

APPENDIX

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

19th October 2023

Application No:	SMD/2021/0113	
Location	Land at Bridge End, Macclesfield Road, Leek	
Proposal	Erection of five detached, single storey five bedroomed dwelling houses.	
Applicant	Urban Nu Ltd	
Agent	Rob Duncan	
Parish/ward	Leek	Date registered 06/04/2021
If you have a question about this report please contact: John Copestake john.copestake@staffordshiremoorlands.gov.uk		

REFERRAL

This is a locally contentious application. In addition, an application for very similar development on this site has previously been considered by Committee.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to conditions and Section 106 Agreement
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site extends to 1.48ha of previously developed land, comprising two disused reservoir basins associated with a former dye works. The basins take the form of relatively large indentations into the land covered with black butyl lining. The site is now generally greened over by informal vegetation.

The site is bound immediately to the south, and at a lower level, by houses in Bridge End and a chemical works situated on the outskirts of the town of Leek. To the north-west is the Leek Cricket Club. The site is otherwise bound by agricultural land.

The cobbled access track and land immediately adjacent to it falls within a Tree Protection Order [TPO]. A Public Right of Way [PRoW] from Abbey Green passes through the southeastern corner of the site to terminate at Bridge End. For the purposes of the Saved Local Plan boundaries, the site partly falls within the defined development boundary for Leek, with the land beyond the PRoW to the southeast which is designated as open countryside.

3. DESCRIPTION OF THE PROPOSAL

3.1 Full planning permission is sought for the erection of 12 single storey dwellings, made up of four semi-detached units and eight detached. As in previous applications, vehicular access would be taken from the existing track leading up from Bridge End via the Macclesfield Road (A523).

3.2 Each plot features off-road parking and relatively large gardens. The separation distances between the dwellings and any existing buildings exceeds minimum standards. The proposal includes indicative details of landscaping throughout the scheme, including boundary planting intended to soften visual impacts.

3.3 The proposal also includes a relatively large area of space for the creation of new tree and meadow planting, as well as for a pond, to the east of the area for houses. This area would also be used for a range of habitat enhancements, including bat and bird boxes. The scheme would deliver a 13% uplift in terms of biodiversity net gain, as well as 34% uplift in hedgerow units.

3.4 It is important to note that planning permission was previously granted in March 2018 for the erection of eleven dwellings on this site, by way of reserved matters application SMD/2013/1099. The most notable differences between these schemes relate to:

- The addition of one dwelling;
- The dwellings now being more evenly spread across the site, with greater separation distances and larger gardens;
- Changes to the design, layout and materials of the dwellings, including changes secured during the lifetime of this application in response to officer advice to improve the relationship with the established local character; and,
- Improvements to the drainage proposals in response to discussions with the LLFA.

3.5 Full details of the application including submissions and representations can be viewed at: <http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145952>

4. RELEVANT PLANNING HISTORY

SMD/2017/0696 - Reserved matters relating to access, appearance, landscaping and scale relating to SMD/2013/1099. Approved with conditions 15th March 2018.

SMD/2013/1099 - Erection of 11 dwellings - Allowed at Appeal 23rd October 2014.

SMD/2012/0822 - Erection of 11 dwellings – Refused.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted Sept 2020)

SS 1	Development Principle
DC1	Design
DC 2	Heritage
DC 3	Landscape
SS 5	Leek Area Strategy
SS 12	Planning Obligations and Community Infrastructure Levy
SD 1	Sustainable Use of Resources
SD 2	Renewable and Low Carbon Energy
SD 3	Sustainability Measures in Development
SD 4	Pollution and Water Quality
SD 5	Flood Risk
H 1	New Housing Development
H 2	Housing Allocations
H 3	Affordable and Local Needs Housing
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodlands and Hedgerows
T 1	Development and Sustainable Transport
T 2	Other Sustainable Transport Measures

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Site notice published	Expired
Neighbour Notification	Expired

6.1 A total of (8) letters of objection have been received (with additional letters received from the same objectors), which are summarised as follows:

- The scheme should include the full length of access track from Macclesfield Road;
- The existing access track already becomes congested at certain times, notably including when the local football and hockey teams have events;
- The existing access track is not suitable for increased traffic;
- The existing access track is used for car parking, bin storage and play space by existing residents – this would be lost, causing inconvenience;
- Existing waste collection arrangements would be harmed;
- The track has historic significance – this would be harmed by the development;
- The development will increase flood risk;
- There is a community-built flood defense on the track – this would be impacted by the development;
- The development may impact ground stability in the area, affecting buildings and the footpath;
- The development will harm the privacy of existing residents;

- The development will harm wildlife;
- There has been a material change of circumstances since the 2013 appeal decision and 2017 reserved matters decision (updates to NPPF; new Local Plan; change to 5YHLS position; increased car ownership of existing residents); and,
- Assertion that site notices were not displayed (*officer confirmed that site notices were displayed. LPA is required to send letters or display a site notice – the requirement was exceeded by carrying out both of these*);

Environment Agency

No objection, with the following comments provided:

Groundwater & Contamination

The following comments relate solely to the protection of 'Controlled Waters'. Matters relating to Human Health should be directed to the relevant department of the Local Authority.

