

SECTION 78 APPEAL BY

NEWRIVER PROPERTY UNIT TRUST NO. 4

**AGAINST REFUSAL OF OUTLINE PLANNING
PERMISSION FOR THE ERECTION OF TWO DWELLINGS**

**STATEMENT OF
CASE FOR THE APPELLANT**

**THE PRIORY, ABBOTTS ROAD,
LEEK,
STAFFORDSHIRE,
ST13 6EZ**

June 2017

SP16-1041

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Documents

- Document 1: Committee Report and Decision Notice (Planning Ref. SMD/2016/0706)
- Document 2: Staffordshire Moorland's Housing Delivery Schedule, Housing Supply – 31st March 2016

1. Introduction

- 1.1 This Statement has been prepared by Simply Planning Limited (SPL) on behalf of NewRiver Property Unit Trust No. 4 (the Appellant) in support of a planning appeal submitted under Section 78 of the Town and Country Planning Act 1990 (as amended).
- 1.2 On the 19th January 2017, Staffordshire Moorlands District Council (SMDC) refused outline planning permission (Reference SMD/2016/0706) for the erection of 2no. dwellings on land that forms part of the car park of The Priory PH, Abbotts Road, Leek.
- 1.3 The application was refused by the Planning Applications Committee following a recommendation for approval by the case officer. The application was taken to Committee following a request from a Councillor on the grounds that the proposal was '*overdevelopment of the site, adverse impact on the neighbourhood, unacceptable reduction in parking at a popular public house*'. The decision notice gave one reason for refusal:-

(1) The car park and attendant marguee is used as a 'community hub', benefitting community groups and charities and sustains the client base for the Priory Hotel. The loss of parking as a result of the proposed development would threaten the use of the site as a community facility, contrary to policy C1 of the Staffordshire Moorlands Core Strategy.

- 1.4 The word 'marguee' within the reason for refusal is in fact a typo. The word marguee is meant to read 'marquee'.
- 1.5 Both the Committee Report and Decision Notice in relation to planning application SMD/2016/0706 are provided at **Document 1**.

Document 1

- 1.6 This Statement is structured as follows:-
 - **Section 2** provides a description of the site and surrounding area;
 - **Section 3** sets out the proposed development;
 - **Section 4** details the planning policy considerations; and
 - **Section 5** sets out the grounds of appeal.

2. Description of Appeal Site and Surrounding Area

- 2.1 The appeal site is located on the eastern side of Abbots Road within the Staffordshire town of Leek. It is approximately 10 miles north-east of Stoke-on-Trent.
- 2.2 The existing town of Leek comprises essential facilities that would be expected from most market towns, including, a post office, church and a main high street offering various shops, cafes, and restaurants and a community centre. Services include nurseries, first/primary/middle/secondary schools, a college and emergency services such as a police, ambulance and a fire station.
- 2.3 The existing Priory Hotel PH is a predominantly two-storey pub that fronts Abbots Road; the building line of the pub is set 6m from the back edge of the pavement. The site can be accessed via two access points directly from Abbots Road on the western boundary. The site consists of a large car park to the north and west, with The Priory PH located to the south. The eastern section of the site, also in control of NewRiver, is used as allotments.
- 2.4 In May 2013, planning permission was granted for the erection of 16no. one-bed apartments, with on-site car parking, on land to the immediate north of The Priory PH (SMD/2013/0363). To the east of the PH, beyond the allotments, is a car park and a two-storey building which form part of the Leek Adult Training Centre. A high tree line separates the Adult Training Centre and the allotments.
- 2.5 The appeal site is located to the north of the Priory Hotel building on an area of car parking. It comprises 26 car parking spaces on a 0.056 hectare site (0.14acres) and is flat and rectangular in shape.
- 2.6 The appeal site is well related to the adjoining built development and is located on a bus route with services to Leek Town Centre. An existing bus stop is located adjacent the appeal site.
- 2.7 The appeal site is not subject to any significant, or relevant, planning history, other than the proposals subject to this appeal.

3. Proposed Development

- 3.1 Planning permission is sought for the erection of 2x3-bedroom dwellings. The application was submitted in outline, with all matters reserved, save access. Access to the proposed apartments, as can be seen from the submitted indicative site layout plan (drawing Ref. 307-PL-020 Rev B), would be from Abbots Road via a new entrance located to the north-west of the site.
- 3.2 The proposed new access and the existing accesses would provide both the proposed apartments and Public House with separate accesses.
- 3.3 The indicative layout plan shows that two dwellings can comfortably be accommodated on the site. Each 3 bed dwelling would be 900ft² (84m²), with the smallest private garden being 78m²; these would meet the National Space Standards and Staffordshire Moorland's SPG – Space about Dwellings.
- 3.4 A total of 20 parking spaces can be retained for the pub, with 4 spaces provided for the two proposed dwellings.

