

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

13 February 2020

Application No:	SMD/2019/0664	
Location	Land South of Thorncliffe Road, Leek	
Proposal	Outline planning application for residential development, including access, with all other matters reserved	
Applicant	Land Designation Ltd	
Agent	AAH Planning Consultants	
Parish/ward	Leek	Date registered 8 th November 2019
If you have a question about this report please contact: 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

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This is a greenfield site consisting of pastoral fields extending to approx. 3.62 hectares. The fields are defined by traditional boundary hedges to the north, south and eastern boundaries. The access to Roche View livery and equestrian centre defines the western boundary. The site has frontage to both Thorncliffe Road to the north and Stile House Lane to the east. The site adjoins fields to the south beyond which is Public footpath No 21 (Leek Parish). An internal hedgerow running north-south effectively divides the site into two distinct parcels.

2.2 There is a well-defined ridge line to the west of the site marked by a line of mature trees and woodland, which provides a strong visual and physical separation between Leek and the rural landscape to the east of the town. The site is located in the open countryside beyond this ridge line which forms part of the Churnet Valley landscape surrounding the town.

2.3 The site has a gentle slope from west to east. The surrounding area comprises a largely open pastoral landscape which rises up to the Peak District National Park in the east at Morridge which is a prominent ridge line and feature of the National Park approx. 2.5km from the site.

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. Various indicative drawings accompany the application showing possible layout, scale, massing and materials. There is a Landscape Concept Plan and an indicative Landscape Strategy Plan. The application has not sought planning permission for a specific number of dwellings. The layout shows 48 dwellings albeit this is indicative only and neither binds the Council nor the applicant. Interestingly the Landscape and Visual Impact Assessment refers to a development of 30 dwellings. Member's attention is drawn to the fact that residential development is being sought on the whole of the red edge application site and therefore they should consider the application in that light.

3.2 This is a revised submission of SMD/2017/0434 which related to a larger site (5.5 hectares as opposed to 3.62 hectares). It was refused in November 2018 and subsequently dismissed on appeal in December 2019. The application seeks to demonstrate that this smaller scale proposal addresses the previous reasons for refusal. It omits the southernmost field that measures approximately 0.83 hectares. This field is the furthest away from Thorncliffe Road and was the closest part of the previous scheme to Public footpath 21 which runs to the south.

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

Planning supporting statement
Contamination Report
Transport assessments (2)
Bat survey
Ecology report
Arboricultural Report
Air quality assessment
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
Mineral Safeguarding report

Amended information

During the processing of the application a number of further documents have been received as follows:-

January 2020

6th Air Quality Assessment

December 2019

19th Updated Transport Report and Appendices to Transport Report

January 2010

31st Addendum to Transport Assessment

All documents have been made available on the Councils web site and relevant consultees consulted.

4. RELEVANT PLANNING HISTORY

SMD/2017/0434 - Outline planning application for residential development, including access, with all other matters reserved for future approval – Refused 22/11/2018 and subsequently dismissed on appeal.

SMD/2017/0491 – Screening opinion sought from the Council – negative opinion issued.

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 (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
- 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

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.

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were

conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4th and 5th February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Emerging Policies

SS1 Development Principles
 SS5 Leek Area Strategy
 H1 New Housing Development
 DC1 Design Considerations
 NE1 Biodiversity and Geological Resources
 NE2 Trees, Woodlands and Hedgerows
 T1 Development and Sustainable Transport
 T2 Other Sustainable Transport Measures

National Planning Policy NPPF

National Planning Policy Guidance

CONSULTATIONS CARRIED OUT

Consultee	Comment	Officer response
Leek Town Council	Recommend refusal. The Mount is an obvious boundary to the town and the development would be significantly harmful to the character and appearance of the area. We have serious concerns	

	regarding flooding and drainage and the run off into Thorncliffe Road	
Tittesworth Parish Council	<p>The Parish Council strongly objects to this application.</p> <ul style="list-style-type: none"> • The development is unwarranted and not needed; • The application site is not in the proposed local plan or preferred site options; • 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; • 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; • Without substantial investment there is the potential for surface water to cause local flooding; • Local utilities provision is inadequate and there is no gas or mains drainage; • Local service provision, schools, doctors, transport are already stretched to capacity; • The potential for noise and light pollution; • The erosion of the boundary and distinction between Leek and its adjacent small communities. 	

