout for housing is directly adjacent to the light industrial units and overall the layout of the site layout appears wrong when future amenity is considered. There is scope to rearrange the site layout by locating the car parking area adjacent (closer) to the industrial area and in doing so creating a buffer area between industrial and residential. This will also serve to move a potential noise source (new car park) away from existing residential housing backing on to the proposed site. The positioning of the housing units set out in the application smd/2015/0818 (housing site plan) would be more appropriate. It would be advised that a revised housing layout is submitted and pre-completion testing undertaken to validate all sound insulation works set out by the acoustician are used in the final construction.

(24/10/18) There is no information provided regarding the current noise environment and any proposed mitigation to ensure that current noise criteria levels are achieved. The criteria we would expect to be achieved are set out in BS8233:2014, BS4142:2014 and the PROpg-New Residential development (IOA and ANC). The noise sources we are concerned with are the Premier Garage, All Cars Tyres and Exhaust and road traffic noise. The previous application was submitted with a noise assessment which is now 3 years old and it did not focus sufficiently on the proposed residential units and existing

noise sources (mentioned in our previous comments).

There should be an updated assessment undertaken which would pay due regard to the standards and guidance listed above. This should be submitted as part of the application and would not be appropriate as a pre-commencement condition due to the potential for significant noise impacts from existing commercial units adjacent to the development site.

Contamination: The land has been used for lockup garage which maybe a source of contamination (Asbestos/chemicals/hydrocarbons). No preliminary land contamination risk assessment has been undertaken despite proposed residential use, this was highlighted in our previous comments.

Although, it is not considered likely that the level of contamination would be significant enough to affect the viability of the development, a contaminated land risk assessment must be undertaken prior to development to ensure safe development. Pre commencement conditions are therefore recommended.

If the applicant fails to agree to these conditions then they must submit a preliminary contaminated land risk assessment in order for the potential risks from the identified contamination to be assessed appropriately.

Asbestos: Any redundant on site buildings may well have asbestos containing materials (ACM) in their fabric (e.g. asbestos roof) To ensure no future asbestos contamination, as a result of demolition a "Demolition or refurbishment asbestos survey" and risk assessment should be carried out prior to the demolition of these buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>. This is included as an advisory.

Nuisance: The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties.

Severn Trent Water

No objection, subject to condition.

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Informative: Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do

not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

1. OFFICER COMMENT AND PLANNING BALANCE

Policy

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Staffordshire Moorlands Core Strategy.

7.3 The revised National Planning Policy Framework (NPPF) was issued in February 2019. The NPPF is considered to be a mandatory material consideration in decision making. The applicable contents of the revised NPPF will be referenced within the relevant sections of the officer report as detailed below.

7.4 Once again achieving sustainable development sits at the heart of the revised NPPF as referred to within paragraphs 10 and 11. As before, achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future

needs and support communities' health, social and cultural well being;
and,

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.5 Core Strategy policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF. Paragraph 11 of the NPPF requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) 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. (Para 11 NPPF July 2018).

7.6 It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing land and as at 31st March 2018 the figure was 1.8 years. Recent case law has established that the application of the test in paragraph 14 (now paragraph 11) is a 'tilted balance' which is predisposed in favour of granting planning permission unless adverse scheme impacts are outweighed by scheme benefits (11i) or NPPF policies protecting areas or assets of particular importance apply (11i).

7.7 The NPPF defines conservation areas as a designated heritage asset. In the first instance, it must be determined whether any such resultant harm would lead to the refusal of the scheme in respect of the NPPF para 11 tests above. This is not considered to be the case and is discussed in further detail below. With this in mind, the matter falls to be considered in the planning balance as per NPPF para 11(i) with a presumption in favour of development and tilted balance applied as above.

7.8 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of applications.

7.9 A list of key policies, guidance and other material considerations is provided above (section 5).

7.10 The application site is within close walking distance of Leek town centre where there is a wide range of shops and services. It is also close to sources of employment, schools and to local schools. As a consequence, it would accord with CS Policy SS5a 'Leek Area Strategy' in assisting the role of Leek as the principal service centre. Of further consideration, the site is previously developed with long standing garages, concrete bases and hard-surfaced vehicle access / turning areas in need of redevelopment. The NPPF encourages the effective use of land giving substantial weight to the value of using suitable brownfield land within settlements. This would also support Leek's regeneration to also accord with CS Policy SS5a. The scheme's edge of town centre location would also meet with the objectives of CS Policy T1, which states that the Council will promote and support development which reduces the reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plan, where this is consistent with other policies. These matters attract notable weight in the planning balance.

