



Planning, Design and Access Statement

Residential development – Land off Wardle Gardens,
Leekbrook, Leek, Staffordshire, ST13 7AR

for Wainhomes (North West) Ltd

16-003

Project : 16-003
Site address : Land off Wardle Garden,
Leekbrook, Leek,
Staffordshire, ST13 7AR
Client : Wainhomes (North West)
Ltd
Date : 05 June 2017
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Contents:

1. Introduction	1
2. The application	2
3. Context	3
4. Relevant planning history	4
5. Policy context	7
6. Planning considerations: Housing Land Considerations	10
7. Planning Considerations: Employment Land Considerations	17
8. Other Planning Considerations	25
9. There are a range of significant material benefits to the proposals and the planning balance results overwhelmingly in a proposal that accords with paragraph 14 of the NPPF	26
10. Design and Access	30
11. Summary and Conclusions	32

1. Introduction

- 1.1 This Planning Statement is submitted on behalf of Wainhomes (North West) Ltd in support of a planning application for the erection of 41 dwellings at land off Wardle Gardens, Leekbrook, Leek.
- 1.2 The application is a re-submission of planning application for 45 dwellings reference SMD/2014/0544 which was refused in September 2015. This revised application seeks to overcome the reasons for refusal associated with the earlier scheme.
- 1.3 This statement demonstrates that the application proposals represent sustainable development for the purposes of the NPPF and that there is a presumption in favour of granting planning permission accordingly.

2. The application

- 2.1 The application seeks full planning permission for the erection of 41 dwellings at land off Wardle Gardens, Leekbrook.
- 2.2 The dwellings would be served from the existing vehicular access onto Cheadle Road via the existing Wardle Gardens residential development. A pedestrian/cycle link would be provided to connect the site with land to the north and the proposed railway station. This would also provide a link for the existing residents of Wardle Gardens.
- 2.3 The site layout has been revised to incorporate a flood attenuation pond and as a result the number of dwellings has reduced to 41.
- 2.4 The application includes 14 affordable homes (33%).

3. Context

Site location and description

- 3.1 The site is approximately 1.6 hectares in size. It is situated within the Leekbrook settlement boundary as shown on the Local Plan Proposals Map, approximately 1.5 miles to the south of Leek.
- 3.2 The site comprises both previously developed land and greenfield land and was historically part of the former Joshua Wardle industrial site. The redevelopment of the wider Joshua Wardle site was approved in 2003 and 2004 (see below).
- 3.3 The application site has been redundant since the former works was demolished to enable the approved residential development to be constructed. It adjoins the established industrial area known as the Leekbrook Estate to the north and east, residential development granted permission under application reference 04/00194/FUL to the south and the railway line to the west.
- 3.4 Leekbrook has a number of services and facilities including the employment site, public house and newsagent. The site is also within easy walking distance of bus stops along Cheadle Road.

4. Relevant planning history

4.1 The relevant planning history is summarised below.

Outline application for residential development (00/01086) – withdrawn 2003

4.2 This application proposed the development of part of the site for residential development. The Joshua Wardle factory was to remain with a separate access from a new road from the industrial estate. The local planning authority resolved to grant consent in May 2001. Joshua Wardle went into administration in 2003 and the application was subsequently withdrawn.

Application for new access road at Joshua Wardle - approved 15 May 2001

4.3 This application sought consent for the new access road to serve the Joshua Wardle factory which was proposed to remain in operation as part of the above application. The access was to be taken across the site subject to this application.

Application for residential development and industrial at Joshua Wardle, Leek Road (03/01097/OUT) - Approved 10 December 2003

4.4 This outline application was for the redevelopment of the Joshua Wardle factory for 4.7 ha of residential and 1.8 hectares of industrial development. The northern quarter of the site (the site now subject to this planning application together with some council owned land) was proposed for light industrial use. The applicant proposed a buffer zone along the northern boundary of the site which would separate the proposed industrial and existing residential uses.

4.5 The committee report stated that:

“The redevelopment of the industrial site for a mixed use housing and light industrial development is acceptable in planning policy terms since the site has an employment use history and is within the town development boundary.”

4.6 The outline permission made no requirement for the industrial element to come forward at the same time as the residential development.

Reserved matters approval for residential development at Joshua Wardle, Leek Road (04/00194/REM) – Approved 1.10.2004.

- 4.7 This application sought approval of reserved matters for the residential development approved by outline permission 03/01097/OUT. The housing development involved the construction of 188 dwellings on the site.
- 4.8 The application was first reported to planning committee in June 2004. In recommending approval, the report states at paragraph 4 that:

“The housing development will be built on a site within the urban area of Leek with good transport corridors. The site is accessible to jobs, shops and a range of local services. There are employment opportunities within the immediate area and limited facilities such as a public house, shops and garages. The site is also on a local bus route. The close proximity of the employment uses and the residential area proposed will create a mixed-use area which is supported in principle by government guidance.”

- 4.9 No application for the approval of reserved matters for the industrial element of the scheme was ever made. The reasons for this are set out in the planning considerations section below.

Erection of 45 dwellings at Land off Wardle Gardens, Leekbrook, Leek (SMD/2014/0544) – Refused 17.9.2015.