Reference to the 1:50,000 scale geological map Sheet 111 (Buxton) indicates that the site is located on Triassic Sherwood Sandstone which is designated a 'Principal Aquifer' by the Environment Agency. Superficial deposits of Glacial Till are indicated for the site which are designated as 'Unproductive Strata' by the Environment Agency. Furthermore, the site is located within Source Protection Zone 3. The River Churnet is located 150 metres to the south of the site.

The information submitted with the application indicates that the site is occupied by two redundant reservoirs pits which received clean water from the River Churnet only. This water is understood to have been gravity fed to the former textiles works on the 'Churnet Works' site. Such land use has limited potential to have caused contamination which may be impacting 'Controlled Waters' receptors. Consequently we have no requirement for any intrusive investigation of the site.

It should be noted that in accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 184), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination, not assessed by virtue of this report/project, subsequently become apparent responsibility remains with these parties.

Flood Risk & Drainage

The site of the proposed development is shown on our indicative flood maps to be located within Flood Zone 1. Flood Zone 1 is an area of land with a low probability of flooding as defined in Table 1 of the Planning Practice Guidance.

Any concerns in relation to flood risk are therefore solely in respect of surface water drainage. Nevertheless, given that the site is less than 1 hectare in size we have no detailed comments to make.

Environmental Health:

Potential Areas Of Environmental Concern.

1. Noise
 - a. Construction
 - b. Importation of fill material /stabilisation/ vehicle movement
 - c. Post Construction

2. Dust/Air Quality
 - a. Construction
 - b. Importation of fill material/ vehicle movement

3. Contamination
 - a. Importation of fill material/
 - b. Unexpected Contamination

4. Waste (advisory)

General Comments for smd/2013/1009 remain relevant

Please note acoustic standards have been updated since original application in 2013 so any noise assessment should take account .

Contamination: The EA has removed its previous objection to the proposal as it has been demonstrated that the only former use of the site is, in effect a clean water store. However, in order to fill the void of the reservoir will require the importation of significant quantities of fill material/ topsoil? This material should be tested to ensure it is suitable for its proposed use.

Dust: General It is not clear exactly how much material will be required to be imported to fill the reservoir such that it can be used to build on. There would seem significant potential for dust nuisance on site:

Noise and vibration: From a noise point of view there is the potential for noise causing adverse amenity issues for future residents of this site without appropriate mitigation and/or sound insulation being installed at the properties. A site specific noise assessment should be provided for this proposal with an appropriate scheme for mitigation.

The assessment should at least take account of road noise from A523, nearby industrial workings and the Cricket Clubhouse. The assessment should take account of the relevant guidance for such as BS 4142:2014 and other guidance available at the time of assessment in the absence of PPG24.

The submitted scheme shall have due regard for the British Standard 8233:1999 (Sound insulation and noise reduction for buildings - Code of Practice), PROPG; New Residential Development and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dB LAeq in indoor living areas and less than 55 dB LAeq in outdoor living areas.

The proposed development is near existing properties so care needs to be taken during construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties. In particular the large amount of imported material required and the impact which large vehicle movements, piling and general construction/demolition noise will have on nearby noise sensitive properties should be considered. There should also be due regard for the vibration impacts which may occur during the construction phase.

Recommendation and Conditions

If planning is granted the conditions as set out by the inspector in the Appeal Decision APP/B3438/A/14/2223254 should be placed on any permission granted. Specifically from an Environmental Health perspective conditions – 10, 11, 12, 15, 16, 17 and 18.

Highways

Site Visit Conducted on: 05-Jan-2022

No objection, subject to conditions:

1. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall, to direct surface water away from the existing dwellings in Bridge End and prevent surface water flowing onto the highway, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
2. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development. 2 The development hereby permitted shall not be brought into use until the access road from A523 to the site has been resurfaced/reconstructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The access road shall thereafter be reconstructed in accordance with the approved details.
3. No development shall take place, including any demolition works, until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include: - Suitability of access route for largest anticipated vehicles. - Arrangements for the parking of site operatives. - Loading and unloading of plant and materials. - Storage of plant and materials used in constructing the development - Construction & delivery hours - wheel wash and means to

prevent mud being deposited on the highway; - arrangements for mechanical road sweeper in the event mud is deposited on the highway.

4. Prior to commencement of site operations wheel cleaning/ washing facilities shall be provided within the site in accordance with details to be first submitted to and approved in writing by the local planning authority. The approved facility shall be utilised by all vehicles leaving the site.

Reasons (for all conditions): To comply with NPPF Paragraph 108; to comply with SMDC Local plan Policy DC1 and T1; in the interests of highway safety.

Informative: This consent will require approval under Section 7 of the Staffordshire Act 1983 and as it is to remain private, will require exemption under Section 219 of the Highways Act 1980. Please see:

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

and contact Staffordshire County Council at road.adoptions@staffordshire.gov.uk to ensure that approvals and exemptions are secured before commencement of works. As the road is to remain private, a maintenance management company will be required for maintenance of the road.

The following comments and queries were also provided:

Bridge End is a private/unadopted road. The applicant should satisfy themselves that they have the appropriate rights and permissions to carry out works to Bridge End; that they have appropriate right of access; that they have rights and permissions to use Bridge End for construction vehicles.

SMD/2013/1099 was allowed on appeal. The inspector included a condition to reconstruct the access road between A523 and the site boundary.

As it is a private road, the reconstruction should be agreed with fronting owners.

Details should be included in section 7 technical approval submission.

