

DELEGATED REPORT

FILE REFERENCE: SMD/2014/0544

MAIN ISSUES:

Principle of Development; Layout & Design; Flood Risk; Ecology; Highway Safety

PUBLICITY/REPRESENTATIONS:

Site Notice / Press Notice: 6 representations of objection have been received, summarised as follows: Wainhomes have not completed the current estate and should not be allowed to start another development; access to the site is not viable, highway safety concerns and associated noise and disturbance and application site was reserved for industrial units. A single support has been received, stating that although part of the application site is greenfield, it is of no aesthetic quality. Further, the site may require remediation following its previous use.

Local Highway Authority: No objections to the revised scheme subject to conditions. Reference is made to the scheme providing a vehicular access to the land at the rear in relation to the MCR application.

Staffordshire County Council (Education): Request £160,179 towards education provision.

Environment Agency: No objections subject to conditions concerning flood risk, groundwater & contamination and Biodiversity. We refer to your e-mails of 19 and 27 August 2015 and our meeting of 20 August 2015. Our objection as detailed in our previous response (UT/2015/114530/01-L01) centred on the fact that the existing flood storage area fell outside of the 'red-line' planning application boundary on land that was not within the applicant's control. The expansion of this facility is a key part of the proposed flood mitigation strategy and without it there is no technically feasible solution to allow for the development to go ahead. However, we have since been informed that the local planning authority is willing to accept a Grampian condition in respect of the use of third party land for flood storage. As such, our objection to this application can be removed.

Clarity has also been provided by the applicant/agent in regard to the outfall of water from the storage area. The existing 600mm pipe will be abandoned and a new pipe will be installed which runs around the perimeter of the site therefore avoiding any of the properties proposed. Whilst we consider this approach acceptable in principle, the Lead Local Flood Authority (Staffordshire County Council) must be consulted in regard to the onsite surface water drainage arrangements. We are fully aware that they have raised concerns previously over the dual use of the storage area in accommodating both fluvial flood compensation and stormwater water attenuation in one device. They have also asked for clarification on issues relating to the future management/maintenance of this facility as well as health and safety measures given the size of the proposed structure. One item that remains outstanding is the potential impact of the re-routing of the Leek Brook on the existing foul sewer. The applicant should liaise with Severn Trent Water over this matter at their earliest convenience.

We are now therefore in a position to be able to recommend approval of this application providing that the conditions listed below are attached to any permission granted. As previously stated, we have reviewed and approved the 1D-2D hydraulic model which shows that this development will not lead to increased levels of flood risk on/off site subject to mitigation. It is essential that this mitigation is carried out prior to the commencement of any other development (including the raising of ground levels). Without this, our objection to this application would be maintained.

Staffordshire County Council (Flood Risk Management Team): Object. It is understood that the fluvial flood risk mitigation for the development has been discussed at length and a scheme modelled and submitted to the Environment Agency. Although we still have concerns as to the proposed fluvial mitigation and its efficiency, it is up to the Environment Agency as flood risk management authority to advise on fluvial risk, the submitted modelling and effects upon Leek Brook as Main River. The proposed development is unacceptable because of the proposed drainage design. In particular: (1.) The proposed flood storage area is sited outside of the red line boundary and occupies land not currently within the Applicant's control. We would need confidence that this is a viable solution else any granted permission may be unachievable. (2.) The proposal advocates a dual usage pond to accommodate fluvial volumetric compensation and stormwater balancing in one device, outside of the application site. The pond is liable to already be full of floodwater and unable to fulfil its purpose as stormwater attenuation when in flood conditions.

Severn Trent Water: No objections subject to approval of drainage plans for the disposal of surface water and foul sewage.

Countryside Officer: Object. In summary: The site plan suggests the proposed layout is overdeveloped with no space for corridors of hawthorn-willow-birch-woodland as a biodiversity enhancement. Wet woodland is a Staffordshire and UK priority biodiversity habitat. This type of woodland can support Birds of Conservation Concern as defined by as defined by the Royal Society for the Protection of Birds / British Trust for Ornithology. (RSPB / BTO). Submitted plans do not provide an outline or detailed landscaping scheme.

Trees and Woodlands Officer: Object. The proposed layout would represent an over-development of the site, in that it does not make provision or opportunity for any worthwhile structural landscape treatment which would address the need for mitigation and enhancement of landscape and habitat / ecology.