- 4.10 Planning application SMD/2014/0544 for the erection of 45 dwellings on the application site was refused in 2015 for four reasons:
1. The proposal would result in the loss of an existing employment site, at a time when there is a shortfall in the supply of such sites.
 2. The proposed layout does not provide for wet woodland corridors as a biodiversity enhancement/mitigation.
 3. The proposal does not provide a scheme that is designed and controlled to mitigate against the effects of the development on flooding elsewhere.
 4. The impacts of the development would be adverse and would significantly and demonstrably outweigh the benefits of the residential scheme.

Other relevant history

4.11 Other relevant planning history includes:

- Substitution of house types on approved residential scheme (04/00194/FUL) – Approved 2004.
- Substitution of house types on plot 4 (08/01611/FUL) Approved 23 October 2008
- Substitution of house types on plots 126-136 and 149-154 (08/01759/FUL) – Approved 30 December 2008.
- Substitution of house types on plots 126-136 and 149-154 (09/00462/FUL) – Approved 5 August 2009.
- Substitution of house types on plots 136-152 (09/01005/FUL) – Refused 9 December 2009.
- Substitution of house types on plots 118-125 (09/0186/FUL) – Approved 16 February 2010.
- Substitution of house types on plots 84-86 – Approved 12 February 2010.

5. Policy context

5.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires application for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations in planning decisions.

National Planning Policy Framework (NPPF)

5.2 The NPPF states that there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking.

5.3 Paragraph 14 explains that for decision taking this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting permission 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 development should be restricted.

5.4 The relevant sections of the NPPF are discussed in the following section of this statement.

Development plan context

5.5 The development plan for this site comprises the Staffordshire Moorlands Core Strategy (adopted 26 March 2014), the Biddulph Town Centre Area Action Plan and the saved policies of the Staffordshire County Council and Minerals Waste Local Plans.

5.6 The development boundaries and Green Belt boundaries within the 1998 adopted Staffordshire Moorlands Local Plan are still in force until such time as they are reviewed as part of the Site Allocations Document.

Staffordshire Moorlands Core Strategy (2014)

5.7 The Core Strategy provides the framework for other future Local Plan documents which will then identify specific sites for development in the District (the Site Allocations DPD).

5.8 The following policies are referred to on the decision notice for the 2014 application:

- E2: Existing Employment Areas.
- SS1: Development Principles.
- SS1a: Presumption in favour of sustainable development.
- SS3: Distribution of development.
- SS6c: Other Rural Areas Area Strategy.
- SS7: Churnet Valley Area Strategy.
- H1: New housing development.
- DC1: Design considerations.
- DC3: Landscape and Settlement Setting.
- C3: Green Infrastructure
- NE1: Biodiversity and geological resources.
- SD4: Pollution and flood risk.

5.9 Other relevant policies which are discussed later in the statement comprise:

- SO1: Spatial Objectives.
- SS2: Future provision of development.
- SS4: Managing the release of housing land.
- SS5a: Leek area strategy.
- SS6: Rural areas.
- SS6b: Smaller villages strategy.
- SD1: Sustainable use of resources.
- SD3: Carbon-saving measures in development.
- H2: Affordable and local needs housing.
- C1: Creating sustainable communities.
- C2: Sport, recreation and open space.

- T1: Development and sustainable transport.

Staffordshire Moorlands Local Plan (1998)

- 5.10 The development boundaries of the 1998 Local Plan are still in force. The site is identified as being within the Leekbrook defined settlement boundary. There is no specific designation for the site.

Other Material Considerations

Emerging Local Plan

- 5.11 Staffordshire Moorlands Council is currently preparing a new Local Plan. A preferred options Site and Boundaries Plan was published for consultation between April and June 2016.
- 5.12 The 2016 consultation document indicates the exclusion of the application site from the settlement boundary and its inclusion within the open countryside. The site is not proposed for an employment allocation. A proposed extension to the east of the existing Leekbrook employment area of 7.66 hectares is indicated (EM2) together with a further allocation for up to 1.67 hectares (ADD09).

Strategic Housing Land Availability Assessment (2015)

- 5.13 The site is identified in the 2015 SHLAA under reference 1834, SMDC ref LB003. The site is identified as available now, unsuitable for development due to the loss of employment use and other weaknesses/constraints and potentially viable. It is identified as being undeliverable for residential development.

Other relevant documents

- 5.14 Other relevant documents include:
- Employment Land Study 2006 prepared by Atkins.
 - Employment Land Study Update 2008 prepared by Atkins.
 - Employment Land Requirement Study for High Peak and Staffordshire Moorlands 2014 prepared by NLP.
 - Update to NLP Employment Land Requirement Study September 2014.

- Strategic Housing Market Assessment 2014.

6. Planning considerations: Housing Land Considerations

- 6.1 The NPPF provides a clear framework of ensuring a deliverable housing land supply. Paragraph 47 sets out the actions local planning authorities are required to take to significantly boost the supply of housing. Local authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.2 Paragraph 49 confirms that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Staffordshire Moorlands Housing Position

- 6.3 Policy SS2 – Future Provision for Development states that provision will be made for 6,000 additional dwellings (net of demolitions) during the period 2006 to 2026. This proposes an average annual development rate of 220 in 2006 rising to 400 from 2021.
- 6.4 The Council currently accepts that it cannot demonstrate a deliverable five year housing land supply as required by paragraph 47 of the NPPF.
- 6.5 The Staffordshire Moorlands Housing Delivery Schedule dated 31st April 2016 indicates that the council has a 1.87 years supply. This is consistent with the conclusions of the Inspector dealing with the January 2016 appeal decision at Land off Milltown Way, Leek (APP/B3438/W/15/3005261). The Inspector commented that the Council considers it has a 1.84 year deliverable supply of housing against its five year target. These calculations do not apply the 20% buffer to shortfall. If this were to be done, the Inspector commented that the supply figure would fall to some 1.7 years.
- 6.6 As the council cannot demonstrate a five year housing supply on an up to date development plan, paragraph 49 of the NPPF is engaged and relevant policies for the supply of housing

cannot be considered to be up-to-date. In accord with paragraph 14 unless adverse impacts that would significantly and demonstrably outweigh the benefits can be demonstrated then the presumption is that planning permission ought to be granted.