7.11 The application proposal shows an indicative scheme of 6 dwellings and as such would modestly contribute to meeting the district's identified housing need. This would make a small, however, valuable contribution to housing delivery in the Staffordshire Moorlands, particularly in a situation of chronic housing undersupply. The scheme would not trigger the NPPF requirement for affordable housing provision as the site falls below the 0.5 ha threshold and no dwelling numbers are indicated at this stage. A suitable mix and size of property would also be secured by condition. The delivery of market housing would attract attributable weight in support of the scheme within the social strand of sustainable development as defined above. There would be further economic benefits associated with the scheme's construction, Council tax payment receipts and spending power within the local economy adding further attributable weight in support of the proposal. These clear scheme benefits will be returned to below.

7.12 Approval of access matters is not sought at this stage, however, the applicant is required to define the point of access(es) into the site from the adopted highway. In these respects, the Local Highway Authority has confirmed that the proposed access from Broad Street is suitable subject to further detail to be agreed at the reserved matters stage. As such, there would be compliance with CS Policies DC1 and T1 and the NPPF.

7.13 CS Policy SS1 'Development Principles' sets out broad development principles for the district to achieve sustainable development. For Leek, CS Policy SS5a further seeks to promote Leek's special character and heritage through high quality development which protects and improves the setting and historic character of the town. These matters are covered in further detail by CS Policy H1 'New Housing Development' requiring that development should be at the most appropriate density compatible with the site and location / character of the area; DC1 Design Considerations sets out design criteria relating to new development to reinforce local distinctiveness, positively contribute to the area and protect residential amenity and Policy DC2 'The Historic Environment' seeks to safeguard and where possible enhance the

historic environment.

7.14 The application site would overlook the LCA (Leek Conservation Area), with its boundary defined by Broad Street to Daintry Street and would be read as part of the wider LCA setting. With this in mind, the policies in the NPPF clearly seek positive improvement in conservation areas and their setting. More explicitly NPPF paragraph 192 requires that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". Members will also note that there is a statutory duty of the decision maker to pay special attention to preserving or enhancing the character and appearance of Conservation Areas.

7.15 The outline proposal seeks only planning permission in principle with the point of access identified at this stage. It is considered that a fully detailed scheme to be determined at the reserved matters stage would leave the adjacent Leek Conservation Area either unharmed or indeed achieve a positive contribution that would enhance the character and appearance of it with regard to its setting. This is particularly relevant in view of the redundant and unattractive appearance of the existing garage block buildings. Those concerns raised by the Council's Arboricultural Officer in respect of the indicative layout not allowing for the satisfactory retention of the main group of trees at the south-east corner of the site could be addressed at the reserved matters stage. Adequate amenity standards would also be assessed in detail at any reserved matters stage to secure satisfactory daylight, sunlight, outlook, privacy and soft landscaping matters. In these circumstances, the proposal accords with such requirements in relation to CS Policies SS5a, DC1, DC2 and H1 and the NPPF.

7.16 The Council's Pollution Officer has also raised significant issues regarding the current indicative layout. This concerns the potential noise impacts from the adjacent commercial garage uses to future occupiers of the scheme. In these regards, it has been suggested that the proposed car parking would be better placed to the scheme's frontage by acting as a buffer. This would also serve to remove a potential noise source i.e. the car park to those dwellings which back onto the site. It is further advised that a revised housing layout should be accompanied by pre-completion testing undertaken to validate any recommended sound insulation works implemented in the dwellings final construction. These matters could be suitably dealt with as part of first reserved layout matters given that scheme numbers have been withdrawn and would be secured by planning condition.

7.17 The Pollution Officer also recommends that a Preliminary Land Contamination Risk Assessment be required by condition owing to the site's former garaging use. Conditions are also recommended seeking a Construction Method Statement due to the proximity to existing residential homes to ensure acceptable amenity standards during the built out phase of the scheme. With these in place no adverse amenity impacts from contamination or noise are anticipated and there would be compliance with CS Policies H1 and SD4 and the NPPF.

7.18 CS Policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with Policy NE1 'Biodiversity and Geological Resources'. Amongst other matters, Policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.

7.19 The views of the Council's Ecology Officer have been sought in respect of the submitted preliminary ecological appraisal carried out on the site. He confirms that the buildings on site were assessed as having low potential for roosting bats. In addition, no bats were recorded using the building as a bat roost based on a single bat activity survey carried out in May 2019. Accordingly, no objections are raised to the scheme on the basis that conditions are secured in respect of: demolition by hand and an agreed lighting strategy to avoid impacts on bats; prevention of construction during the bird nesting season and a landscaping scheme for biodiversity enhancement. In these respects, the proposal is considered to be sufficient in respect of unknown impacts to protected species and would secure biodiversity enhancements appropriate to the size and scale of development to meet with the provisions of CS Policies DC1 and NE1 and the NPPF.