4. Planning Policy and Material Considerations

4.1 The statutory Development Plan for the appeal site comprises the Staffordshire Moorlands Core Strategy Development Plan Document, adopted 29th March 2014. The Council's Space about Dwellings SPG and the NPPF is also a material planning consideration. It is not the intention below to set out a full list of relevant policies but to highlight those Development Plan policies that the proposal accords with including, in some cases, policies referred to within the cited reason for refusal.

(a) National Planning Policy Framework (NPPF)

4.2 On 27th March 2012, the Government published the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development. The NPPF has divided the principle of sustainable development into three dimensions: economic, social and environmental:-

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.3 Paragraph 14 establishes the Government's overarching support and presumption in favour of sustainable development. It indicates that:-

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking"

4.4 For decision taking this means:-

- Approving development proposals that accord with the Development Plan without delay;
- Where the Development Plan is absent, silent and 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 this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

4.5 With regard to core planning principles, the NPPF contains twelve principles which should underpin both Plan making and decision taking. The third bullet point under paragraph 17 states that planning should '*proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs*'.

4.6 Paragraph 47 of the NPPF remarks that Local Planning Authorities should look to significantly boost the supply of housing by identifying and updating their annual supply of specific deliverable sites to ensure five years' worth of housing can be provided against their housing requirements. A 5% buffer must also be included to guarantee choice and completion in the market for land. Where local planning authorities have consistently under-achieved their deliveries of housing, local planning authorities are minded to increase their buffer to 20%.

4.7 Paragraph 49 of the NPPF reiterates that all housing applications should be considered in the context of the presumption in favour of sustainable development (outlined above):-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. 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".

4.8 Section 6 of the NPPF is concerned with delivering a wide choice of high quality homes and at the outset (paragraph 47) confirms the Government's commitment 'to boost significantly the supply of housing'. To do this authorities are required to:-

"...ensure their Local plan meets the full, objectively assessed needs for market and affordable housing in the market area."

4.9 In addition authorities should:-

"Identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements with an additional buffer of 5%..."

4.10 As we go on to demonstrate, Staffordshire Moorlands fail to achieve a 5 year housing land supply. Its latest Housing Trajectory (Staffordshire Moorland's Housing Delivery Schedule, Housing Supply – 31st March 2016, see **Document 2**) only provides for, at best, a 1.87 year supply.

Document 2

4.11 Paragraph 70 of the NPPF states that to ensure the deliverer of social, recreational and cultural facilities and services, communities require planning policies and decisions to:-

- ***plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;***
- ***guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;***
- ***ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and***
- ***ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.***

4.12 Overall, the Framework is clear that at its heart, 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. Housing proposals should therefore be considered in the context of the presumption in favour of sustainable development.

(b) The Local Plan 2016-2031 (Core Strategy Development Plan Document, March 2017)