Access width is not stated but scales as between 4.8m and 5m wide. This is adequate for two cars to pass or a car and a HCV to pass with care

Leek Town Council

Object. Nothing in this application has overcome previous refusals. Loss of local amenity and access issues.

LLFA

No objection, subject to the condition and informative detailed below. This followed initial objections, resulting in meetings between the applicant and LLFA, subsequent amendments and this final position of no objection.

Recommended condition: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Statement and Surface Water Management Report (Rev D, July 2023) which includes the following documents:

- Drawing No. 12553/31 (Rev P4, 18/07/2023) – Surface Water Management Layout Sheet 1 of 2.
- Drawing No. 12553/32 (Rev P4, 18/07/2023) – Surface Water Management Layout Sheet 2 of 2.
- Drawing No. 12553/33 (Rev P3, 24/04/2023) – Surface Water Management Details.

This should include the following mitigation measures as outlined in the Flood Risk Statement and Surface Water Management Report (Rev D, July 2023):

- Limiting the discharge rate into the River Churnet to the runoff rate of 3.1 l/s for all storms up to and including the 1 in 100 year +40% Climate Change.
- Provision of attenuation pond with attenuation volume 367m³ , to store surface water for all storms up to and including the 1 in 100 year +40% climate change storm event with 300mm freeboard.
- Provision of a granular trench around the perimeter of the site as shown on Drawing No's Drawing No. 12553/31 (Rev P4, 18/07/2023) and 12553/32 (Rev P4, 18/07/2023) to intercept overland flow routes from outside of the development boundary and convey around the site to prevent overland flows discharging into the site and to reduce flood risk to the existing track.
- Finished floor levels to be set higher than the external level.
- Ensure residential development is located outside of areas of significant flooding. Page 3.

Thereafter the drainage scheme shall be maintained in accordance with the submitted maintenance plan as detailed in Section 13 of the Flood Risk Statement and Surface Water Management Report (Rev D, July 2023). Details of the body appointed to maintain the surface water system over the lifetime of the development should be provided to the Lead Local Flood Authority (LLFA).

Reason: To reduce the risk of surface water flooding to the development and properties downstream and to ensure the submitted management and maintenance plan is in place for the lifetime of the development.

Informative: Developer to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure flood risk is not increased prior to the completion of the approved drainage strategy.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction.

The following comments were provided:

“We have reviewed the submitted information including the updated Flood Risk Statement and Surface Water Management Report (Rev D, dated July 2023) and email from the applicant dated 19/07/2023 and we are now satisfied with the

submitted proposals and have no objection to the granting of planning permission. We would however recommend that the following condition below is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents and Staffordshire County Council's SUDS Handbook."

Minerals and Waste

Confirmation provided of no comments to make due to the scheme not meeting any relevant thresholds.

PRoW – Ramblers Association and Peak & Northern Footpath Society

No objection, with the following comments provided:

Comment that Leek Town footpath 6 may be affected whilst development is taking place. All care should be taken to keep the footpath open during work, or an alternative route provided.

Comment that PROW Leek 6 is within the proposed site. The plans and application form indicate that this ROW is to be retained, however, use of the PROW and the safety of users must not be affected by the development, nor during the work taking place. Nothing in this response should be taken to imply support for the development.

Schools Service

No objection, with no requirement for an education contribution.

The following comments were provided:

I would advise that the above planning application would not result in an education contribution and is therefore acceptable from an education perspective. The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated. The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision. Based on the location of the proposed development we have considered the impact on school places at the following school(s):

- Westwood First School
- St. Edward's Church of England Academy
- Westwood College

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;

- Net capacity/funding agreement of the schools;
- Pupil projections which include housing allocations in an emerging Local Plan.

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 12 dwellings would require 2 first school places, 1 middle school place and 1 secondary place and 0 Post 16 places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 5 year groups for First, 4 for Middle, 3 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers in line with our Staffordshire Education Infrastructure Contributions Policy.

There are projected to be a sufficient number of school places to mitigate the impact of this development at first, middle and secondary phases of education.

Please note that we reserve the right to amend this response should circumstances materially change from this analysis to the point that education contributions are finalised within the S106 Agreement.

Services Development Officer (open space, equipped play and sports provision)

No objection, subject to contributions/legal agreement as follows:

- Play area: £549.25 x number of bedrooms;
- Playing pitches: £685.23 x number of bedrooms; and,
- Details of management of open space.

The triggers for the payments of these payments would be at 10% occupancy. The off-site contributions would be used at sites within a 2 mile radius of the development site.

The following comments were provided:

On-site play and open space provision

The application suggests that there is no on-site play provision included within the development area. None would be required on a development of this size.

There is an area of open space shown as “nature reserve” which seems to have an access point at the end of the footpath for pedestrians. Access to the nature reserve area would be welcomed, although the management of this area is unclear. We would recommend that appropriate measures are in place to monitor the site for health and safety issues if the public are permitted to access this area.

Active design

The site is relatively small and as such opportunities for on-site Active Design are limited. There is a link footpath to a new “nature reserve” which is going to give some opportunity for the residents to access open space very close to their properties. This will give a good opportunity for them to go for a walk as long as there is suitable management of the nature reserve to promote this activity.

The site is situated on the edge of Leek and as such there are good local amenities within close proximity, which can be accessed on foot and not require using a motor vehicle. The A523 Macclesfield Road is located just a short distance away and has bus stop which can be used to access Leek town centre and bus station for onward travel or to Macclesfield.