Local Highway Authority	Initially objected to the application as the submitted Transport Assessment was based on the previous application and not related to the scale of development now proposed. Comments on the Addendum to the Transport Assessment received on the 31 st January 2020 are awaited.	
Ryder Landscape Associates – acting Landscape consultants for the Council	<p>Object.</p> <p>1. The proposals would lead to considerable adverse landscape effects by virtue of;</p> <ul style="list-style-type: none"> a) Loss of rural character at the site itself; b) Reduction of rural character around the site with the introduction of an uncharacteristic suburban residential development; c) Reduction in the wider valley landscape that forms the setting to the Peak District National Park; and d) The proposed landscape mitigation of leaving an open green field to the east of the development field with a new tree belt would not offset or counter-act the significant landscape harm caused by introducing an inappropriate development into the area. <p>2. Likewise there would be adverse visual effects to the following visual receptor groups;</p> <ul style="list-style-type: none"> a) Road users on Thorncliffe Road; b) Footpath users to the south of the proposals on path Leek Town 21; c) Road users in the countryside to the east of the site including users of Stile House Lane; and d) Path users in the Peak District National Park in the Blakelow Road vicinity. <p>3. The current well defined and discrete eastern edge to Leek will be adversely affected with the proposals;</p> <ul style="list-style-type: none"> a) Breaching the current local ridgeline that separates Leek from the wider, open landscape to the east; b) Appearing in stark contrast to the current low density form of development in this rural area; c) Creating an apparently detached salient of development in a single field set away from existing development 	

	<p>outside the defined settlement edge; and</p> <p>d)Reducing the quality of the arrival and exit point into Leek from Thorncliffe Road.</p>	
Ecology Officer	Comments awaited	
Environmental Health Officer	No objection subject to conditions to secure electric vehicle charging infrastructure, sound insulation of the properties and an Environmental Method Statement to control noise and activity during construction	
Senior Regeneration Officer	<p>The proposal is for outline planning permission for development of up to 48 homes.</p> <p>Residential development will impact on the local economy in terms of jobs and purchasing of supplies and services. In order to assess the economic impact of this development, we have relied upon the data supplied by the applicant and used the Council's approved multipliers to prepare these comments.</p> <p>The proposal for development of up to 48 dwellings will provide the following outputs:</p> <ul style="list-style-type: none"> -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 48 units this is calculated at £450,624 per year. -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 the development will generate 51 direct jobs and 6 indirect jobs. -The development will also generate 	

	approximately £8,818 council tax for the area per annum	
Peak District National Park	<p>Object. Despite the scaled down proposal, the site is visually detached from the existing settlement because it is on the other side of the ridge line that currently screens views of Leek from within the National Park. As such development would harm the flow of landscape into and out of the National Park. This would erode the important contribution that the existing landscape makes to the setting of the National Park. This is an important point because the National Park Core Strategy 1 states that one of its valued characteristics is the flow of landscape character across and beyond the National Park boundary. Furthermore, the Councils Landscape, Local Green Space and Heritage Impact Study produced by Wardell Armstrong in 2016 confirmed the site as being of high sensitivity. The relevance of making this point is that only 28 of a total of 117 sites were considered high sensitivity. This means 89 other sites were considered to be less sensitive and by implication more acceptable for development than this site. The open, sweeping, rural landscape of the valley and hillside east and north of Leek and the absence of urban development within it helps to conserve the scenic beauty of the PDNP in views from the edge of Leek north and east and panoramic views from the western boundary of the PDNP. This development would still unnecessarily introduce development to this area and harm the open, sweeping, rural landscape of the valley and hillside east and north of Leek.</p> <p>Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing landscape and scenic beauty in the</p>	