- 4.13 The Council are currently working on a new Local Plan. The Council are aiming to provide the Preferred Options Local Plan for public consultation in June 2017.
- 4.14 The key strategic document within the Local Plan is the Core Strategy Development Plan (CSDP), which was adopted on 26th March 2014.
- 4.15 The Plan sets out a vision for Staffordshire Moorlands to satisfy a set of objectives including the provision for the overall land-use requirements for the District to be consistent with national and regional policy, local evidence, the role of Staffordshire Moorlands within North Staffordshire and the role of each settlement.
- 4.16 The Local Plan also sets out the requirement to provide new housing that is affordable, desirable, and well-designed that meets the needs of residents of the Moorlands.
- 4.17 One of the key objectives within the Local Plan (SO5), is to ensure the long term vitality and viability of Leek. One of the key objectives to achieving this, is to promote sustainable/regenerated rural areas and communities with access to employment opportunities, housing and services for all.
- 4.18 In addition to the above, the Local Plan promotes communities that are sustainable, inclusive, healthy and safe.
- 4.19 To date, development boundaries from the 1998 Local Plan remain in force for town and village development. The development boundaries from the 1998 Local Plan will remain in force until they are superseded by the Local Plan 2016-2031. As a result, as indicated within the 1998 Local Plan - adopted boundaries, the appeal site is located within the Leek Town Development Boundary. The market town of Leek is identified within the adopted CSDP as a town which will accommodate the bulk of the District's housing and employment development needs, with brownfield sites being the priority for new development.
- 4.20 Policy SS1 refers to development principles. The Council expect developments to contribute positively to the social, economic and environmental improvements of Staffordshire Moorlands, including *"a mix of types and tenures of quality, affordable homes to meet the needs and aspirations of the existing and future communities"*.
- 4.21 Furthermore, Policy SS1a, reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy goes on to say that the Council *'will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 4.22 Policy SS5a refers to the Leek Area Strategy. The Council identify Leek Town as a Principle Service Centre and a Market Town and would like to consolidate this by continuing to meet the housing and community needs by increasing the range and types of housing provided.
- 4.23 Proposed residential development is further supported by Policy H1 (New Housing Development) which states that *'Residential development and redevelopment on unidentified (windfall) sites will be permitted up to an indicative maximum scheme size of 9 dwellings within the Development Boundaries of the towns and larger villages'*.
- 4.24 Policy DC1 is concerned with the Design Considerations for all new development. In particular, Policy DC1 requires new development to:-
- ***be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;***

- *be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance;*
- *create, where appropriate, attractive, functional, accessible and safe public and private environments which incorporate public spaces, green infrastructure including making provision for networks of multi-functional new and existing green space (both public and private) in accordance with policy C3, landscaping, public art, 'designing out crime' initiatives and the principles of active design;*
- *incorporate sustainable construction techniques and design concepts for buildings and their layouts to reduce the local and global impact of the development, and to adapt to climate change, in accordance with policy SD1;*
- *protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping;*
- *promote the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with policy NE1;*
- *provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use;*
- *ensure that existing drainage, waste water and sewerage infrastructure capacity is available, and where necessary enhanced, to enable the development to proceed;*
- *ensure, where appropriate, equality of access and use for all sections of the community.*

- 4.25 The indicative layout plan (drawing Ref. 307-PL-020 Rev B) shows that a side-to-side separation distance of approximately 17m can be achieved between the PH and the closest proposed dwelling. A side-to-side separation distance of 12m can be achieved between the closest proposed dwelling and the closest property located on Beresford Place. A separation distance of 23m can also be achieved between the front elevation of the proposed dwellings and front elevation of no. 47 Abbotts Road (on the opposite side of Abbott's Road). This is above the 22m minimum separation distance between front elevations as stated within the Council's Space about Dwellings SPG.
- 4.26 The layout plan (drawing Ref. 307-PL-020 Rev B) indicates that the proposed rear gardens are approximately 12m in length and offer approximately 80m²-90m² of rear amenity space. These measurements are in accordance with the Council's Space about Dwellings SPG, which requires mean garden lengths to be 11m with a minimum total area of 65m².
- 4.27 In paragraph 7.27 the case officer confirmed that the application site, with regards to satisfactory daylight, sunlight, outlook, privacy and soft landscaping, *'could be achieved without causing significant harm to those occupying Beresford Place'*. The case officer also confirmed in paragraph 7.30 that the proposal could be *'constructed without causing significant injury to the amenity of nearby properties'*. The separation distances therefore were considered by the case officer to be in accordance with Policy D1 of the CSDP and the Council's Space about Dwellings SPG.
- 4.28 Policy DC1 is also concerned with matters concerned with Layout, Scale and Design. Although these matters have been reserved for later consideration, the case officer did confirm that *'the site is capable of comfortably accommodating 2. No dwelling houses in principle, without causing detrimental harm to the character of the wider streetscene'*.

4.29 Policy C1 focuses on creating sustainable communities. To enable sustainable communities at a local level, Policy C1 ensures the Council will:-