Lastly, there are plenty of opportunities for longer walks to be promoted. There is a public right of way running adjacent to the site, which can be used to access areas such as Rudyard Lake in one direction and Tittesworth Reservoir in another.

Severn Trent Water

No objection, subject to conditions for the following matters:

- 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; and,
- 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.

Staffordshire Police

No objection raised, with suggested informative:

For online advice on construction site security, the applicant's attention is directed to the following publications from recognised bodies:

- Construction Site Security – A Guide (British Security Industry Association)
- Construction Site Security Guide 2021 (Secured by Design)

Detailed comments and advice provided (with amendments secured to the scheme following receipt of these comments):

The previous consultation response from Staffordshire Police in relation to earlier layout proposals drew attention to perceived weaknesses, notably dwellings that did not adequately address the access road and the lack of overlooking of it from habitable rooms. While there is still room for improvement, the revised site layout appears much improved. Dwellings will undoubtedly better address the road and include active frontages, and better relate to one another providing scope for a closer-knit community. Alas plots 7 and 8 will have no habitable rooms at the front, which would be preferable in terms of improving natural surveillance over the road. Rear parking is provided between plots 10 and 11 although the gables of these dwellings that could provide some overlooking of this space or the approach to it are blank. It would be beneficial in terms of security for side windows to be added.

Hedging has been included to protect certain more vulnerable rear garden boundaries, which is welcomed. Whilst acknowledging the rural setting, according to

the Revised Boundary Treatments and Landscaping Plan, certain other rear gardens boundaries do not appear sufficiently intruder-resistant. The rear garden boundary of plot 5 bordering the footpath/access track to the nature reserve will only comprise 1.5m high post and rail fence. This could render this dwelling unnecessarily vulnerable. At the very least, defensive hedging should be planted and maintained along this boundary to enhance protection. Similarly the section of plots 4's rear garden boundary that will border this footpath/access track will only comprise a 1.2m high stone wall, which will provide minimal obstacle to unauthorised intrusion. Raising the height of this wall and reinforcing it either internally or externally with protective hedging could reduce vulnerability to some degree without unduly impacting upon the general aesthetics.

In terms of providing a secure environment, it should not be possible for unauthorised access to be easily gained from the front of dwellings to the private rear gardens (where the majority of burglaries take place). 1.8m high fencing and lockable gating (ideally located as close to the front of the building line as possible) are conventionally used to deny this. Unfortunately, the Revised Boundary Treatments and Landscaping Plan suggests that could be some distinct shortcomings in this regard. The annotated plan is in fact rather unclear on the nature and height of certain of these boundaries. It is recommended that suitable amendments are made (where required) to ensure that unauthorised access from the front to the rear gardens is adequately denied.

Whether post and rail fencing will be a suitable means of subdividing the rear gardens will need to be assessed. Certainly in terms of security, privacy and nuisance (for example, dog roaming) this seems doubtful.

It is acknowledged that the ability for residents to have direct and level access to the open space/nature reserve (and views) to the east will be very beneficial. Of course, the footpath link has the potential to undermine the defensible space of the development by admitting outsiders. Assuming it is accurate, it is very pleasing to note that a locked gate is shown at either end of this footpath on the revised Boundary Treatments and Landscaping Plan. Gates of suitable height and non-climb design, which are access controlled (operable by residents only) reinforced by appropriate signage could provide an appropriate level of control and substantially reduce any perceived vulnerability.

In terms of the dwellings themselves, the applicant is advised that from the viewpoint of Staffordshire Police and undoubtedly for the long-term benefit of the future residents, it would be highly desirable for the dwellings to meet the minimum physical security requirements contained within the Secured by Design Homes 2019 design guide (or any later published version). Specifically this would be external doorsets and ground floor/accessible windows (and ideally garage doorsets), which have been tested and importantly, possess third party certification from a UKAS-accreditation body to a recognised manual attack-resistant security standard. This would be one further significant way in which the applicant could seek to design out criminal opportunity. Such third party certified doorsets and windows are widely available and provide a proven and demonstrable level of manual attack-resistance, whereas non-certified products offer no such assurance, and introduce an easily avoided and unnecessary vulnerability. As well as providing comprehensive

information about aspects of physical security including security standards, the Homes 2019 design guide contains a raft of other information including security-related layout considerations, which could benefit the applicant. For the above reasons, their attention is directed to it.

The revised site layout is generally an improvement upon the previously submitted version, although certainly aspects of the boundary treatments in particular warrant clarification and uprating in terms of intruder-resistance where perceived deficiencies exist. There may also be some opportunity to improve overlooking of the public space from certain dwellings.

Staffordshire Wildlife Trust

No objection, subject to conditions for the following matters:

1. Detailed landscaping, habitat enhancement, species mitigation measures including replacement features for reptiles, birds, bats and invertebrates. Updated biodiversity metric 4.0 with revised baseline and proposed habitat maps;
2. 30 year Landscape and Ecology Management and Monitoring plan;
3. Pre commencement badger check, and bat checks of trees to be felled;
4. Reptile/ amphibian and nesting bird precautions method statement;
5. Detailed surface water drainage scheme; and,
6. Bat sensitive lighting scheme.

The following comments were provided:

"Biodiversity Net Gain

Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development.'

The submitted Biodiversity Impact Assessment requires updating, but given the areas involved shows that it will be possible to achieve a net gain with the additional land to the east being enhanced.