	<p>National Parks (NPs). The Planning Practice Guidance (PPG) confirms that land within the setting of NPs often makes an important contribution to maintaining their natural beauty. The Inspectors appeal decision agreed that this area of land makes an important contribution as part of the setting of the National Park. Section 62(2) of the Environment Act 1995 places a duty on all public bodies to have regard to the purposes of National Parks when making any decision that could affect land in a National Park.</p> <p>It is self-evident that if the proposed scale of development is reduced this means that the housing and economic benefits of the scheme have to be less than the previous proposal offered.</p> <p>The Authority considers that the changes to the setting resulting from the development will not complement views to the east of the National Park irrespective of any design quality or change to the scale of the development because the development still sits over the ridge line and is visually detached from the settlement</p>	
Environment Agency	Previously assessed the proposal as having low environmental risk. No comments to make	
Severn Trent Water	No objection subject to drainage condition	
Local Lead Flood Authority	Recommend approval subject to approval of a satisfactory surface water design scheme	
SCC Minerals	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. On the basis of the indicative layout assess the contribution to be circa £167 855	
Police Architectural	No objection. The indicative layout would be very encouraging in terms of	

6. REPRESENTATIONS

Press Notice expiry date: 18/12/19

Site Notice expiry date: 10/12/19

Local residents have been notified by letter.

105 letters of objection received raising the following issues:-

- Site is on the main gateways into Leek from the Peak Park and would make a poor first impression to visitors
- Poor access off a narrow country lane, popular route with walkers, cyclists and horse riders
- Extra traffic would cause a hazard
- Current traffic in Leek at rush hour is already a problem and infrastructure under pressure
- Clearly outside the town settlement boundary
- Building in open countryside is contrary to Development Plan
- Issues are not resolved since previous refusal of SMD/2017/0434 – site still unsuitable
- Open and very visible site – screening impractical
- Out of character with rural landscape context - Special Landscape Area classification
- Flooding concerns – lanes already prone to surface water flooding
- Concerns over disposal of waste water – no main drain on Stile House Lane
- Light pollution concerns in countryside valley context
- The owner is neglecting the site to make it appear derelict, but it is agricultural land
- Concern about setting a precedent for allowing development along Thornccliffe Road
- Will there be an S106 agreement to improve bus services? (From D&G Bus Limited)
- Brownfield sites must be developed first

No letters of support.

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 can 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, even though it is reduced in size from 5.5 to 3.62 hectares the application 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 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 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 The initial Transport Assessment and reports submitted with the application related to the previous larger refused scheme and led to a recommendation of refusal from the Local Highway Authority because of this. The applicant has subsequently submitted an Addendum to the Transport Assessment. At the time of writing this report the Local Highway Authority's comments on the Addendum have not been received. The applicant was given the opportunity to extend the determination date to allow the LHA's comments to be incorporated within the Officer report at a later meeting. However he wishes the application to be determined at the February meeting. The LHA's views will therefore be reported on the late representation report. It is not expected however that the LHA will object in principle given that they did not object to the previous application subject to mitigation measures being secured to improve highway safety and pedestrian connectivity.

Landscape and Visual impact

7.8 This is an undeveloped greenfield site. The impact of development on the character and appearance of the area formed the main reason for refusal of the earlier application. The Council's position was upheld fully by the Inspector at appeal. This application seeks to address this and to demonstrate that the current smaller scheme would have an acceptable impact on the character and appearance of the area.

7.9 The application is accompanied by a Landscape and Visual Impact Assessment. This has been reviewed on behalf of the Council by Ryder Landscape Consultants hereafter referred to as the Council's consultants.

7.10 In the Churnet Valley Landscape Character Assessment (CVCA) an evidence based document supporting the LDF, the application site falls within landscape character sub type, Ancient Slope and Valley Farmlands (ASVF) 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.

