DELEGATED DECISION REPORT

NMA/2019/0015 **Valid 02/08/2019**	**LAND OFF MACCLESFIELD ROAD LEEK**	**AMENDMENT TO RED EDGE ON LOCATION PLAN. REF SMD/2013/1201** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

- Landscape Impact
- Nature Conservation

DESCRIPTION OF SITE

The 0.47 hectare greenfield application site is situated within a peripheral location to the northwest settlement of Leek town centre. It lies broadly to the south of Macclesfield Road, to the rear of Bridge End Garden Centre and the White Lion Public House with intervening land. It also borders the rear of nos. 3, 4, 5 Orchard Court (on lower ground) and football club associated carpark to its eastern boundary. Separated by land within the applicant's control, the blue edge would adjoin Bryn Helyg to its southern boundary, which is sited on higher ground. Continuing on rising ground, the site's western boundary directly adjoins grazing land within the town boundary. A non-designated public footpath runs along the eastern boundary of the site. Access to the application site is gained via a track from Macclesfield Road to the northeastern corner of the site. It runs between Leek Town Football Club, Bridge End Garden Centre and the White Lion Public House. This track also serves the carpark for the football club. The site lies within the designated Leek Town Boundary. The site access is also sited within Flood Zones 2 and 3.

PROPOSAL

A Non-Material Amendment application (NMA/2019/0015) is submitted seeking to amend the application red-edged site; the effect of this is to include an additional area of land at the south-west corner (previously part of associated blue-edged land) in order to accommodate the layout now proposed under SMD/2019/0213.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (Adopted 1998)
- Core Strategy Development Plan Document (Adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

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.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS2 Future Provision of Development
- SS3 Distribution of Development
- SS1a Presumption in Favour of Sustainable Development
- SS5 Towns
- SS5a Leek Area Strategy
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- H1 New Housing Development
- DC1 Design Considerations
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

Emerging Local Plan

The existing development plan document for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new Local Plan will include sites for developments and boundaries. It will be a single document that will take a fresh look at the development needs of the district for the next 14 years to 2031. As well as early public engagement, the Council have undertaken public consultations on the draft plan site allocation options during 2015, preferred options and boundaries in 2016 and preferred options in 2017. The comments received in response have been used to prepare, publish and consult upon the final Local Plan draft 'submission' version, which was examined by the Inspector during sessions held in October 2018.

A full schedule of main modifications to the Local Plan is expected to be subject to consultation this autumn. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1 a Presumption in Favour of Sustainable Development (Significant)
- SS5 Leek Area Strategy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- SD3 Carbon-saving Measures in Development (Moderate)
- H1 New Housing Development (Limited)
- DC1 Design Considerations (Moderate)
- NE1 Biodiversity and Geological Resources (Moderate)
- NE2 Trees, Woodlands and Hedgerows (Significant)
- T1 Development and Sustainable Transport (Moderate)
- T2 Other Sustainable Transport Measures (Moderate)

Supplementary Planning Document

Space about Dwellings (1996)

Supplementary Planning Guidance

Staffordshire Moorlands Design Guide (2018)

National Planning Policy Framework (NPPF) revised.

National Planning Policy Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/0213 - Approval of reserved matters following outline approval SMD/2013/1201. Pending.

SMD/2018/0706 - Approval of reserved matters following outline approval SMD/2013/1201. Refused February 2019.

SMD/2013/1201 – Erection of 11 Dwellings (Outline) with details of vehicular access. Approved with conditions December 2016 (expires 13th December 2019).

SMD/2002/1218 - Outline for erection of 5 detached dwellings and extension to football club car park. Refused. Dismissed at appeal owing to a lack of a Flood Risk Assessment to demonstrate that the safety of residents of the development would not be compromised in times of flood risk and loss of a greenfield site.