The baseline habitat map is not up to date as it does not show the whole of the proposed off-site enhancement area. Aerial photographs, views from Streetview and local knowledge suggest that the steep slope at the eastern edge of the mitigation area is likely to be unimproved or semi-improved grassland of existing biodiversity value and so tree planting here would be inappropriate. However, the main part of the field does have potential to be enhanced and the general design is suitable, and could be finessed to maximise gains. The proposed development site layout and landscaping has changed slightly from that shown in the BNG assessment, and SuDs features may also need to be included.

We support the comments of Steve Massey, Arboricultural Officer (16th May 2023) and these need to be incorporated into a final detailed landscaping / habitat scheme.

Overall, we feel that a net gain is achievable with the combined on and off-site areas. An updated assessment and enhancement plan, using the now adopted metric 4.0. and providing an accurate baseline habitat map and revised post intervention habitat map, should be secured via condition. A site visit to agree the final design would be beneficial.

A 30-year habitat management and monitoring plan will also be required.

Drainage and SuDS

The proposed surface drainage scheme plans do not show the whole site and does not appear to include the existing access road –it is not clear whether this is proposed to be altered. The access road would need to include drains and avoid flooding of properties. An underground storage tank may be necessary under the road as space is limited.

For the main development infiltration, permeable surfaces, water butts and a balancing pond are mentioned as suitable features and discharge is proposed to the River Churnet. As long as flood volumes are balanced and the local flood authority is supportive, a detailed drainage scheme should be secured via condition.

Great crested newts

The eDNA survey reported no evidence of GCN in the one pond that was able to be surveyed. No further action is required, but a general method statement for site clearance with precautions for amphibians and reptiles should be sought via condition.

Bats

The PEA concluded that mature trees on the site had no potential for bat roosts, but advised further surveys. Generally speaking tree roosts are difficult to identify, and it is best to examine the trees shortly before felling, and if necessary gain a licence and soft-fell the trees. This is usual practice and given the low suitability of most trees, with correct mitigation, bat boxes and if necessary retaining roost features from any felled trees and re-using these, requirements for bats can be satisfied. Therefore, I would recommend that a pre-commencement condition is put in place that requires any mature trees to be felled are checked for bat roosts prior to felling.

A sympathetic lighting scheme should also be secured via condition.

Badgers

A pre-commencement check for any badger activity should be made a condition.

Recommendations in the PEA for species enhancement should be included within a detailed landscaping plan.”

Trees

No objection, subject to conditions and minor amendments to be secured as part of the detailed landscaping scheme, relating to the following matters:

1. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds;
2. Notwithstanding the provisions of Condition 1, all existing hedgerows to the boundaries of the application site shall be permanently retained;
3. The first action on commencement of development, prior to any further action (including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees and hedgerows to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Tree Heritage Ltd arboricultural report reference THL-R21-42 dated 1st April 2021 submitted in support of the application hereby approved, and these 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;
4. Before the first occupation of the development hereby approved, the existing chainlink fencing to the north-east and south-east boundaries of the housing development part of the site shall be carefully removed using hand tools only so as to avoid causing any significant damage to the existing hedgerows along these same boundaries; and,
5. Notwithstanding any indication on the plans hereby approved, before the commencement of development (including any site clearance, site stripping, site establishment and formation or improvement of site access) a comprehensive, fully specified landscaping scheme shall be submitted to and approved by the LPA, relating to both the main residential development area and the proposed “nature reserve” to the east. Such a scheme shall in particular provide, inter alia, for the planting of several hedgerow trees of suitable native species within the existing hedgerow along the south-eastern half of the north-eastern boundary of the residential development area and within the proposed new native hedgerows along the footpath link from the turning head, together with substantial groups of new trees at the eastern end of Plots 5 and 6. The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and other planting, giving specification for

species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

The following comments were provided:

Impact on Trees

In making the following comments, I have taken into account Sammons Architectural Ltd "Sketch Proposal Site Plan" Drg. No. 2022-2683-01 Rev C dated March 2022 which I understand to be the most up to date site layout proposal, in conjunction with the Elite Ecology "New Habitat Map" dated 09/02/2022 (although the housing are layout on the New Habitat Map differs in some minor details).

As per previous applications for development of this site, a 5m wide access road is proposed following the existing sunken carriage track from the top of Bridgend. Again, other than very minor impact on a few of the trees lining the track (which are generally situated back from the track bed and above the exposed rockface or retaining wall) and/or potential removal of one or two low to poor quality trees at the very edge of the track/proposed roadway, the access arrangements into the main body of the site would have very little impact on the trees either side (which are protected as Groups G15 and G16 under TPO SM.305).

Within the main body of the site proposed for the residential development itself, the site access road, dwelling/garage footprints and private drives/parking areas would all be located outside the Root Protection Areas of retained trees, and given implementation of suitable temporary tree protection measures from the outset of construction this layout would have no significant direct impact on these trees. Furthermore, there would be good to generous separation between existing trees and elevations of all proposed dwellings, which would help to avoid or minimise any significant indirect effects such as excessive shading, overbearing impact on dwelling outlook etc and therefore the proposed layout would be unlikely to give rise to substantial pressure for felling or heavy reduction of retained trees.

On this basis, the proposed layout is considered acceptable and I have no objection to this application on grounds of impact on or relationship with trees.