- 6.7 The interpretation of paragraphs 49 and 14 was clarified by the Supreme Court's Judgment in the case of Suffolk Coastal/Richborough Estates. This clarified that 'relevant policies for the supply of housing' in paragraph 49 of the NPPF refers only to 'housing supply policies' not policies affecting the supply of housing. Consequently, policies of the development plan which relate not to housing supply but to countryside protection are not relevant policies for the supply of housing. However, since the primary purpose of paragraph 49 is to act as a trigger for the presumption in paragraph 14, even if a policy is not a relevant policy for the supply of housing, in the event of a shortfall in the five year supply, the pressure for new land may mean in turn that other competing policies will need to be given less weight in accordance with the tilted balance.
- 6.8 The benefits and impacts of the proposal are addressed in subsequent sections below and our conclusions on this matter are addressed in the planning balance section.

Core Strategy housing policies

- 6.9 The site comprises a mixed previously developed and greenfield site situated within the defined settlement boundary of Leekbrook. The site is subject to no specific designation.
- 6.10 The Core Strategy Policies that are of most relevance to the principle of residential development on this site are SS2, SS3, SS4, SS5a, SS6, SS6b and H1.
- 6.11 Policy SS2 (future provision of development), Policy SS3 (distribution of development) and Policy SS4 (managing the release of housing land) are relevant policies for the supply of housing and therefore out-of-date.
- 6.12 Policy SS5a (Leek strategy area) serves a number of purposes, one of which is to provide for the supply of housing in the Leek area and as such remains a 'relevant policy for the supply of housing'. The same conclusion can be reached for Policy SS6 (Rural Areas) and Policy SS6b (smaller villages area strategy).

- 6.13 Policy H1 seeks to ensure that an appropriate range and type of housing is provided which meets identified needs arising from changes in population structure and is therefore a 'relevant policy for the supply of housing'.
- 6.14 Notwithstanding this, we assess the proposals against these policies below.
- 6.15 Core Strategy Policy SS6b identifies Leekbrook as a smaller village. These settlements shall provide only for appropriate development which enhances community vitality or meets a local social or economic need. The policy states that local community, social or economic need will be met by enabling new housing development which meets a local need, including affordable housing (in accordance with Policy H2).
- 6.16 Policy SS6 – Rural Areas is also of relevance. It defines rural areas as larger villages, smaller villages and other rural areas. Leekbrook would fall into the 'Rural Areas' category. The rural areas will provide for around 1,680 new dwellings and 7.2 hectares of employment land between 2006 and 2026 in accordance with the area strategies (Policy SS3 - the Distribution of Development is addressed confirms that 28% housing and 30% employment will be provided in the rural areas).
- 6.17 The explanatory text to policy SS6 states at paragraphs 8.1.65 and 8.1.66 that:

“Development on a large scale would be unsustainable in these villages, as it will generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. However, it is recognised that there is a need to meet local needs in these settlements. This will be strictly controlled, both in terms of its scale and type, in order to ensure that the character and life of the settlement is not undermined. Housing in particular will be required to meet a local need in terms of their size, type and tenure. This may include both open market housing and affordable housing.

...In order to guide development an Infill Development Boundary will be defined around these settlements within which appropriate development will be allowed. These boundaries will be more tightly drawn than Development Boundaries to accommodate infilling or redevelopment but to restrict peripheral expansion.”

- 6.18 The site falls within the adopted development boundary of Leekbrook so the principle of development on this site is acceptable. The 2016 Preferred Options Sites and Boundaries Consultation Document indicates that the council intends to exclude the application site from

the settlement boundary. Limited weight should be attached to this document at this stage. Notwithstanding this, in the absence of a five year supply of housing, the settlement boundaries and the Rural Areas policy should be given limited weight.

- 6.19 Policy SS6 c – Other Rural Areas Area Strategy which relates to the open countryside and Green Belts outside of the development and infill boundaries defined in the Site Allocations DPD, including those small settlements and dispersed developments is referred to on the decision notice for the refused scheme. As the site lies within the existing settlement boundary, this is not considered relevant to this application.
- 6.20 Whilst Leekbrook is identified as a smaller village within the rural areas, the strategic policy for the principle service centre in the District, Leek, is also of clearly of relevance. Whilst the site is within the defined smaller village of Leekbrook, it is only 1.5miles from Leek. Policy SS5a, Leek Area Strategy, considers it to be part of Leek and makes specific references to Leekbrook.
- 6.21 Policy SS3, the Distribution of Development indicates that Leek will accommodate 30% of both housing and employment. Policy SS5a seeks to consolidate the role of Leek as the principle service centre and market town and support its regeneration through 5 options. The first two of these are as follows:

1. *Continue to meet the housing and community needs of Leek and its rural hinterland by:*
 - o *Increasing the range of available and affordable house types, especially for first time buyers and older people;*
 - o *Allocating a range of deliverable housing sites both within the urban area and, on land adjacent to the urban area. Sites within the urban area shall be in locations across the town which have good accessibility to service and facilities with encouragement being given to previously developed (brownfield) sites. Sites on land adjacent to the urban area shall be in locations which relate well to the urban area, can be assimilated into the landscape, and would secure infrastructure improvements for the benefit of that part of the town. Sites for new housing development will be identified and phased through the Site Allocations DPD within the following broad locations and in the following priority order depending on the need for sites to be brought forward:*
 - *Within the urban area*
 - *Small urban extensions...*

2. Create employment growth and increase the diversity of employment opportunities to meet existing and future needs by:

- Supporting the retention and growth of Britannia Building Society and other existing business within the town.
- Providing opportunities for new enterprises and businesses by allocating employment sites with good access to the A520 and A53. Sites for new employment development will be identified and phased through the Site Allocations DPD within the following broad locations and in the following priority order depending on the need for sites to be brought forward:
 - Within the urban area
 - Churnet Works
 - Cornhill (EM1)
 - Leekbrook Industrial Estate.
- Improving and intensifying the use of existing employment areas at Barnfields and Leekbrook”

(only relevant parts of the policy have been quoted above).

6.22 The explanatory text for the policy states at paragraph 8.1.40 that:

“In order to deliver the housing requirements for Leek set out in Policy SS5 it is estimated that there will need to be a minimum of 797 additional dwellings provided on new allocated sites...In practical terms, this means providing for different types of housing development in a variety of locations including greenfield development on the edge of the urban areas.”

6.23 The application proposals would result in residential development on a site within a defined settlement boundary within Leekbrook.

6.24 Managing the Release of Housing Land is addressed in Policy SS4. The policy sets out how the council will manage the release of housing land in line with guidance in the NPPF. It states that:

“There will be a preference for previously developed land and sites within the urban areas before greenfield and edge of urban areas, other than where required to bring forward significant infrastructure needs or as set out in Policy SD1.”

- 6.25 The site is part previously developed, part greenfield land within the urban area. It would therefore meet the preference for the release of housing land.
- 6.26 Policy H1 – New Housing Development states that residential development and redevelopment on windfall sites will be permitted up to an indicative maximum of 9 dwellings within the Development Boundaries of the towns and larger villages and up to 5 dwellings within the infill boundaries of the smaller villages. Exceptionally, large windfall schemes may be permitted where it would provide over-riding affordable housing, regeneration, conservation or infrastructure benefits and it would not undermine delivery of the spatial strategy.
- 6.27 This site exceeds the indicative maximum of 9 dwellings identified in Policy H1. In light of the absence of a 5-year supply, the windfall scheme would provide over-riding benefits in terms of the delivery of both market and affordable homes and would not undermine the delivery of the spatial strategy.

Summary of housing land considerations

- 6.28 The council cannot demonstrate a 5 year supply of housing land therefore relevant policies for the supply of housing should not be considered to be up-to-date.
- 6.29 Notwithstanding this, the policy complies with the overall development strategy for the Staffordshire Moorlands. Whilst Leekbrook is identified as a smaller village, it is recognised as being a settlement which meets the community needs of Leek. Furthermore, it is situated within the defined settlement boundary of Leekbrook where infilling for new homes can be accommodated. There is a preference of previously developed land and sites within the urban areas before greenfield and edge of urban areas which as the part previously developed, part greenfield site, the proposal would accord with.
- 6.30 It is acknowledged that the proposals would exceed the indicative maximum size for a windfall site. However, in the absence of a 5-year supply the proposal would not undermine the spatial strategy for the district.
- 6.31 The proposal would assist the local planning authority in meeting an identified housing need and is in accord with the aims and objectives of the NPPF in boosting the supply of housing in

the context of the presumption in favour of sustainable development set out in paragraph 14 of the Framework. This is a significant benefit weighing in support of the proposal.

7. Planning Considerations: Employment Land Considerations

7.1 The NPPF seeks to build a strong competitive economy. However, it advises that 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. Land allocations should be regularly reviewed. It advises that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Staffordshire Moorlands Employment Position

7.2 The employment land supply schedule from 31st March 2012 indicated that the authority had total employment land of 130.82 ha and a supply of 108.16 ha if completions are excluded.

7.3 We understand that the employment land supply position from 2012 was used to inform The Employment Land Requirements Study 2014 (ELRS 2014) prepared by NLP. The ELRS 2014 indicates that in 2012 Staffordshire Moorlands had 59.8 hectares of industrial/commercial floorspace of which 91% relates to industrial floorspace. This figure is less than that indicated in the employment land schedule. We understand that this is due to the exclusion of the committed Blythe Bridge Regional Investment Site (RIS). Although this is a commitment of some 48.6 hectares, it is excluded on the basis that it does not count against the Core Strategy requirements as it is considered to be a strategic provision for North Staffordshire rather than being specific to the Staffordshire Moorlands.

7.4 The application site is identified within the employment land supply under ID reference 48 as having planning permission for 2.15 hectares of B1/B2/B8 development with reference back to the 2003 outline planning permission (03/01097/O). This permission cannot be implemented and should not therefore be treated as a commitment. We discuss this in more detail below.