1. ***Support proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities. New facilities should preferably be located within defined built up areas where they are most accessible. In exceptional cases facilities may be located adjacent to these areas where it can be demonstrated that this is the only practical option and where a site is well related to the existing settlement.***
2. ***Safeguard land required for the provision of facilities to meet existing and future community needs, as identified by service providers.***
3. ***Resist proposals involving the loss of community facilities unless:***
 - i. ***an alternative facility of the same type is available or can be provided in an accessible location in the same locality; or***
 - ii. ***a viability appraisal including a marketing exercise by a qualified professional demonstrates that there are no options for continued use as a community facility which are financially viable and it can be demonstrated that loss of the facility would not disadvantage local residents.***
4. ***Only permit new development where the utility, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation in line with the Council's Developer Contributions SPD, or any subsequently adopted Community Infrastructure Levy.***
5. ***Support the relocation of uses which are no longer compatible with their surroundings due to negative amenity issues such as noise or accessibility where an alternative suitable site can be secured, subject to the requirements set out in Policy E2 in order to facilitate regeneration.***
6. ***Require development proposals to incorporate high quality locally distinctive design features and layouts that will reduce crime and the fear of crime and support inclusive communities, particularly in terms of accessibility and functionality in line with the Council's Design SPD.***
7. ***Require major new development to be accessible by a choice of means of transport, in accordance with policy T1.***

4.30 This policy is the only policy referred to in the Reason for Refusal and is therefore dealt, in detail, within the following section.

5. Grounds of Appeal

- 5.1 The NPPF acknowledges that the Development Plan should be the starting point for the determination of development proposals. The NPPF states that development proposals which accord with the Development Plan should be approved without delay.
- 5.2 The need for housing is such that paragraph 49 of the NPPF states that housing development should be considered in the context of the presumption in favour of sustainable development. Paragraph 49 also goes on to state that:-

“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.”

- 5.3 In the first instance it is important to recognise that SMDC cannot demonstrate a 5 year housing supply. SMDC’s Annual Monitoring Report 2015-2016 could only demonstrate 1.87 year supply.
- 5.4 There is, therefore, an overwhelming and pressing need for new housing in Staffordshire Moorlands. The appeal proposals will make a small, yet important contribution towards housing land supply. This should be afforded significant weight.
- 5.5 Where, as in this case, the Council cannot demonstrate a five year residential land supply the advice of paragraph 40 of the NPPF applies. In accordance with that advice SMDC’s housing policies cannot be considered up-to-date and accordingly planning consent should be granted to this proposal unless any impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be resisted.
- 5.6 As a result, there is a very strong presumption in favour of granting consent to the proposal. Adverse impacts alone assessed against the policies of the NPPF are not sufficient to override this presumption. To do so any disbenefit must significantly and demonstrably outweigh the benefits or specific policies in the NPPF should indicate refusal. This is the test against which the Council’s objection must be judged.

(a) Loss of Community Facility

- 5.7 Paragraph 70 of the NPPF comments that to deliver the social, recreational and cultural facilities and services the community needs, planning policy and decisions should inter alia *‘guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs’*.
- 5.8 It is important to clarify that there will be no loss of community facility as part of the proposed residential scheme. The PH will remain. Although parking spaces would be reduced, the Transport Note submitted with the application confirms that the number of parking spaces to be retained would be adequate to serve the PH. The Reason for Refusal does not refer to the loss of the parking spaces (as parking spaces) as a cause of concern, only their use for community activities. There would be no detrimental impact on the PH. This would not be in the Appellant’s commercial interest.
- 5.9 The Appellant, NewRiver, have a portfolio of 350 pubs across the UK, and a long-term commitment to improving its pub estate. This includes an investment programme of over £2.3M in the next financial year which will bring benefits to licensees and the communities in which they operate, including The Priory. It is the Appellant’s intention to continue to operate the Priory alongside the proposed new development.
- 5.10 NewRiver has a very hands-on approach to its pub portfolio and the company is determined to ensure that publicans can run successful and sustainable businesses, which puts pubs at the heart of their communities. Where appropriate – as is the case here – NewRiver looks to develop homes on unused or underutilised land at pub sites.