Environmental Health Officer: Previously recommended refusal of the application, as insufficient information had been provided by the applicant concerning land contamination and the existing noise conditions to satisfactorily demonstrate that the proposed site is suitable for a reasonable development. Noise concerns have been addressed with an assessment and proposed unit specific mitigation. Further contamination information has been reviewed. This would remove the previous objection, however, a full and further detailed contamination study would be required if the application was granted.

Horticultural Officer: A financial contribution towards off-site sports provision would be required.

Housing Officer: The application offers 33% on-site affordable housing, 16 affordable properties, which meets with the Core Strategy planning policy H2 mandatory contribution. The type, tenure and positioning of the affordable properties throughout the site would need to be agreed with Housing Strategy Services. There is greater demand for smaller sized affordable housing properties so for instance revisions are suggested to the proposed 4x2bed and 12x3 bed affordable properties. With 30% of total affordable properties to be intermediate home ownership such as shared ownership and remaining 70% rented. A suggested affordable housing mix is provided with preference for smaller sized accommodation. This takes into account existing social housing stock within the area, downsizing requirements associated with Welfare Reforms and Moorlands Homechoice Choice Based Lettings demand for Leekfrith.

CASE OFFICER ASSESSMENT:

The revised scheme seeks full planning permission for 45 dwellings (reduced from 48) at land off Wardle Gardens, Leekbrook.

At paragraph 14, the Framework says that where the relevant development plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. To set the context, Leekbrook is identified as a small village within CS Policy SS6b whereby housing development will be provided on the basis that it meets a local need, including affordable housing. Within the Site Options Consultation Booklet (July 2015), the estimated housing need for 2011 – 2031 is 5 dwellings. Clearly, the CS (Core Strategy) Policies that regulate the supply and location of housing are out of date.

CS Policy T1 states that the Council will promote and support development which reduces the reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plan, where this is consistent with other policies. Paragraph 34 of the Framework says that decisions should ensure developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 of the Framework identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Paragraphs 94 and 95 of the Framework in discussing climate change, also state that local authorities should adopt proactive strategies that plan for new development in locations and ways that reduce greenhouse gas emissions.

Within Leekbrook itself, there is a general store and public house. The Transport Statement confirms that the two nearest existing bus stops to the site are both within a 400m walking distance and are located on both sides of the A520. Table 4.1 shows that these stops are served by the numbers 16 and 436 bus routes which provide regular services to destinations including Leek, Werrington and Hanley. In these respects, it is agreed that the application site is adequately served by public transport. Leek Town Centre is within a 3km radius of the site and can be reached by cycle. The application site is within walking distance to some sources of employment. Whilst the proposal does not offer a reasonable walking distance to a local primary school being St. Edwards CE First and Junior School, the existence of a frequent bus service, coupled with the application site's location in proximity to services and facilities would encourage the use of public transport / cycling, rather than the use of motor vehicles. As a consequence, the proposal, on balance, is considered to be a sustainable and accessible location. The provision of much housing, including affordable housing and its associated economic and social benefits can be afforded significant weight in a situation of housing under supply within the district.

Turning to the other aspect of para 14 of the Framework, which at footnote 9 refers to examples of where 'specific policies in the Framework indicate development should be restricted', including 'locations at risk of flooding' where the presumption in favour of sustainable development does not apply.

The application site falls within Flood Zones 2 and 3a defined as having a 'medium' and 'high' probability of flooding. Parts of this site are also within Flood Zone 3b – the functional floodplain. The development type in the proposed application is classified as 'More Vulnerable' in accordance with Table 2 Paragraph 66 of the NPPG. 'More Vulnerable' development is only appropriate in Flood Zone 3a following the application of the Sequential Test and where the Exception Test has been applied in full and passed. Under no circumstance is 'More Vulnerable' development considered appropriate within Flood Zone 3b. The Environment Agency confirms that the revised submitted Flood Risk Assessment (FRA) now demonstrates that the site can be safely and sustainably redeveloped.