7.5 The ELRS 2014 states that the District appears to have a "low level" of 17.13 hectares of available B-class employment land. We understand that this is based on land allocated in the 1998 Local Plan or Biddulph Area Action Plan but that has not been completed or approved. The list of sites included is as follows:

- Wharf Road/Meadows Way, Biddulph (5.1 ha).
- Brookhouses II, Brookhouse Way, Cheadle (0.69 ha).
- New Haden II, New Haden Road, Cheadle (4.27 ha).
- Cornhill, Chedderton Road Leek (3.31ha).
- Froghall, Dovedale Road, Froghall (2.39ha).
- Former Ipstones Sewage Works, Froghall Road (0.11ha).
- Waterhouses, Leek Road, Waterhouses (1.26ha).

7.6 This list should be considered out-of-date as it reflects allocations that are some 18 years old and excludes a large number of sites which the council consider make up the supply. Again, this list of available land excludes the RIS at Blythe Bridge.

7.7 In summary, we consider that the total employment supply stands at 108 hectares or 59.8 hectares if the RIS is excluded.

Take-up of employment sites

7.8 The information on employment land take-up rates provided by Staffordshire Moorlands indicates that the average annual employment land take-up rate from 2006 to 2013 is 9.85 ha or 1.41ha per annum (see NLP Employment Land Requirements Study p37). It states that a significant proportion of this is due to an unusually large proportion of employment development in 2011/2012.

Supply

7.9 When the average annual employment land take-up rate is applied to the available employment land within the area there is a 12 year supply based solely on the 'available' employment land estimated in the ELRS (17.13 hectares). If the total employment land included in the council's 2012 figures regardless of whether the RIS is included or excluded, this figure rises significantly to 42.4 or 76.7 years.

7.10 In summary, supply clearly exceeds demand.

Emerging Employment Land Supply

- 7.11 The ELR recommends that a range of between 25ha and 45 ha (gross) of employment land may be considered appropriate between 2011-2031.
- 7.12 Policy SS2 of the Core Strategy states that provision will be made for at least 24 hectares of additional employment land in Staffordshire Moorlands during the period 2006-2026 (1.2 hectares per annum). Sufficient deliverable land will be identified to provide at least 6 hectares of land at all times. The explanatory text to the policy states at paragraph 8.1.19 that:
- “The provision of employment land is based on the latest 2008 Employment Land Study Update which establishes demand for almost 24 hectares of employment land across the District to 2026... This forecast is aspirational and makes various assumptions not only of the District's economic development but also continued national economic growth. If growth is slower the forecasts may need to be further revised to reflect a more realistic demand for employment land.”*
- 7.13 The available supply identified in the ELRS 2014 indicates that there is sufficient available land to meet the 6 hectares requirement.
- 7.14 The Sites and Boundaries Plan Preferred Options consultation document proposes an employment land requirement of 35 hectares over the period 2012-2031. Our representations to this consultation indicated that such a requirement would render the Sites and Boundaries Plan inconsistent with the Core Strategy.
- 7.15 Once completions and commitments have been taken into account, the Preferred Options document indicates an estimated employment need of 19.6 hectares of land between 2011-2031. A wide range of employment sites are presented and it is acknowledged within the document that the sites suggested exceed requirements.
- 7.16 The application site is not presented as a suggested employment allocation.

Employment Land Losses

- 7.17 Whilst losses of employment land in the period 2006/7 to 2012/13 total 8.35 hectare or 1.19ha, much of this is attributable to the redevelopment of Churnet Works, Leek for a Sainsbury's

foodstore, B1/B2 and B8 industrial units and other retail units in 2012/2013 which resulted in losses of approximately 8ha.

7.18 The ELRS 2014 indicates that based on data collated by SMDC for its SHLAA around 30ha of employment land in Staffordshire Moorlands may be lost to residential and mixed-use development over the period 2011-2031. This figure has an element of double counting in it as it includes the Sainsbury's at Leek which has already been developed and was included in the losses figure for the period up to 2013.

7.19 Whilst a high level of employment land losses has been identified over the current plan period, this is not unexpected given the rapid economic change as the economy moves away from traditional industries to service sector businesses.

Local Plan Site Specific Employment Policies

7.20 Policy E2 relates to existing employment areas. It states that:

“Employment areas and premises (falling within Use Classes B1, B2 or B8) that:

- *Are well located to the main road and public transport network; and*
- *Provide, or are 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*
- *Are capable of meeting a range of employment uses to support the local economy;*

Will be safeguarded for such purposes.