- 5.11 Given the importance of the future viability of the PH, NewRiver have been in dialogue with the existing tenant to ensure that the appeal proposal would not affect the day to day running of The Priory.
- 5.12 The Reason for Refusal cites Policy C1 of the CSDP. The SMDC Committee refused the application on the grounds that *'the car park and attendant marquee is used as a 'community hub', benefitting community groups and charities and sustains the client base for the Priory Hotel. The loss of parking as a result of the proposed development would threaten the use of the site as a community facility, contrary to policy C1 of the Staffordshire Moorlands Core Strategy'*.
- 5.13 Although the case officer did not refer in detail to Policy C1 within the Committee report, it was acknowledged, paragraph 5.4, that Policy C1 was relevant to the application as the proposed housing was on the same site as a community facility. The Officer, however, concluded that the principle of the development was acceptable and therein there was no conflict with Policy C1.
- 5.14 Policy C1 of the CSDP states that the Council will *'Support proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes)'* and that it would *'Resist proposals involving the loss of community facilities'*.
- 5.15 As outlined above, the Priory Hotel PH will be retained and adequate parking spaces would be provided to ensure that the ongoing business would remain unaffected. Again, this is in the commercial interests of the Appellant.
- 5.16 Furthermore, the indicative layout plan submitted with the planning application (drawing Ref. 307-PL-020 Rev B), shows that the PH has a good sized garden (of approximately 150m²) which could be used as an alternative location to install the marquee; this has been confirmed as an acceptable alternative by the existing tenant of the Priory. The rear garden location for the marquee would actually provide a better option than the current location within the car park, for the following reasons:-
- The rear garden of the PH would provide improved security;
 - The marquee would be better connected to the PH trading areas; and
 - The rear of the pub is better sheltered.
- 5.17 Given the temporary nature of the marquee, this is a sensible solution. It would enable the community uses to continue within the marquee, whilst also enabling much needed housing to be delivered.
- 5.18 In reality the majority of the events that the PH host, can be hosted using the existing PH and garden, without the need to erect a marquee. Below is a table showing the various events the Priory Hotel provides and the kind of events that do/do not require the erection of a marquee:-

Event	Use of a marquee?
Christmas Party	Yes
Curry Night and Masquerade Ball	Yes
Kids Halloween Party	No
Charity Mexican Night	No
Steak Night	No
Casino Night	Yes
Curry Night	No
Wedding and Party	Yes

- 5.19 Moreover, it is important to consider that there are additional community facilities within the immediate area, including the Haregate Community Centre (0.35km north). The Haregate Community Centre provides a number of activities for the local community. The community centre also offers a booking system for anyone who would like to organise an event, party or meeting.
- 5.20 The proposed development of two properties on the Priory Hotel PH car park would provide much needed housing in a location that is well connected to an existing urban area, on brownfield land, within the settlement boundary of leek, without the loss of a local community facility.
- 5.21 The appeal proposal would not threaten the use of the site as a community facility. Fundamentally, the PH - including a large amount of the existing car parking will remain. The PH garden would be able to support a marquee that could be used throughout the year by local community groups and charities. The 'community hub' would therefore remain.
- 5.22 On the basis of the above, it is clear there is no conflict with either the Development Plan or the NPPF. It is therefore respectfully requested that the appeal is allowed.

DOCUMENT 1

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

19th January 2017

Application No:	SMD/2016/0706	
Location	Priory Hotel, Abbots Road, Leek	
Proposal	Outline planning application with some matters reserved (except access) for the construction of 2no. houses	
Applicant	C/O Agent	
Agent	Richard Springett (Simply Planning Limited)	
Parish/ward	Leek	Date registered 15.11.2016
If you have a question about this report please contact: Lisa Howard, tel: 01538 395400 ex4923 or email: lisa.howard@staffsmoorlands.gov.uk		

1. SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

- 1.1 Cllr Bowen has expressed a wish for the application to be brought before committee on the following grounds:

‘Overdevelopment of the site, adverse impact on the neighbourhood, unacceptable reduction in parking at a popular public house.’

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 This application relates to the northern section of the Priory Hotel site, located within the Leek Town Development Boundary. The site is positioned on the eastern side of Abbots Road, near to the road junction between Abbots Road and Novi Lane. The site currently forms part of a large customer car park that is used in association with the Hotel and Public House. The Hotel itself occupies the southern half of the wider plot with the remainder of the plot being laid to hardstanding.

- 2.2 The immediate area is predominantly residential in character and comprises properties of varying, age, type and architectural design. The application site is bound by Beresford Place apartment complex and car park to the north, allotment gardens to the east, the remaining car park that is to serve The Priory Hotel to the south and Limes Mill Industrial unit and further residential properties to the west.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Outline planning approval is sought for the construction of 2no. dwellings with all matters reserved except for access. Therefore matters in respect of appearance, landscaping, layout and scale must

be considered at a later date under a separate application for reserved matters.

- 3.2 This application has been supported by an indicative 'Proposed Site Plan' that indicates the construction of 2 no. semi-detached dwellings orientated to front onto Abbotts Road. Individual vehicular access is proposed to serve each dwelling and 2 no. parking spaces per dwelling have been illustrated. Private amenity space is shown to the rear.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning site history relevant to the determination of this application.