The County Flood Risk Management Team, however, raise objections to the proposal as it advocates a dual usage pond to accommodate fluvial volumetric compensation and stormwater balancing in one device. The pond is liable to already be full of floodwater and unable to fulfil its purpose as stormwater attenuation when in flood conditions. On this basis, the proposal does not provide a scheme that is designed and controlled to mitigate against the potential impact of the development on flooding elsewhere contrary to CS Policy SD4 'Pollution and Flood Risk' and the Framework, particularly Chapter 10. In these circumstances, the Framework presumption in favour of sustainable development (para 14) does not apply in relation to development in locations at risk of flooding. The proposal is considered satisfactory on matters of noise pollution and contamination, subject to conditions as confirmed by the Council's Environmental Health Team.

The Framework encourages economic growth and the creation of employment opportunities. Para 22 of the Framework states: 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'. CS Policy E2 'Existing Employment Areas' seeks to safeguard existing employment sites relating to Use Classes B1, B2 and B8. Notwithstanding the requirements of the existing permission securing employment use, the application site forms part of the previous Joshua Wardle site and is considered to be an employment area that is well located to the main road / public transport network, is physically and viably capable of providing through redevelopment, good quality modern accommodation attractive to the market without harm to the amenity of nearby residents and is capable of meeting a range of employment uses to support the local economy and in these respects is protected for such purposes by CS Policy E2.

CS Policy E2 states that the redevelopment of such areas for housing etc. will not be permitted unless: the site is identified in the Site Allocations DPD for redevelopment or it can be demonstrated that the site would not be suitable or viable for continued employment use having regard to the above criteria and evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future or substantial planning benefits would be achieved through redevelopment, which would outweigh the loss of the site for employment use.

In response to the Council's concerns, the applicant states: *'The application site fails to meet the requirements of the first bullet point because it is not well located to a main road for employment purposes. Any vehicular traffic would have to travel along Wardle Gardens to get to the site from the main road; Wardle Gardens is an unmarked residential street which does not restrict on-street parking. It is considered that B1, B2 or B8 operators would immediately see this as a significant restriction and this renders policy E2 as non-applicable to the application site. The inadequate access also prevents the site from providing accommodation that would be attractive to the market. Furthermore, the proximity of the site to existing residential properties would result in numerous restrictions being applied with regard opening/operating hours to ensure there is no harm to the amenity of residents ... Having regard to the fact that the site has not come forward for employment purposes since permission was granted 11 years ago and the significant need for deliverable residential development, it is considered that the site should not be afforded protection by the LPA. To summarise, it is considered that policy E2 should not be applied. If the LPA disagrees with this, then it is considered that the substantial benefits of the proposals, including providing much needed housing, are overriding factors in favour of the proposals'.*

Of note, the 2003 outline permission provided for a 'possible employment access' via Leekbrook Way on Council owned land. Fundamentally, however, the application site is capable of meeting the criteria of CS Policy E2 and clearly there is no robust evidence before the Council to demonstrate that the application site would not be attractive to these employment uses nor has there been any consideration of a mixed use redevelopment scheme. In these circumstances, the loss of this employment area therefore has not been adequately justified by the applicant and would be contrary to the Framework and the objectives of Policy E2.

There is a commitment from the applicant to provide affordable housing. Any s106 would need to provide for a suitable unit size to reflect the comments of the Council's Housing Officer. Matters of financial contributions required towards education and formal sports provision have not yet been agreed between the applicant and the Council. In the event of any approval, these matters would need to be satisfactorily secured before issuing any permission.

Policy H1 'New Housing Development' states that all housing development should be at the most appropriate density compatible with the site and its location and with the character of the surrounding area. This is further reflected within Policy DC1 'Design Consideration'. Policy DC1 further states that new development should be designed to respect the site and its surroundings and promote a positive sense of place. Also, the Government attaches great importance to the design of the built environment. Paragraph 56 of the Framework makes it clear that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Whilst it is not appropriate to impose architectural styles or particular tastes, it is proper to seek to promote or reinforce local distinctiveness. The Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The application is supported by a tree survey report. The Council's Trees and Woodlands Officer has commented upon the submission and he refers to relevant background where appropriate.