Redevelopment of such areas for housing, retail or other non-employment uses 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...”*

7.21 We assess the proposal against the criteria in the policy below.

The site as an 'existing employment site'

- 7.22 The local planning authority considered that this site is an 'existing employment site' and that the proposal would result in the loss of an existing employment site at a time when there is a shortfall in the supply of such sites and that the loss would be harmful to the economic well-being of the area.
- 7.23 The site is not in active employment use and has never been an employment allocation. It was originally part of the Joshua Wardle Industrial site and its historic use was for employment purposes although this part of the site does not ever appear to have been developed. It has certainly not been used for employment purposes since Joshua Wardle went into administration in 2003.
- 7.24 Outline planning permission was granted in 2003 for the redevelopment of the wider Joshua Wardle site for residential development and industrial development. The application site was proposed for industrial development together with an adjacent parcel of council owned land.
- 7.25 A reserved matters application for the residential element of the scheme was submitted in and approved in 2004 and subsequently developed.
- 7.26 The industrial element of the scheme was not included within the 2004 reserved matters application. The reason for this was that the Council, at that time had yet to determine whether its land in the north east corner of the site would be available for inclusion in the approved industrial part of the wider scheme. 1.72 hectares of land within the industrial area of the wider site covered by the outline permission was in the ownership of the local planning authority. The Local Highways Authority's preferred route to the industrial land was via the Leekbrook Industrial Estate and the purchase of land from the local planning authority would make this a possibility.
- 7.27 It is understood that whilst discussions took place between the applicant and the council regarding the purchase of the 1.72 hectares of council owned land, the sale was never agreed.
- 7.28 Reserved matters have not been submitted for the employment element of the site and the time limit for doing so has expired. The site cannot be considered as an employment commitment. Furthermore the site was not identified as an employment allocation in the 1998 Local Plan and is not proposed for employment purposes in the emerging Site Allocations DPD.

7.29 In short, the site should not be considered to be an existing employment site and the requirements of Policy E2 should not apply. Notwithstanding this, we assess the requirement of Policy E2 below.

7.30 Policy E2 goes onto state that the redevelopment of existing employment areas for housing will not be permitted unless one of three criteria are met.

1. the site is identified in the Site Allocations DPD for redevelopment; or

7.31 The site is not identified in the Site Allocations DPD for redevelopment and therefore fails the first test of Policy E2. However, it is also of note that this site is not identified as an employment allocation within the DPD.

2. It can be demonstrated that the site would not be suitable or viable for continued employment use having regard to the criteria below 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

7.32 There are three criteria relevant to this part of the policy which are considered below:

- **Are well located to the main road and public transport network; and**

7.33 At the time of the residential reserved matters application in 2004, the local planning authority, and the local highway authority indicated that vehicular access to the industrial land via the Leekbrook Industrial Estate was the preferred route. In the absence of the purchase of land from the local planning authority, achieving access from the Leekbrook Industrial Estate is not a possibility.

7.34 The only potential access point to the site is therefore through the existing Wardle Gardens residential development. The utilisation of the access through the residential development is likely to result in the imposition of conditions relating to hours and type of operation in order to preserve the amenities of neighbouring properties.

- **Provide, or are 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**

7.35 Wainhomes purchased the land in 2003 and have received no interest in the site during this period. The site has therefore been vacant for the past 14 years.

7.36 The site has been marketed by Greenham Commercial since September 2016. Their Employment Land Report is submitted alongside this application. Whilst there was some initial interest for the site for employment use and a willingness by applicant to sell the site at a commercial market value, the initial interest was not followed up.

7.37 We consider that there would be harm to the residential amenity of existing neighbouring residents as a result of the access through the existing residential estate unless there were restrictive conditions imposing on the operation of the business. Such conditions would make the site less attractive to the market.

- **Are capable of meeting a range of employment uses to support the local economy;**

7.38 In the absence of any interest in the site for employment purposes, the land would not be capable of meeting a range of employment uses to support the local economy.

3. Substantial Planning Benefits would be achieved through re-development which would outweigh the loss of the site for employment use.

7.39 There are substantial planning benefits in this case which are set out in section 8 below. In summary these comprise:

- The delivery of new housing in an authority which has an under supply of both open market and affordable housing and the associated economic and social benefits.
- Development of a site which is agreed to be in a sustainable and accessible location.
- The development of a derelict, contaminated site that is in part previously developed.
- The delivery of affordable housing which accords with the development plan and will contribute towards the significant need.

7.40 As Policy E2 only requires one of the three listed criteria to be met, it is considered that the proposal complies with the requirements of Policy E2.

Summary of employment land considerations

7.41 In summary, whilst there continues to be demand for employment land in Staffordshire Moorlands, supply clearly exceeds demand. There is not a shortfall of employment land within the District.

7.42 The council has identified a number of draft proposed allocations which exceed the employment land requirement over the period 2011-2031 further indicating that there is not a shortfall.

7.43 The application site was not identified as an employment allocation in the 1998 Local Plan and is not identified as a draft employment allocation in the emerging Site Allocations DPD. Whilst it was previously part of the Joshua Wardle factory it has never been developed for that purpose. The site has been vacant since 2003.

8. Other Planning Considerations

Flood Risk

- 8.1 The application site falls within Flood Zones 2 and 3a defined as having 'medium' and 'high' probability of flooding. A small area of the site lies within Flood Zone 3b. No development is proposed within Flood Zone 3b.
- 8.2 The application is accompanied by a Flood Risk Assessment. This assessment was submitted in respect of the previous application on the site and the Environment Agency confirmed that it demonstrated that the site can be safely and sustainably redeveloped.
- 8.3 A sequential test and exception test was also submitted in support of the earlier application. The report submitted by Sedgwick Associates concluded that the proposed development satisfied the requirements of the NPPF Flood Risk Sequential Test. The Exception Test also set out that the proposals would result in wider sustainability benefits to the community that outweigh flood risk and the Exception Test is therefore passed.
- 8.4 At the time of the preparation of the Exception Test in 2014 the council's had a 2.17 year supply of housing. The supply has now reduced to 1.87 year supply and therefore greater weight should be attached to the contribution towards the housing land supply as a benefit.