Visual Impact

The site occupies a hilltop plateau visible from open countryside to the east and north-east, and also directly ahead from A523 Mill Street when heading north-west from the town centre towards Churnet Works. Although within the Town Development Boundary, and with an Inspector for a previous appeal in relation to this site suggesting that hilltop development is characteristic of Leek, if where visible the proposed development would not be seen against or as an attached part of the

existing urban landscape, but as a separate detached pocket of development in/against rural landscape. Therefore if approved, the development should include new landscaping provision to screen/filter views and reduce visual impact as seen from these viewpoints to the north-east, east and south-east of the site.

To this end, the site plan shows an indication of tree and hedge planting within the housing development area, but this is not specified in any detail, and a comprehensive landscaping plan would be required by condition in the event of planning permission being granted. As part of this, the opportunity should be taken to introduce some suitable native hedgerow trees into the existing hedge along the south-eastern half of the north-eastern boundary of the site (around 6 – 8 in total, irregularly spaced and positioned with care in relation to the outlook from principal windows), and into the proposed new hedging lining the footpath link between Plots 5 & 6. I would also suggest that any planning permission should require removal of the existing semi-dilapidated chainlink boundary fencing which has an inappropriate utilitarian/industrial character for this rural edge location and would surely also be considered undesirable as domestic garden boundary for new dwellings with a rural outlook. However, any such removal would need to be carried out with great care, and by manual methods only, in order to avoid removal or significant damage to the existing hedgerows along these boundaries which are critical to be retained.

The New Habitat Map shows a substantial area to the east of the main development area which is proposed for habitat enhancement including woodland and scrub planting, wildflower meadow and ponds. Whilst this is supported, most of the structural planting (i.e. woodland and scrub) would actually be located on the steeply sloping banks below the summit plateau, and therefore even when established and mature this vegetation will have relatively little functional value as screening of the residential development itself. In addition, when looking towards the site when travelling along Mill Street/Macclesfield Road, the “nature reserve” area would be off-set to the right and would not provide any screening function. It would therefore be useful and desirable for the site landscaping scheme to include for a significant structural planting element (principally suitable trees) at the eastern ends of Plots 5 & 6. There is some indicative representation of this on both the New Habitat Map and the application site plan, but again this needs to be to suitable detailed specification as part of a comprehensive landscaping scheme.

Comments on proposed Landscape/Habitat details

Whilst still not comprising a detailed landscaping scheme specification sufficient to approve as a landscaping scheme as it stands at this stage, the submitted Initial Biodiversity Impact Assessment and Biodiversity Enhancement Strategy includes within Section 6 (Habitat Creation and Management) species suggestions and typical species mixes, on which I have some comments:

6.1.1 Mixed Scrub – Alder Buckthorn, Box and Buckthorn are not characteristic of this area and should not be included; Beech and Wild Cherry are large woodland trees rather than “scrub” and the shade from an established Beech in particular will suppress and eliminate more suitable species around it, so these should also be omitted. Suggested species for scrub would be Hawthorn, Blackthorn, Dog Rose, Bramble and perhaps the occasional Rowan and Silver Birch.

6.1.2. Scattered Trees – some fruit trees within plot gardens as included would be beneficial and this is supported. Walnut is not a “small tree species” at maturity but nevertheless the odd one or two within gardens would be good, although these should be located with regard to potential mature size. Probably best to omit Sycamore (although it is anyway very common in the area, but not the most desirable garden tree for deliberate planting. Common Ash (*Fraxinus excelsior*) is commercially unavailable and inappropriate due to Ash Dieback disease; this could be usefully replaced by Mountain Ash/Rowan.

Above comments on detail of landscaping and visual impact, if not addressed by amendments prior to determination, can be readily incorporated into a subsequent landscaping scheme secured by condition and therefore these comments need not delay determination of this application.

Public Access

Public Footpath No. 6 (Leek Parish) crosses the western-most corner of the proposed “nature reserve” plot of land and should at all times remain unobstructed and available for use. Therefore any new planting and plot/site boundaries should make allowance for this statutory access. In practice, the actual definitive line of the footpath in this location, closely following the field boundary has become overgrown and more or less impassable, in favour of a very well defined desire-line route which has developed just a few metres further to the east to arrive at the stile into the field to the immediate north-east of the disused reservoir enclosed plot, and it may be better to accept the inevitability of this route continuing and therefore also make due allowance when carrying out new landscaping/planting etc, notwithstanding that the definitive line of the footpath must remain available.

There is also a well-defined but unofficial circular route around the edge of the plateau within the “nature reserve” section of the site – well used by dog walkers, local runners etc and again it may be wise to accept the continued use of this route in carrying out the proposed habitat enhancement measures.

Waste

No objection. A request for bin storage to be shown and confirmation that a refuse vehicle could turn at the end of the new road was made, with the information provided in response by the applicant.

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of Development

7.1 This site lies within the development boundary of Leek. Policy SS 5 of the adopted Local plan sets out the strategy for Leek. It confirms that the consolidation of Leek as the principal service centre will be achieved in part by continuing to meet the housing needs of Leek by supporting the development of new housing on sustainable sites within the development boundary. This site is in a sustainable

location within the development boundary. The principle of development is therefore acceptable.