7.11 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. As the Inspector noted the application site and surrounding open landscape in which it sits is strongly rural in character rather than semi rural or settlement edge. The current application does not change this position, confirmed by the Council's consultants.

7.12 Nearby buildings are isolated and scattered, typical of the ASVF landscape character type. Even though the application site is reduced in size, introducing housing development on the site would provide a stark contrast to this character. It would urbanise the site completely changing its character and appearance from one of pastoral fields to suburban housing. Although the indicative layout shows housing restricted to the western portion of the site, of course the red line extends much further and permission is sought for residential development use on the whole site with no restriction on numbers. Even if the application were however restricted to this western portion, it would not alter Officers judgement on the impact on character and appearance. Development will breach the strong ridgeline to the west including the mature tree line (which further separates Leek from the wider open countryside to the east). It will sit prominently in the valley landscape occupying as it does a position on the upper valley side. It will lead to the harmful expansion of Leek into open countryside as identified by the Inspector and as identified in the CVCA as a notable threat to this sensitive landscape. The current application does not address this harm; confirmed by the Council's consultants.

7.13 The Concept Landscape Plan (which is very basic) shows a potential planting belt in the eastern field and some new planting around the western field which could be argued to be a positive landscape feature. However as the Council's consultant says, in the wider landscape particularly from the east it will be judged with the development behind it on rising ground. It will be associated with new housing and viewed as a screening or shelter belt. It adds little positive benefit to the landscape. Furthermore if development were to be restricted to the western portion of the site and the remainder given over as amenity land as the Landscape Concept Plan alludes (albeit its use is not defined) the Council's consultant advises that when fields are taken out of agricultural management they tend to lose their

rural character and can become subservient in landscape terms to the development that created their changed management. This also adds little positive benefit to the landscape.

7.14 In terms of visual impact, the reduced size of site does not address the harm previously identified. It would result in an adverse impact for receptors on Thorncliffe Road where the experience of a rural route would change completely to one of passing a suburban housing estate with the new formal access and visibility splays puncturing the existing hedgerow adding to the harm. Even with the indicative green stand-off distances the new houses would be clearly evident and provide a stark contrast to the rural area.

7.15 Footpath users on Leek Town 21 will experience a clear view to the western development field as they crest the local ridgeline walking eastwards. The primary view is to the north and east and the proposed development would reduce the quality of the local shorter view which is attractive and the more impressive wider view to the Roches. Walking the footpath in a westerly direction the presence of a suburban development appearing as a single field development on the open, rural side of the local ridgeline will appear as an isolated development block with no visual linkages to other development of its type. It will appear out of keeping. The existing path-side hedgerow would not prevent sight of the development.

7.16 In the wider landscape to the east the fact that development is proposed on the upper part of the sloping ground of the valley side and breaches the local ridgeline does nothing to reduce its visual prominence from public locations to the east. A housing development in these views would be judged against a wider rural landscape and would appear incongruous, uncharacteristic, isolated and harmful. Although as noted above some of the plans indicate a possible belt of planting in the eastern most field, the Councils consultants advise that the effectiveness of such a measure would be reduced because of the sloping nature of the site as it runs up to the local ridgeline and because there will be houses, particularly upper storeys and roofscapes set above the tree belt. In any event it would take many years for such a belt to provide effective screening to even the lower parts of the site.

7.17 The Inspector found the previous proposal to be highly visible from a range of viewpoints and totally uncharacteristic in the receiving landscape. For the reasons above the current reduced application has not changed this position; confirmed by the Councils consultants.

7.18 The applicants LIVIA has been considered by the Councils consultants who consider that it appears to have been used to justify the development rather than providing convincing conclusions or objective findings. Examples given are reference in the LIVIA to the enclosure of the site by strong woodland cover (it is not); the landscape character of the site being defined by primarily by Thorncliffe Road and Stile House Lane (it is defined as confirmed by the Inspector by its sloping open topography and rural land use not by its proximity to two rural roads); the high level of visual containment of the site and amongst other matters its built form (it does not have a high level of visual containment nor any built form). The magnitude of effect and significance in the viewpoints assessed are not accepted and continue to play down the impact that the proposal would have on an open valley landscape which has a high sensitivity to change and where contemporary urban development is currently absent as noted by the Inspector.