Affordable Housing

- 8.5 The application proposes 14 affordable homes (33%). The tenure split would be agreed with the local planning authority housing department.

9. There are a range of significant material benefits to the proposals and the planning balance results overwhelmingly in a proposal that accords with paragraph 14 of the NPPF

- 9.1 In this section we seek to draw together the above sections and apply them against the requirements of paragraph 14 of the NPPF as well as the three roles for sustainable development as set out in paragraph 7 of the Framework.
- 9.2 For the proposal to be considered sustainable development, the decision maker has to assess the planning balance and conclude that there are no adverse impacts, or, if there are, that they would not significantly and demonstrably outweigh the benefits.
- 9.3 Paragraph 7 of the NPPF identifies the three dimensions to sustainable development: economic, social and environmental. These are discussed below.

Economic

- 9.4 The proposals would result in the creation of jobs within the construction industry.
- 9.5 This application is not a speculative land valuation exercise by a landowner; it is proposed that the applicant would develop the site.
- 9.6 Once occupied, the residents of the scheme would spend money in Leekbrook and Leek and contribute towards the local workforce. The proposed development would therefore generate spending in the District.
- 9.7 It is considered that the proposal would be consistent with the economic dimension of sustainable development.

Social

- 9.8 There are three strands to this criterion. The first is accessibility, the second is the provision of houses where required and the third is supporting strong, vibrant and healthy communities.

- 9.9 In terms of accessibility, the site is situated within the defined settlement boundary of Leekbrook where there is a general store, public house and a range of employment opportunities all within walking distance. The two nearest bus stops are both within a 400m walking distance and located on both sides of the A520. Buses from these stops provide regular services to destinations including Leek and Hanley.
- 9.10 The site is within 3km from Leek Town Centre, the key service centre in the Staffordshire Moorlands. Leek contains a full range of essential facilities and services including primary schools, secondary school, leisure centre, employment opportunities, convenience and comparison shops and bus services.
- 9.11 There is a significant and urgent need for both market and affordable housing in the Staffordshire Moorlands. The proposal would make a valuable contribution towards the council's housing land supply. As set out above, the beneficial provision of market housing should be given significant weight in accordance with the NPPF.
- 9.12 In terms of affordable housing Policy H2 of the Core Strategy requires the provision of 33% affordable housing on residential developments of 5 dwellings or more on sites outside of main towns. The application proposes the provision of 33% affordable housing and meets the requirements of the policy. In this regard the proposal will make a valuable contribution towards achieving sustainable communities.
- 9.13 In terms of promoting healthy communities, the proposal would make efficient use of a disused site within the settlement boundary and provide excellent links to existing footways and areas of open space thus providing opportunities for pedestrians and cyclists.

Environmental

- 9.14 The site is derelict, contaminated land that comprises part greenfield, previously developed land. As set out above, a core principle in the NPPF is to encourage the effective use of land by re-using land that has been previously developed.
- 9.15 The Phase 1 Desk-study report submitted with the application confirms that further ground investigations will be required with possible sources of contamination including:
- Sludge bed infill material.

- Presence of former mineral railway line.
 - Adjacent industrial/commercial usage.
 - Naturally occurring elevated concentrations of contaminants.
 - The presence of toxic and explosive gases associated with biodegradable materials.
- 9.16 The remediation of land which is potentially contaminated would have environmental benefits. Furthermore, there would be no loss of agricultural land as a result of the scheme.
- 9.17 Moreover, the proposal would not extend the built form into the open countryside or result in the urbanisation of land that is currently open fields. There would be no harm to the character and appearance of the countryside.
- 9.18 The proposal would therefore meet the environmental dimension of sustainable development.

The Planning Balance

9.19 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant 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 this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.

9.20 Footnote 9 states:

"For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding National Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion."

9.21 The site falls within Flood Zones 2 and 3a defined as having a 'medium' and 'high' probability of flooding. The Environment Agency confirmed with regard to the refused scheme that the submitted Flood Risk Assessment demonstrates that the site can be safely and sustainably developed.

9.22 For the purposes of paragraph 14, the benefits from the application are as follows:

- The delivery of new housing in an authority which has an under supply of both open market and affordable housing and the associated economic and social benefits.
- Development of a site which is agreed to be in a sustainable and accessible location.
- The development of a derelict, contaminated site that is in part previously developed.
- The delivery of affordable housing which accords with the development plan and will contribute towards the significant need.

9.23 Against this range of significant benefits are the perceived loss of employment land. As set out above, the site is not subject to a past or proposed employment allocation and it cannot be considered an employment commitment. The site has been vacant since 2003 with no interest for employment purposes.

9.24 The NPPF seeks to build a strong competitive economy. However, it advises that 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. It advises that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. This is clearly the case in this instance.

9.25 The proposal represents sustainable development as defined by paragraph 14 of the Framework and as such there should be a presumption in favour and accordingly, planning permission should be granted in accord with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

10. Design and Access

Policy context

- 10.1 Core Strategy Policy DC1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area.

Appraising the context – site constraints and opportunities

- 10.2 The site comprises both previously developed and greenfield land. It has been redundant since the former works was demolished to enable the approved residential development to be constructed by Wainhomes. Planning permission was granted on this site for employment use as part of the wider permission. However, as there has been no interest in the land for employment purposes it has become unkempt in appearance. The adjacent residential development comprises 190 dwellings utilizing a mix of standard house types.