CONSULTATIONS

SMDC Aboricultural Officer

I have the following comments in relation to the latest amended scheme for reserved matters approval, with proposed layout as now set out on "Planning Proposal Alternative Site Plan" Drg. No. 2019-2408-20 Rev H:

It is noted that a Non-Material Amendment application (NMA/2019/0015) is also submitted, seeking to amend the application red-edged site; the effect of this is to include an additional area of land at the south-west corner (previously part of associated blue-edged land) in order to accommodate the layout now proposed under SMD/2019/0213.

The NMA proposal would still allow for provision of a new mixed native species hedgerow along the western boundary (the interface between urban area and open field/countryside beyond). Although this would then bring dwellings (i.e. those at Plots 9 & 10) closer to the field, it is considered that in practice this would have little if any additional harmful impact on the character of the landscape nor any greater visual impact, as the combination of landform and several layers of intervening hedgerows screens the site from publicly available viewpoints beyond to the north-west/west/south-west.

Meanwhile the on-site effects of expanding the red-edge are to slightly free up the development density, allowing more potential soft landscaping areas to plot frontages which can usefully accommodate trees, structural shrub planting etc and generally give a slightly more spacious feel to the public realm area of the site itself. This would reduce the dominance of structures, hard-surfacing and parked vehicles compared to previous layout proposals for this site. Notwithstanding this, the proposed layout would also still make appropriate provision for the retention (and reinforcement) of the existing gappy/leggy hedgerow and included trees along the northern boundary.

I therefore have no objection to the current application as now set out on the amended layout Drg. No. plan 2019-2408-20 Rev H, and no also objection to the NMA application NMA/2019/0015, but would request that the following condition relating to temporary tree/hedge protection during construction be imposed in the event that reserved matters for layout is now approved:

1. The first action on commencement of development, prior to any further action (including any site clearance, site stripping or site establishment) shall be the erection of temporary tree protection barriers fencing and advisory notices for the protection of the existing trees and hedgerows to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition*

and Construction – Recommendations, and this shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

OFFICER COMMENTS

The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Adopted Staffordshire Moorlands Core Strategy 2014.

The NPPF (National Planning Policy Framework) as revised was issued in February 2019 and has subsequently been updated. The NPPF is a mandatory material consideration in decision making. The applicable contents of the NPPF will be referenced within the relevant sections of the officer report as detailed below.

The proposed NMA (Non-Material Amendment) ref. NMA/2019/0015 'Amendment to the red edged location plan' ref. SMD/2013/1201' is currently pending. It seeks to amend the application red edged site to include an additional area of land at the south-west corner (previously part of associated blue-edged land) in order to accommodate the revised layout now proposed whilst increasing the blue edged land provision to the south of the site to result in a revised red edged site area of 0.47ha to preserve the quantum of buffer planting previously achieved.

The site occupies a more elevated position and houses on it would be seen from some vantage points in the town of Leek. At the outline stage, it was acknowledged that the site would be viewed from a distance. However, this would be seen in the context of the overall built environment on the edge of Leek with the main views of the site being gained on the approach to Leek via A523 Macclesfield Road. In addition, the site would be further screened by the existing developments to the fore, namely Leek Town Football Club, Bridge End Garden Centre, the White Lion Public House and by the bank of trees to the north of the site. In these circumstances, it was concluded that townscape character would not be adversely affected by inappropriate built development. The reservation of the peripheral 'blue' land via a planning condition would allow the provision of sensitive landscape planting to further soften this visual impact.

The proposed amendments to the site edged red are found to be acceptable with particular regard to the comments of the Council's Aboricultural Officer as set out

above. In these circumstances it is concluded that the changes to the site edged red would be non-material in nature for this matter to be granted approval under section 96A of the Town and Country Planning Act 1990. Other than the changes referred to here any other conditions attached to approval ref. HPK/2013/01201 would continue to apply as detailed in Appendix 1 of the report and would include a planning obligation providing for the payment of contributions towards the provision of education facilities.

CONCLUSION / PLANNING BALANCE

The scheme would comply with the development plan as a whole and also demonstrates compliance with the NPPF. Accordingly the scheme should be approved without further delay and subject to recommended conditions as is detailed below.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Rachael Simpkin
Recommendation Date: 16/10/2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council