5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 The Development Plan comprises of:
- Staffordshire Moorlands Local Plan (adopted 1998)
 - The Staffordshire Moorlands Local Development NPPF Core Strategy (Adopted March 2014)
 - The Minerals Local Plan (Adopted December 1999)
 - Staffordshire and Stoke-on-Trent Joint Waste Core Strategy (Adopted March 2013)

Staffordshire Moorlands Local Plan (1998)

- 5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Public consultation on specific site allocations has now commenced.

Adopted Staffordshire Moorlands Local Development NPPF (LDF) (26th March 2014)

- 5.3 The Staffordshire Moorlands Local Development NPPF (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

- 5.4 The following CS (Core Strategy) policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS5a Leek Area Strategy
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- C1 Creating Sustainable Communities

Supplementary Planning Guidance (SPG)

- Space about Dwellings (September 1998 – Appendix 3 Local Plan)
- Design SPG

National Planning Policy NPPF

- Paragraphs 1 - 17
- Chapter 6 Delivering a wide quality homes
- Chapter 7 Requiring good design

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

- 6.1 Neighbour notification letters were sent to the 26 no. adjoining properties and a site notice was erected at the site on 14th November 2016. At the time of preparing this report no representations have been received.

Consultee	Comment	Officer Response
Staffordshire County Council Highways	No objection subject to condition.	7.32
Town/Parish Council	Recommend refusal : Over-development and unneighbourly; concerns over parking.	7.8 – 7.9 7.25 – 7.31 7.32 – 7.34

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

- 7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material consideration. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).

- 7.2 Core Strategy policy SS1 identifies that development should contribute positively to the social, economic and environmental improvements of the Staffordshire Moorlands. Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in accordance with the National Planning Policy Framework (NPPF). Paragraph 14 of the NPPF outlines that the presumption in favour of sustainable development 'should be seen as a golden thread running through both plan making and decision taking'. Planning applications which accord with policies within the Core Strategy should be approved without delay.
- 7.3 Policy SS5a seeks to support the role of Leek as the principal service centre and market town. This is to be achieved through, amongst other things, increasing the range of available and affordable housing types. Encouragement shall be given to the development of previously developed sites (brownfield land). Policy H1 supports residential development on unidentified (windfall) sites for up to an indicative scheme size of 9 dwellings. All new development will be assessed according to the extent to which it provides for high quality, sustainable housing that meets an identified need.
- 7.4 In accordance with paragraph 49 of the NPPF, the Local Planning Authority should consider all housing applications in the context of the presumption in favour of sustainable development. Furthermore, 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 housing sites. Members will be aware that Staffordshire Moorlands District Council is unable to demonstrate a five year supply of deliverable housing sites.
- 7.5 Policy DC1 (Design Considerations) outlines that all development should be of a high quality and add value to the local area and also be designed to respect the site and surroundings, through scale, density, layout, siting, landscaping, character and appearance, in line with the Council Design SPG.
- 7.6 Paragraph 56 of the Nation Planning Policy Framework advises that the Government attaches great importance to the design of the built environment. Paragraphs 63 and 64 go on to comment that in determining applications, great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally within the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

Main Issues

- 7.7 The main issues for consideration in the determination of this application are:

- Principle of Development
- Design;
- Amenity; and
- Highway safety.

Principle of development

7.8 The site is located within the Leek Town Development Boundary, where there is a presumption in favour of new development, subject to compliance with all other relevant development plan policies.

Design

7.9 Abbots Road is characterised by residential properties of varying tenure, age, design and scale. Accordingly there is no strict sense of uniformity in this respect.

7.10 Matters of layout, scale and design have been reserved for later consideration. However, the indicative site plan demonstrates that the site is capable of comfortably accommodating 2 no. dwellinghouses in principle, without causing detrimental harm to the character of the wider streetscene. Elevational detailing could be addressed at the reserved matter stage.

Amenity

7.25 Policy DC1 states that new development should protect residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.26 Beresford Place bounds the application site to the north. Beresford Place comprises a two storey, modern apartment complex housing 17 flats. The vehicular access to Beresford Place and the associated residents carpark separates the application site and the main apartment building.

7.27 9m exists between the windows located within the nearest (south) elevation of the apartment block and the site boundary. It is understood that these windows serve as secondary windows to habitable accommodation or serve non-habitable accommodation. A distance of 25m would remain between the remaining part of the apartment building and the site boundary. Windows located within this section of the apartment building serve as principle windows to habitable accommodation or serve non-habitable accommodation. However, given that the separation distances exceed the Councils minimum standard of 21m, a residential scheme within the confines of the application site could be achieved without causing significant harm to those occupying Beresford Place.