The application site is the remaining undeveloped part of the wider site of the former Joshua Wardle dye works, for which outline planning permission was granted in 2003 for mixed residential and industrial development (ref: 03/01097/OUT_MJ). The illustrative layout plan for the 2003 outline application showed a sketch layout indication of industrial units and access roads on what is now the site of the current residential application. In turn, this industrial development layout, albeit only indicative, showed a reasonably substantial area of proposed "greenspace" at the western corner, together with indications of tree planting and buffer planting to site and plot boundaries. Until recently, the current application site was largely covered in well-established secondary woodland, mainly comprising self-set Willow, Birch and Hawthorn. This was considered to be largely of poor quality individually, but collectively of significance both visually and for habitat value. There were also some better quality early-mature Oaks within the woodland edge around the northern boundary of the site.

The site was cleared of all tree cover during September 2013. Whilst loss of most, at least, of the existing tree cover was anticipated and effectively accepted by the outline planning permission, removal at this stage was considered somewhat premature given that there were no reserved matters or full application plans then submitted, and some areas of existing tree cover particularly near the site boundaries may potentially have been retained within a subsequent detailed development layout. The tree clearance carried out in 2013 generated concern from local residents, including an enquiry from the MP on behalf of one of her constituents. Enquiries with Wain Homes' (the applicant) established that full site clearance was apparently necessary to survey the site and carry out detailed investigations related to ground conditions and contamination and would be anticipated to be also necessary to remediate the anticipated contamination issues. The Trees Officer suggested to Wain Homes' that the Council would be expecting the detailed / reserved matters application to be accompanied by a full landscaping scheme and that this should make provision for substantial new planting in the form of buffer planting to screen between proposed industrial and existing residential areas.

The application is supported by a tree survey report. There are a few self-set Willow saplings along the bank of the brook at the southern boundary of the application site. Otherwise, the tree report refers only to existing trees within the retained woodland area adjacent to the north-east boundary of the application site. The applicant's tree report states that most trees in the adjacent woodland are at 3m distance and the report suggests would be largely defined and protected by the existing fence. The Trees Officer observes, however, that there are several trees with stem positions within 0.5m of the boundary fence. Previously, it was observed that these are mostly located alongside the proposed positions of Plots 41 and 42 and just to the north of the corner of the proposed house at Plot 40. These dwellings would, therefore, encroach within the RPAs of these trees and would be likely to cause damage to roots. Concerning the revised scheme, the inappropriate close proximity of dwellings to the retained (but disintegrating) woodland edge along the north-east boundary (plots 40, 41 and 42 should now be taken as plots 36, 37 and 38) remain. Overall, residential development is proposed inappropriately close to the edge of a wooded site, with dwellings within 1.5m of tree stems, there is potential further damage to trees and potential concerns over tree safety with dwellings that close.

The applicant's Design and Access Statement states: 'It is proposed that landscaping be conditioned. But it is anticipated that the landscaping scheme will result in the built development being significantly softened throughout the site'. It is considered the proposed layout fills the application site with plots (dwellings / private garden space / private drives / garages) and the estate road network and in these respects makes an efficient use of the site. Previously, it was suggested by the Officer that there was no provision for any strategic or incidental open space areas and consequently there was no space available for any form of substantial structural landscaping to mitigate for the woodland trees lost or for any meaningful enhancement. In particular, the Trees Officer suggests that space should be allowed for: some woodland edge reinforcement of native tree / shrub species along the north-eastern edge of the site; a substantial native woodland belt buffer / screen around the northern side of the site and landscape treatment of the indicated riverside path along the northern bank of the brook between the application site and the previous Wardle Gardens residential development.

A further comment on the proposed layout relates to Plots 10 – 28 which would present a continuous, harsh and abrupt edge to the development adjacent to, effectively and in planning terms, open countryside adjacent to the north-west boundary of the site. Again, there is no opportunity for structural landscaping to enable a more appropriate and graduated transition. However, given that the land just beyond the north-west boundary of the site comprises a Severn Trent Water access track with a wooded embankment to the Churnet Valley / Cauldon Line railways beyond, this issue may be considered to be of less importance and less concern than those set out above. The revised plan does not overcome previous concerns in respect of a limited opportunity / space for meaningful on-plot landscaping within the development. The harsh abrupt development boundary to open countryside to the north-west boundary (except that the previous references in my memo to plots 10 - 28 should now be taken as plots 8 – 24, but the spatial issues are the same) has not been addressed.