Amount and scale

- 10.3 The proposed development would be for 45 dwellings. The new dwellings are 2 or 2.5 storeys in height in order to reflect the character and appearance of the surrounding residential development.
- 10.4 Width and depth varies across the site in-keeping with surrounding development.

Layout

- 10.5 The site layout shows a coherent and legible response to the character and appearance of the surrounding area. It confirms that the proposed houses would be set within plots that provide in-curtilage parking and generously sized gardens and the layout would sit comfortably within the overall built form of the area.

Appearance

- 10.6 The application site comprises 9 house types.
- 10.7 The application proposes 9 house types selected to complement the mix of house types on land to the south. All dwellings would be constructed from red brick to provide continuity.

Furthermore, the house types share common design features such as fenestration and window heads and cills.

Landscaping

10.8 It is proposed that landscaping will be dealt with by condition and that the final landscaping scheme will enhance the overall built form. The boundary treatment to the properties can also be dealt with by condition.

Access

10.9 Access to the site would be achieved from the existing Wainhomes development to the south. A bridge will be formed over the Brook, the details of which can be dealt with by condition.

10.10 An emergency access would be provided in the north eastern corner of the site, onto Leekbrook Junction. This will also act as a pedestrian/cycle route further enhancing the permeability of the site.

10.11 The internal road layout allows for larger vehicle movements with adequate turning space for refuse vehicles.

10.12 The proposed scheme provides well-defined, legible and overlooked routes through the site so that residents can benefit from the local services and public transport options available beyond the application site.

Impact on the character and appearance of the area

10.13 The indicative layout shows a development that would complement the character and appearance of the surrounding built form with well-designed housing and a robust and attractive landscaping scheme.

Conclusion

10.14 The indicative plans submitted show that the proposal would be compatible with the surrounding area and is compliant with Policy DC1, Design Considerations. .

11. Summary and Conclusions

11.1 This planning statement is submitted on behalf of Wainhomes (North West) Ltd in support of a planning application for residential development on land off Wardle Gardens, Leekbrook, Leek.

11.2 The application is a re-submission of planning application reference SMD/2014/0544 which was refused in September 2014 for four reasons which can be summarised as follows:

- The proposal would result in the loss of an existing employment site, at a time when there is a shortfall in the supply of such sites.
- The proposed layout does not provide for wet woodland corridors as a biodiversity enhancement/mitigation.
- The proposal does not provide a scheme that is designed and controlled to mitigate against the effects of the development on flooding elsewhere.
- The impacts of the development would be adverse and would significantly and demonstrably outweigh the benefits of the residential scheme.

11.3 This application seeks to overcome the reasons for refusal associated with the earlier scheme.

11.4 The council currently accepts that it cannot demonstrate a deliverable five year housing land supply as required by paragraph 47 of the NPPF. As such relevant policies for the supply of housing should be considered out-of-date and planning permission ought to be granted unless there are adverse impacts that would significantly and demonstrably outweigh the benefits.

11.5 Notwithstanding this, the policy complies with the overall development strategy for the Staffordshire Moorlands. Whilst Leekbrook is identified as a smaller village, it is recognised as being a settlement which meets the community needs of Leek. Furthermore, it is situated within the defined settlement boundary of Leekbrook where infilling for new homes can be accommodated. There is a preference of previously developed land and sites within the urban areas before greenfield and edge of urban areas which as a part previously developed, part greenfield site, the proposal would accord with.

11.6 It is acknowledged that the proposals would exceed the indicative maximum size for a windfall site. However, in the absence of a 5-year supply the proposal would not undermine the spatial strategy for the district.

11.7 The proposal would assist the local planning authority in meeting an identified housing need and is in accord with the aims and objectives of the NPPF in boosting the supply of housing in the context of the presumption in favour of sustainable development set out in paragraph 14 of the Framework. This is a significant benefit weighing in support of the proposal.

11.8 In terms of employment land, this site should not be considered as an 'existing employment site'. The application site was not identified as an employment allocation in the 1998 Local Plan and is not identified as a draft employment allocation in the emerging Site Allocations DPD. Whilst it was previously part of the Joshua Wardle factory it has never been developed for that purpose. The site has been vacant since 2003.

11.9 Whilst there continues to be demand for employment land in Staffordshire Moorlands, supply clearly exceeds demand. There is not a shortfall of employment land within the District.

11.10 The council has identified a number of draft proposed allocations which exceed the employment land requirement over the period 2011-2031 further indicating that there is not a shortfall.

11.11 The benefits from the application are as follows:

- The delivery of new housing in an authority which has an under supply of both open market and affordable housing and the associated economic and social benefits.
- Development of a site which is agreed to be in a sustainable and accessible location.
- The development of a derelict, contaminated site that is in part previously developed.
- The delivery of affordable housing which accords with the development plan and will contribute towards the significant need.

11.12 Against this range of significant benefits are the perceived loss of employment land. As set out above, the site is not subject to a past or proposed employment allocation and it cannot be considered an employment commitment. The site has been vacant since 2003 with no interest for employment purposes.

11.13 The proposal represents sustainable development as defined by paragraph 14 of the Framework and as such there should be a presumption in favour and accordingly, planning

permission should be granted in accord with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.