- 7.28 A distance of 15m would exist between the southern site boundary and the north elevation of the Priory Hotel. This distance is also considered acceptable in principle in accordance with the guidance provided within the Council's Space About Dwellings SPG.
- 7.29 11m would remain between the west site boundary and no.47 Abbots Road. The indicative site plan demonstrates that the site could comfortably accommodate 2 no. dwellings whilst achieving a separation distance of 21m. A distance of 21m accords with the guidance provided within the Council's Space about Dwellings SPG.
- 7.30 By virtue of the separation distances achievable it is considered that the construction of 2 no. dwellings on the site proposed could be constructed without causing significant injury to the amenity of nearby properties.
- 7.31 By the very nature of the development proposed a degree of noise and disturbance is to be expected. However, this would be limited to the construction phase of development. In order to limit the level of impact imposed during this time it is considered reasonable to apply a condition to control the hours of construction.

Highways

- 7.32 In accordance with policies DC1 and T1 all new development should provide for safe and satisfactory access and make a contribution to meeting the parking requirements arising from the development.
- 7.33 This application proposes the creation of a new vehicular access onto Abbots Road. On-site parking provision allows for the parking of up to 2 no. vehicles per dwelling. The proposed scheme would however see the loss of parking available to customers of the Priory Hotel. The indicative site plan illustrates a resulting provision of 20no spaces.
- 7.34 Consideration has been given to the concerns raised in respect of highway safety. Staffordshire County Council has been consulted on this application. No objection has been raised subject to conditions relating to the completion of works within the highway, the submission of details in respect of parking provision, means of surface water drainage, and surfacing; and the submission and approval of details in respect of the access as a dropped crossing of the footway. The conditions recommended are considered acceptable and reasonable in accordance with paragraphs 203 – 206 of the NPPF.

8. CONCLUSION & PLANNING BALANCE

- 8.1 Outline approval is sought for the sub-division of an existing brownfield site and construction of 2 no. dwellings and associated

access. All matters have been reserved, except for access. The application site is located within the Leek Town Development Boundary within walking and cycling distances of local amenities and public services. The principle of development is therefor considered to be acceptable.

8.3 The submitted indicative plan demonstrates that the site could comfortably accommodate 2 no. detached dwellings without causing undue harm to residential amenity or the prevailing character of the Abbots Road. No objection has been raised from Staffordshire County Council Highways Section and the LPA is therefore satisfied that the development would not threaten highway safety.

8.4 This application is therefore considered to accord with the relevant policies of the Core Strategy and National Planning Policy Framework.

9. RECOMMENDATION

A. APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced.

1) – Appearance

2) – Landscape

3)- Layout

4) – Scale

Reason:- The application is an outline application under the provisions the Town and Country Planning (General Development Management Procedure) Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

4. The development hereby permitted shall not be brought into use until the access to the plots within the limits of the public highway has been completed.

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

- 5. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:**
- i. Provision of parking within the site curtilage with parking bays of the proposed dwellings positioned to make them usable with the proposed access point;**
 - ii. Means of surface water drainage;**
 - iii. Surfacing materials.**

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

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

- 6. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall or drained to SUDS principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage interceptor works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.**

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

- 7. Notwithstanding any details shown on the approved plans no development shall be commenced until revised details indicating the following have been submitted to and approved in writing by the Local Planning Authority:**

- i. Access constructed as a dropped crossing of the footway;**

The development shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation.

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

- 7. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times:**

08:00 – 18:00 hours (Monday to Friday)

08:00 – 13:00 hours (Saturday)

No working is permitted on Sundays and Bank Holidays

In this instance noisy activity is defined as any activity (for instance, not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

- 8. Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed in writing with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority.**

If the risk assessment indicated that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measure.

Reason: Having regard to the sensitive end use of the site.

- 9. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported on to site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider

environment are known and where necessary dealt with via remediation and or management of those risks.

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

Reason: To protect the amenities of the area.

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 Operations Manager – 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.