7.2 Furthermore, previous extant consent for very similar development on the site (application refs. SMD/2013/1099 and SMD/2017/0696) established the principle of residential development on the site, with the same access arrangements. Notably, this was allowed on appeal, with the Inspector's report providing further guidance and referenced as appropriate within this recommendation. The extant permission represents the applicant's fallback position. This fallback position is a material consideration of some weight.

7.3 It is considered that this proposed scheme would deliver a better standard of design, layout and ecological benefits, in comparison to the extant scheme and when assessed against material planning considerations.

Layout and Design

7.4 The site occupies an elevated position, visible from a number of vantage points within the local area. However, at appeal, the restriction of houses to the western part of the site, with landscaping throughout and substantially within the eastern part of the site, would enable the visual impact to be adequately mitigated. This opinion is further supported by the consultation response from the Tree Officer which includes detailed comments about landscape impacts. Once the proposed new trees and shrubs have matured, the visual impact of development on the site would be further mitigated. Furthermore, development on the top of hills is a feature of the town of Leek, whose town centre itself occupies such a location.

7.5 Accordingly, it was considered that it would be neither unusual nor detrimental for further development to occur in such a location. Any adverse impacts of this development would be of a low order of magnitude having regard to the appearance of the area. The scheme would therefore be acceptable in the terms of CS Policy DC3 'Landscape and Settlements'.

7.6 The scheme of dwellings would introduce a suburban development with a uniform house type of bungalows with relatively larger gardens and substantial areas of open space with new planting, including new trees. The design and layout of the scheme has been amended in response to officer comments throughout the lifetime of the application, to secure further improvements to the extant scheme. Notably, the house types have been amended to improve the roof form, elevational details and materials. The design will have a relatively neutral, domestic appearance, with no overbearing built form. Accordingly, the scheme would comply with CS Policies H1 'New Housing Development' and DC1 'Design Considerations'.

Highways and Parking

7.7 As in previous applications, vehicular access to the site would be taken from Bridge End along a private/unadopted road leading from the Macclesfield Road (A523) to the site. Each dwelling would benefit from off-road parking.

7.8 The Local Highway Authority has considered the application. They raise no objection to the application subject to typical conditions for this type of development. This follows a relatively extensive period of liaison between the applicant and the Highways teams to ensure that the proposals were suitable, notably in terms of drainage and parking arrangements. This is in part in recognition of the numerous concerns raised by residents as to the suitability of the access track. The LHA is now satisfied that there are no grounds for raising an objection and that subject to the proposed conditions, the site could be safely and appropriately served by the proposed access arrangements. Furthermore, these matters have been previously assessed and found to be acceptable both by the Inspector in the 2013 appeal and subsequently by the Council at the reserved matters stage and in the 2018 application is 2018.

7.9 It is noted that any grant of planning permission would not override any land ownership or access legal matters.

7.10 Subject to conditions, the proposed development would be in compliance with relevant parts of policies T1 and DC1.

Ecology

7.11 The Staffordshire Wildlife Trust Ecology Officer has confirmed the acceptability of the submitted ecological survey report, landscaping proposals and biodiversity net gain calculations. This acknowledges that habitats on site are of local importance, in particular scrub and woodland. The proposals include extensive areas of meadow and woodland planting which would result in a 13% biodiversity net gain uplift and a 34% uplift in hedgerow units. This uplift clearly exceeds the 10% uplift which will be required for small sites such as this from April 2024 and far exceeds current adopted policy. In this regard, the proposed development will deliver significant enhancements to biodiversity. Furthermore, in accordance with the recommendations in the submitted ecology reports, the proposed landscaping plans have been updated to include details of habitat improvements, including bat and birds boxes.

7.12 The level of detail provided at this stage exceeds that typically found ahead of determination, whereby landscaping details and habitat creation would typically be secured via condition. This is in recognition of the sensitivity of the site, with the applicant aiming to demonstrate robustly how enhancement will be secured. Some further details typically secured by condition are indeed included in the draft conditions, including include measures to protect badgers and hedgehogs during construction, a lighting plan to minimise light spill around buildings to protect bats and no development during the bird nesting season unless otherwise surveyed.

7.13 Accordingly, the scheme would therefore be acceptable in the terms of CS Policy NE1 'Biodiversity and Geological Resources'.

Flood Risk and Drainage

7.14 Whilst smaller housing sites do not automatically warrant the submission of detailed drainage reports and consultation with the LLFA, it is noted that there is

evidence of drainage issues in the area of the site. On this basis, the LLFA and Severn Trent were consulted. The application is supported by technical drainage plans and reports, notably including a Flood Risk Statement and Surface Water Management Report. The applicant engaged in extensive discussions with the LLFA and Local Highway Authority, in order to design the scheme to ensure that water would be appropriately managed on site, so as not to increase risk of flooding on or off the site.

7.15 The consultees have raised no objections, subject to a range of conditions. Notably, the LLFA agree with the strategy set out in the submitted technical documents that the drainage scheme shall limit discharge rate into the River Churnet to the specified runoff rate and that the attenuation pond to store surface water for all storms up to and including the 1 in 100 year +40% climate change storm event shall be installed.

7.16 The conditions also include that the LLFA shall be provided with details of the body appointed to maintain the surface water system over the lifetime of the development, so that suitable action can be taken should any issues arise.