7.19 The Peak District National Park maintains an objection to the application. Despite the reduced size of site they concur with Officers that the site is visually detached from Leek because it is on the other side of the ridge line that currently screens views of Leek from within the National Park. As such they say that development would harm the flow of landscape into and out of the National Park and would erode the important contribution that the existing landscape makes to the setting of the National Park. They go on to say that the

open, sweeping, rural landscape of the valley and hillside east and north of Leek and the absence of urban development within it helps to conserve the scenic beauty of the PDNP in views from the edge of Leek north and east and in panoramic views from the western boundary of the PDNP. This development would still, in their view un-necessarily introduce development to this area and harm the open, sweeping, rural landscape of the valley and hillside east and north of Leek. The changes to the setting resulting from the development will not complement views to the east of the National Park irrespective of any design quality or change to the scale of the development because the development still sits over the ridge line and is visually detached from the settlement.

7.20 Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing landscape and scenic beauty in the National Parks (NPs). The Planning Practice Guidance (PPG) confirms that land within the setting of NPs often makes an important contribution to maintaining their natural beauty. The Inspectors appeal decision agreed that this area of land makes an important contribution as part of the setting of the National Park. Section 62(2) of the Environment Act 1995 places a duty on all public bodies to have regard to the purposes of National Parks when making any decision that could affect land in a National Park. Furthermore the Court's have held that decision makers should give great or considerable weight to the views of statutory consultees. In this case the views of the PDNP Authority are consistent with those of Officers in terms of the landscape and visual impacts of the appeal proposal.

7.21 Policy DC3 resists development which would harm the character of the local and wider landscape or the setting of a settlement. It also seeks to ensure that development does not adversely affect the wider setting of the Peak District National park. For the reasons given above the proposal would relate poorly to Leek protruding as the Inspector noted unnaturally beyond ridge and tree line into the valley landscape. It would fail to assimilate into the open landscape to the east of Leek and would cause significant harm to the character and appearance of the site and the wider landscape including the setting of the peak District National Park. The proposal has not overcome the reasons for the dismissal of the appeal as discussed above. There is, as a result conflict with Policy DC3 and Policy SS5a and the NPPF which expects all development to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment including National Parks.

Biodiversity

7.22 The application is accompanied by an Extended Phase 1 Habitat Survey dated October 2019 and a Bat survey report also dated October 2019. Both documents have been reviewed by Staffordshire Wildlife Trust on behalf of the Council. The views of Staffordshire Wildlife Trust are awaited and will be reported at the meeting.

Affordable housing

7.23 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

7.24 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 and Surface Water 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 detailed drainage design adopting SUDS.

Drainage does not pose a technical constraint to the development of the site and with a suitable drainage condition in place the development complies with the relevant part of SD4 and the NPPF.

Mineral Safeguarding

7.25 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.

7.26 Staffordshire County Council (Minerals and Waste Planning Authority) has assessed the application and raised no objection. For these reasons there is compliance with Policy 3.2 of the INERALS Local Plan and advice in the NPPF.

Amenity – contamination, air quality, noise, construction impacts

7.27 The Environmental Health Officer has reviewed the application and raises no objection on contamination, noise or air quality grounds. In terms of the latter he accepts the conclusion of the applicants Air Quality Assessment that the proposal will have only a negligible effect impact on Leek air quality from transport sources. However, despite the impact of the development being considered slight (albeit negative), the development does not offer any possible air quality improvements, other than a Travel Plan. Whilst this is welcomed further measures are expected in line with national and local policy to discourage high emission vehicle use and encouraging the uptake of low emission fuels and technologies. On a site such as this it is appropriate that the developer should offer for example electric vehicle charging points at properties to give potential purchasers the opportunity to purchase low emission electric vehicles to potentially offset this slight increase. Subject therefore to conditions to secure this and to control construction noise/activity, provide adequate sound insulation to the dwellings and guard against any unexpected contamination, the proposal complies with relevant parts of Policies SD4, DC1, T1 and the NPPF.