8. PLANNING BALANCE & CONCLUSION

8.1 The proposal accords with the relevant policies of the Development plan and NPPF. It will deliver sustainable development and a recommendation of approval is therefore made.

9. RECOMMENDATION

A. That planning permission be granted subject to the following conditions:-

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.**

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.**

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby approved shall be carried out in accordance with the following submitted plans:- Location Plan.

Reason:- To define the permission and in the interests of proper planning.

Mix and size

5. The reserved matters application(s) shall be based on the Nationally Described Space Standards.

Reason:- To ensure dwellings of adequate size in line with national policy.

6. The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment.

Reason: - To ensure an appropriate mix of units

Amenity (Noise)

7. The first reserved matters application shall be accompanied and informed by a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and 50dB LAeq in outside living areas. Prior to any part of the development first being occupied pre-completion tests shall be carried out to verify compliance with the submitted and approved own Noise Assessment SMM safety Solutions (Report Date: 6th May 2019 Ref.:E16260). The raw data, calculations and results from the pre completion tests shall be submitted to the Local Planning Authority for its written approval before any of the units hereby approved are occupied.

Reason: To protect occupiers from noise and safeguard their residential amenities.

Amenity

8. The development hereby approved, including site clearance shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-
- i. The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
 - ii. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 - iii. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
 - iv. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
 - v. The arrangements for prior notification to the occupiers of potentially affected properties;
 - vi. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - vii. The parking of vehicles of site operatives and visitors;
 - viii. The loading and unloading of plant and materials;
 - ix. The storage of plant and materials used in constructing the development;
 - x. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - xi. Details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason:- To protect the amenities of the area from dust

Contamination

9. No development including site clearance shall take place until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once

completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority. The agreed remediation strategy (ii) shall be adhered to throughout the development. Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

10. In the event that contamination, including surface coal measures, is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

11. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The

methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Waste Management

12. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Reason: To protect the amenities of the area.

Flood Risk / Drainage

13. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues, to minimise the risk of pollution and in the interests of highway safety

Ecology/Biodiversity

14. Demolition and site clearance must be carried out between 1st March to 31st August unless a check for breeding birds has been carried out by an ecologist. In the event that breeding birds are present no work should be carried out until the birds have finished breeding, and all dependent young have left the site.

Reason:- All breeding birds, nests eggs and young are protected from harm under the Wildlife and Countryside Act 1981 as amended.

15. Demolition of structures should be carried out carefully by hand to avoid impacts on bats . In the event that any bats are located during demolition work must stop and Natural England must be contacted for advise.

Reason:- to avoid impacts on bats that are fully protected under the Conservation of Species and Habitat Regulations 2017.

16. A lighting scheme should be submitted that avoid illuminating any new artificial bat roosting features and minimising impacts on bats or birds. Details of lighting schemes should be submitted to the local Planning Authority in writing for approval.

Reason:- to avoid impacts on bats that are fully protected under the Conservation of Species and Habitat Regulations 2017.

17. A landscaping plan to include biodiversity enhancement should be submitted and this should include:

- i. Creation of artificial bat roosting structures in at least four buildings.**
- ii. Creation of bird nesting features in two buildings.**
- iii. Planting appropriate to shade, aspect, moisture of native species providing food and foraging sources for native invertebrates . Planting should seek to maximise green infrastructure and include climbing species against the sides of houses.**
- iv. Bee boxes/ artificial site for invertebrates within a suitable location of gardens.**
- v. Small garden ponds to increase biodiversity species richness of garden plots.**
- vi. Ensure gardens are permeable to wildlife with appropriate hedge planting and gaps in the base of fences.**
- vii. Details shall be provided on appropriate specifications, scale plans and drawings.**
- viii. The timing and persons carrying out works shall be provided.**
- ix. Details of remedial measures should be detailed.**
- x. Full details shall be submitted to the local planning authority. Biodiversity enhancements shall be established in accordance with the approved details and all features shall be retained in that manor thereafter.**

Reason:- Biodiversity enhancement appropriate to the size and scale of development, to comply with the requirements of National Planning Policy Framework (NPPF) 2012 and Policy NE1 of the adopted Local Development Framework.

Informative

1. A sustainable development has been negotiated with the application which meets the provisions of the National Planning Policy Framework.

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 'Head of 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.

Location Plan