The revised layout, however, has resulted in the accommodation of a wider corridor (varying from approximately 5m minimum to 14m maximum width from plot boundary fences to indicated top of watercourse bank) alongside the watercourse at the southern boundary with the existing Wardle Gardens residential development. This would allow more space to include some reasonable landscaping (to subsequent detail by condition if planning permission is granted) aimed at enhancing the landscape and ecological habitat value of the watercourse corridor along the informal footpath linking to the peripheral open space of the existing Wardle Gardens housing development. It would also help greatly in avoiding this corridor route being narrow, enclosed and intimidating.

National planning policy dictates that at the heart of its core principles, planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is further re-iterated in CS Policy DC1, which seeks to protect the residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. There are no concerns raised of the relationship of the proposal to adjoining dwellings / buildings to ensure a good standard of amenity for all existing and future occupants of land and buildings to accord with such requirements in relation to CS Policies H1 and DC1 and the Framework more generally.

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

The Council's Countryside Officer has assessed the submitted technical reports and has made the following observations. An extended Phase I Ecological Assessment (dated November 2013) was carried out and submitted with the application. The report recommended a further water vole surveys. A further survey was carried out in 2014 for otter and water vole. No signs of water voles or otters were found. Two invasive plant species, Japanese knotweed and Himalayan balsam were identified on site. These are listed under schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) and would require a management plan during development works to comply with current legislation.

The Officer states that until recently, the current application site was covered in well-established secondary woodland, mainly comprising self-set willow, birch and hawthorn of significance as a wildlife habitat. There were also some better quality early-mature oaks trees within the woodland edge on the northern boundary of the site. The ecological assessment introduction indicates the aim is to 'provide recommendations for maintaining net biodiversity value at the site and where opportunities may exist to provide biodiversity enhancement'. No detailed recommendations or opportunities, however, are identified in the ecological report design or Design and Access Statement. He states that the layout is a dense continuous development, with no space for biodiversity enhancement conflicting with the intended aim of the ecological assessment. Furthermore, no indicative or detailed landscaping scheme is provided.

The site is located close to a number of Sites of Biological Importance (SBI) sites. Soils Wood SBI is almost immediately west of the site linked by a small section of woodland. The Countryside Officer recommends extending the woodland by creating a corridor of alder-hawthorn, willow- silver birch woodland along the north-west boundary of the site and southern boundary would effectively increase the area of woodland. In addition, he states this would allow linkage of the small woodland block on the north-eastern edge of the site with Soils Wood SBI. Where this would be in keeping with the Lawton principle of bigger more joined up habitat patches. Larger continuous woodland blocks support more diverse faunal communities. Woodland Birds of Conservation Concern as defined by the RSPB / BTO such as red listed willow tit and amber listed species such as willow warbler may benefit from the creation of larger woodland blocks.

It is also considered that planting would soften the development from a visual perspective and more trees through the development would have benefits in ameliorating climate. The Countryside Officer discusses that Green infrastructure such as tree planting can help to reduce the increased heating effect created in built development whereby 'Evapotranspiration' from trees will cause local cooling rainwater storage and infiltration. Overall, it is evident that the proposal does not provide any compensatory / biodiversity enhancements.

Overall, the proposed layout is overdeveloped with no space for corridors of hawthorn-willow-birch-woodland as a biodiversity enhancement / mitigation. Wet woodland is a Staffordshire and UK priority biodiversity habitat. This type of woodland can support Birds of Conservation Concern as defined by the Royal Society for the Protection of Birds / British Trust for Ornithology. Evidently, the proposal would represent an over-development of the site, which does not make provision or opportunity for any worthwhile structural landscape treatment which would address the need for mitigation and enhancement of landscape and habitat / ecology. In this sense, the proposal is not considered to be of high quality, it has not been designed to respect the site and its surroundings, neither would it promote a positive sense of place and the maintenance, enhancement, restoration and re-creation of biodiversity contrary to CS Policies SS1, H1, DC1 and NE1 in particular and the Framework.

The application has been time extended to deal with matters of Environment Agency Flood Risk, however, surface water flood risk, ecology and design / layout concerns remain.

Overall, the valuable contribution that the proposal would make towards meeting the need for houses, including affordable dwellings does not clearly outweigh the substantial harm that is identified above.

Accordingly, the proposal is recommended for refusal.

RECOMMENDATION: REFUSE

Date 17/09/2015

Signed _____
Rachael Simpkin

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date

Signed _____