Developer Contributions

7.28 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 Policy C1 and the adopted SPG Developer Contributions, the following are sought

7.29 Open space – the Projects Officer advises that due to the proximity of existing play and sports facilities the Council would not look to secure any on site play/open space or outdoor sports provision. Therefore, we would be seeking off site contributions to be targeted at enhancing existing play and outdoor sports provision within a 2 mile radius of the site, which could be targeted towards enhancements at Brough Park, Birchall Playing Fields or Ball Hays sports facilities. The contributions for play and outdoor sports are calculated using the usual formula.

7.30 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. 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

7.31 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 through:-

a) local expenditure (estimated at £450 624 per annum) based on new householders spending 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.

b) provision of direct and indirect jobs (51 direct jobs and 6 indirect jobs). 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.

c) The development will also generate approx. £8 818 council tax for the area per annum.

7.32 The applicant has also provided some economic data. He refers to 148 jobs created albeit that the breakdown given of 1 apprentice, graduate or trainee, 51 direct, 38 indirect and 40 induced jobs does not total 148. He also refers to resident expenditure benefits generated by new residents of the new housing development and the support to existing local services and the local economy with increased spending power estimated to be £1,264,281 in addition to New Homes Bonus and Council Tax. However it is not clear how these figures have been arrived at. Only limited weight can be given to them.

Planning Balance & Conclusions

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

7.34 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 setting of the Peak District National Park and thus conflict with Policy DC 3.

7.35 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. The Inspector clarified that paragraph 11 d) ii is the applicable test in this case i.e that planning permission should 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

7.36 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 environmental harm to the character and appearance of the area including the adverse impact on the setting of the National Park as discussed above is considered to be significant and demonstrable and overriding in this case. Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing landscape and scenic beauty in the National Parks (NPs). The Planning Practice Guidance (PPG) also confirms that land

within the setting of NPs often makes an important contribution to maintaining their natural beauty. A recommendation of refusal is therefore made.

8. RECOMMENDATION

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

- 1. This is a greenfield site which lies outside of the defined settlement boundary of Leek. It consists of open pasture land. There is no physical or visual connection between the site and the built up area of Leek. It is very much part of an open, sweeping landscape which makes an important contribution to the setting to the Peak District National Park (PDNP). The application would fundamentally change the character and appearance of the site from its present rural/agricultural character to one of a suburban residential development. It would be a notably incongruous feature in the rural landscape and would result in an expansion of Leek into this sensitive landscape beyond the defined ridge to the west which screens views of Leek from the north and east including from within the National Park. It would be viewed as an isolated and stand-alone development rather than being “well-related to the existing settlement of Leek”. It would adversely harm the high quality character and appearance of the local and wider landscape. This harm is not addressed by the reduced size of the site, suggested design measures or suggested landscaping and management of landscaping features. There is as such conflict with Policy DC3 and SS5 of Staffordshire Moorlands Core Strategy DPD which seek to resist development which would harm the character of the local and wider landscape or setting of a settlement or adversely affect the wider setting of the Peak District National Park. The NPPF also confirms at Paragraph 172 that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks. It is also noteworthy that The Planning Practice Guidance (PPG) confirms that land within the setting of NPs often makes an important contribution to maintaining their natural beauty.**
- 2. 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 it is considered that the benefits of the provision of housing, including the social and economic benefits are significantly and demonstrably outweighed by the environmental harm to the character and appearance of the area including the setting of the Peak District National Park. As such the proposal does not deliver sustainable development and there is conflict with Policy SS1a of Staffordshire Moorlands Core Strategy DPD and the NPPF.**

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.