APPENDICES TO THE REPORT

- 9.1 The link to the Council's website is where the detail of this application can be viewed:**

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet>

Mr Richard Springett
Simply Planning Limited
25 Manchester Square
London
W1U 3PY

C/O Agent

Application no: SMD/2016/0706

Determined on: 15/03/2017

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

REFUSAL OF PLANNING PERMISSION

Location of Development:

Priory Hotel Abbots Road Leek Staffordshire ST13 6EZ

Description of Development:

Outline planning application with some matters reserved for construction of 2no. houses

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 307-PL-020 Revision B and Site Location Plan for the reason(s) specified below:-

1. The car park and attendant marguee is used as a 'community hub', benefitting community groups and charities and sustains the client base for the Priory Hotel. The loss of parking as a result of the proposed development would threaten the use of the site as a community facility, contrary to policy C1 of the Staffordshire Moorlands Core Strategy.

Informatives

1. This application was presented at planning committee where Members felt that the proposal constituted an unsustainable form of development contrary to the Development Plan.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

X *J. Colley*

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council

NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
3. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DOCUMENT 2

STAFFORDSHIRE MOORLANDS HOUSING DELIVERY SCHEDULE

HOUSING SUPPLY – 31st Mar 2016

Sub-area	Commitments		TOTAL SUPPLY		TOTAL DELIVERABLE SUPPLY	
	Balance under Construction (Gross)	Planning Permission (Gross)	Gross	Net	Gross	Net
LEEK	207	382	589	586	589	586
BIDDULPH	87	62	149	145	149	145
CHEADLE	24	186	210	202	210	202
RURAL	159	193	352	343	352	343
DISTRICT	477	823	1300	1276	1300	1276

Definitions

Total Supply – Total supply over the next 5 years. Comprises of balance of all dwellings under construction and all unimplemented sites with valid planning permission.

Total Deliverable Supply – Number of dwellings on sites which are assessed to be deliverable over the next 5 years. Comprises of balance of all dwellings under construction and all unimplemented sites with valid planning permission, but excludes uncommitted sites identified in the Strategic Housing Land Availability Assessment which may be deliverable over the next 5 years.

Gross – The gross figure includes proposed new build dwellings and gross gains from change of use and conversions.

Net – The net figure is the gross figure less any proposed losses through change of use, conversions and demolitions.

Sub-area – Based on parishes of Leek, Cheadle and Biddulph and other rural parishes.

HOUSING COMPLETIONS – 31st March 2016

Sub-area	Completions 2006/7		Completions 2007/8		Completions 2008/9		Completions 2009/10		Completions 2010/11		Completions 2011/12		Completions 2012/13	
	Gross	Net	Gross	Net	Gross	Net	Gross	Net	Gross	Net	Gross	Net	Gross	Net
LEEK	77	77	106	105	64	62	76	75	50	48	34	17	41	41
BIDDULPH	40	40	44	41	18	17	7	- 4 *	8	8	7	7	6	6
CHEADLE	9	9	20	20	27	26	47	46	5	2	1	1	37	37
RURAL	134	134	95	95	134	131	69	68	53	52	34	33	12	12
DISTRICT	260	260	265	261	243	236	199	185	116	110	76	58	96	96

Notes -

* 11 losses in the year

**37 losses in the year

Sub-area	Completions 2013/14		Completions 2014/15		Completions 2015/16		Total Completions	
	Gross	Net	Gross	Net	Gross	Net	Gross	Net
LEEK	15	-22**	174	149	29	29	666	581
BIDDULPH	78	71	61	60	28	28	297	274
CHEADLE	3	3	32	31	11	10	192	185
RURAL	28	26	40	38	32	32	631	621
DISTRICT	124	78	307	278	100	99	1786	1661

5 Year Land Supply Assessment
(20% buffer and shortfall in 5 years with 20% added to shortfall - 300 target)
(Sedgefield)

A.	Completions from April 2006 to 31st March 2016	=	1661
B.	Under Construction as at 31 st March 2016	=	477 gross
C.	Sites with Planning Permission as at 31 st March 2016	=	823 gross
D.	Losses as at 31 st March 2016	=	24
E.	Total Supply [B + C – D]	=	1276 net
F.	Housing Requirement (2006-2026)*	=	6000
G.	Annual Requirement [F/20]	=	300
H.	Target Completions (April 2006 to 31 st March 2016) [Gx10]	=	3000
I.	Current shortfall [H-A]	=	1339
J.	5 year requirement with shortfall [(Gx5)+I] x 1.2	=	3407
K.	Annual 5 year requirement with shortfall [J/5]	=	681
L.	No of years supply [E/K]	=	1.87 years

Notes - * Core Strategy requirement as adopted 26th March 2014



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