7.17 The proposed scheme would comply with the relevant parts of CS Policies DC1 and SD4 and the NPPF.

Affordable housing

7.18 Policy H3 of the Local Plan sets out that residential development of 10 or more dwellings shall provide 33% on site affordable housing, or an offsite commuted sum where this approach is justified. The proposal includes the provision of four affordable dwellings on site, to be secured via s106 agreement. The proposed development would therefore contribute positively to the local area by providing affordable housing and would comply with the local plan in this regard.

Developer contributions

7.19 The proposal includes the provision of four affordable houses on site. In addition, consultees have requested contributions for:

- Local play provision: £549.25 x number of bedrooms; and,
- Local playing pitches: £685.23 x number of bedrooms.

7.20 The proposal is for these to be secured via s106, which would also include management details for landscaping and drainage infrastructure.

8. Planning Balance & Conclusions

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced within the NPPF. The NPPF is a material consideration to which substantial weight should be attached.

8.2 The NPPF sets out that 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 NPPF as a whole.

8.3 The site lies within the Leek development boundary, in a sustainable location with access to local goods and services. Approval for the residential development of this site was previously granted through appeal in 2013. Since then, the proposal has been amended as a result of extensive discussions and negotiations with the Local Planning Authority and consultees, notably including the Local Highway Authority and Lead Local Flood Authority. There have been no objections raised to the proposals, as amended and subject to conditions.

8.4 Notably, the proposal has been amended to make more efficient use of the site by delivering more housing, whilst also improving the design and layout. The scheme also includes extensive new habitat creation and would deliver significant biodiversity net gain uplift.

8.5 Neighbour objections mainly relate to the principle of development, the suitability of the access and flood risk. Each of these has been appropriately considered and it is clear that no material reasons relating to these or any other objections exist. Indeed, the proposed development would clearly deliver economic, social and environmental benefits, with suitable mitigation for any harm.

8.6 For these reasons, the proposed development should be approved, subject to the proposed conditions and legal agreement.

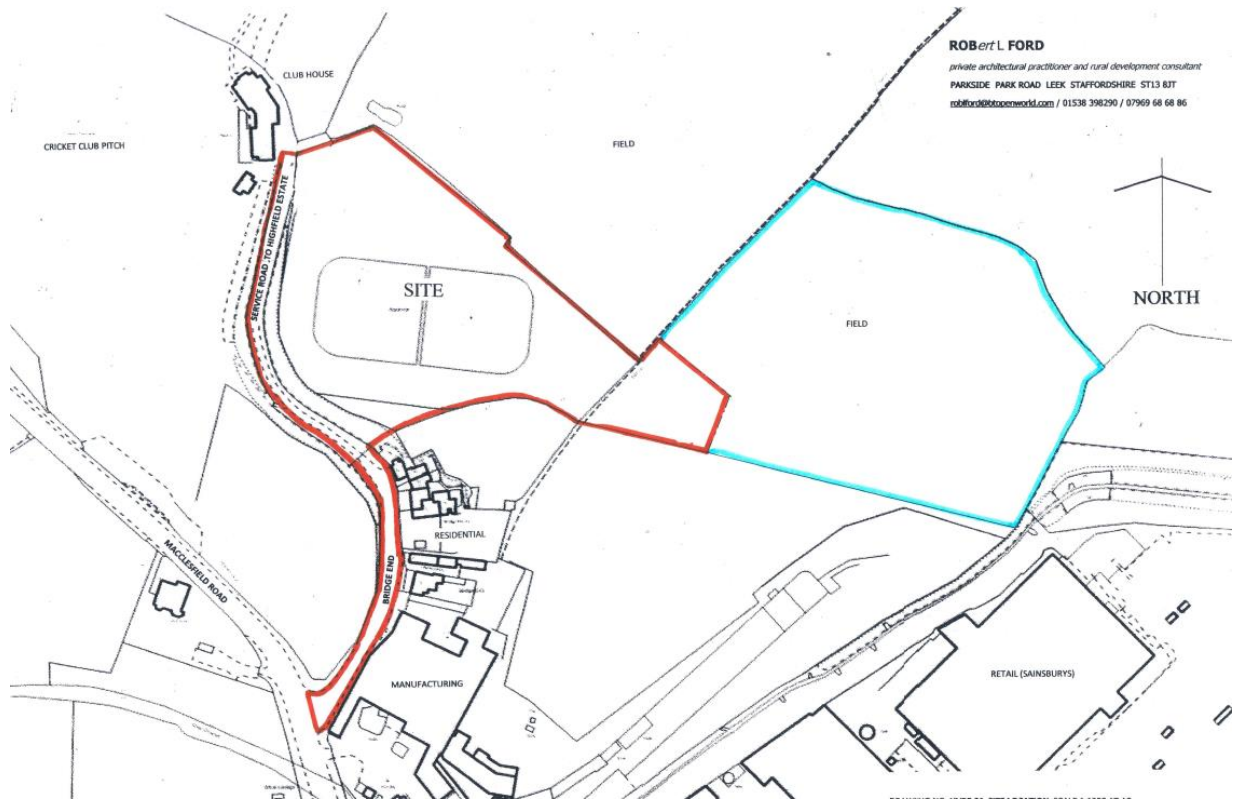
9. RECOMMENDATION

A. That planning permission be APPROVED subject to completion of a Section 106 Agreement to secure:

- **Four affordable dwellings;**
- **Play area: £549.25 x number of bedrooms;**
- **Playing pitches: £685.23 x number of bedrooms; and,**
- **Details of management of open space and drainage system.**

And conditions as set out in the update report to follow.

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.



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