

SMD/2021/0536

Description: Reserved matters application for approval of appearance, landscaping, layout, and scale...[for] SMD/2014/0750

Location: description: Land at Barnfields Industrial Estate Sunnyside Road Leek ST13 5RJ

Planning History:

SMD/2014/0750 - demolition of former industrial buildings and redevelopment of site comprising: residential (use class c3 up to 175 dwellings) with associated open space, play areas and cycle links; live/work units 2000sqm, employment (use class b1c and b2 up to 1847 gross sqm including mezzanine); tourism and leisure uses including a marina / basin and associated boating facilities (up to 20 berths), railway station with associated heritage/railway activities building including tourist/local needs retail unit (use class d2/a1 up to 394 gross sqm); public house / restaurant (use class a3 / a4 up to 340 sqm) and associated car parking and servicing; reserve land for future highway including associated landscaping: **Approved 17/08/15**

SMD/2020/0552 - Application to vary a S106 relating to SMD/2014/0750. **PENDING**

SMD/2021/0537 - Variation of conditions 4 & 13 and Removal of Conditions 10 & 19 of Planning Permission SMD/2014/0750. **PENDING**

Schemes SMD/2020/0552 and SMD/2021/0537 cover proposed amendments regarding highways layout conditions (to accommodate alterations to internal roads layout), and to remove the requirement for the marina proposed in the original 2014 scheme to be implemented at all on grounds of viability; and if approved would dedicate the marina land to SMDC for a period to allow it to investigate delivery of the marina instead.

Policy Considerations

NPPF 2021:

Para 8: Achieving sustainable development means that the planning system has..overarching [economic and social] objectives

Housing and Affordable Housing

Para 60: ..it is important that a sufficient amount and variety of land can come forward where it is needed [for housing]..

Para 63: [for housing schemes]Where a need for affordable housing is identified, planning policies should ..expect it to be met on-site..

Para 64: To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount..

Para 65: Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership..

Economy

Para 81: Planning.. decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development..

Transport

Para 104: Transport issues should be considered from the earliest stages of ..development proposals, so that:

c) opportunities to promote walking, cycling and public transport use are identified and pursued

para 105: Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes..

Para 106: Planning ..should:

a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

para 110: in accessing sites.. it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 112: ..applications for development should:

(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services..

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Para 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport

statement or transport assessment so that the likely impacts of the proposal can be assessed.

Brownfield Sites

120. Planning ..decisions should:

- a) encourage multiple benefits from ..urban..land..including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land..especially if this would help to meet identified needs for housing where land supply is constrained..

123. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) ..employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres..

Density

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land

Design

para 130. Planning ..should ensure that developments:

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

para 134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design

Flood Risk and Climate Change Mitigation

para 154:

- (a) When new development is brought forward in areas which are vulnerable [to flood risk] , care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design

157. new development [should]:

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

161. All plans should apply a sequential, risk-based approach to the location of development [by]:

a) applying the sequential test and then, if necessary, the exception test [in para 164]..

c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding

para 167: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate [para 169]

Natural Environment

para 174: planning decisions [should]: (d) provide net gains for biodiversity;

e) prevent.. existing development from contributing to.. unacceptable risk from..pollution..(f) remediate.. contaminated..land, where appropriate.

Para 183. Planning decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from.. contamination..

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions

Heritage

190. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment [including]:

d) opportunities to draw on the contribution made by the historic environment to the character of a place

para 200: Any harm to, or loss of, the significance of a [conservation area] (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a [conservation area], local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss [etc]

SM Local Plan 2020:

SS1 Development Principles: The Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services:

- Development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;
- Development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, both now and for future generations.

Policy SS5 Leek Area Strategy: Create employment growth and increase the diversity of employment opportunities to meet existing and future needs by: Improving and intensifying the use of existing employment areas at Barnfields...

(4) Promote Leek's special character and heritage and strengthen its role as a visitor destination by:

Increasing tourist opportunities for visitors through ..the development of new tourist attractions linked to the Churnet Valley [etc]

(5) Create major mixed use development opportunities and related infrastructure improvements [for].. Cornhill East ... Development should enable provision for a link between the A520 and A53 to the south of the town and links to the canal and Churnet Valley railway and should have regard to the Churnet Valley Masterplan..[etc]

SS11 Churnet Valley Strategy: The Churnet Valley Masterplan provides a comprehensive framework for development in the Churnet Valley and development should be in accordance with the Masterplan. Within this area particular support will be given to the following forms of development and measures:

- measures to remediate and restore derelict land, buildings and features including the appropriate redevelopment of sites;
- measures that support and integrate the heritage transport infrastructure of the valley.

Policy SD 1 Sustainable Use of Resources: The Council...:

(2) Supporting or promoting proposals that remediate brownfield sites affected by contamination

(4). Supporting development that is located and designed to minimise energy needs and to take advantage of maximised orientation (subject to design and landscape policies)

(5) require applicants for all major-scale planning applications (10 or more residential units or 1,000+ square metres floor area) to demonstrate that they have considered the energy efficiency, water conservation, sourcing of construction September 2020 75 Staffordshire Moorlands Local Plan - Adopted materials, and site orientation aspects of the scheme, and where possible the feasibility of integrating micro-renewables. The degree of detail expected will depend on the scale/complexity of the proposal.[etc]

Policy SD 3 Sustainability Measures in Development: The Council will support further carbon-saving or water-saving measures in both new and existing developments...

Policy E 3 Existing Employment Areas, Premises and Allocations: Employment areas, premises.. will be safeguarded for such purposes. Development of such areas that will lead to a loss of employment will not be permitted unless:

C) substantial planning benefits would be achieved through development for non-employment uses which would outweigh the loss of the site for employment use .. and D.. preference will be given to a mixed use scheme which retains as much employment floorspace on the site as possible (to be demonstrated by evidence)..

Policy E4 Tourism and Cultural Development: New tourism development which complements the distinctive character and quality of the District will be supported having regard to the Churnet Valley Strategy Policy SS 11 [etc]. New tourist attractions/facilities in should be developed in areas specifically identified for tourism development in the Churnet Valley Masterplan or other relevant documents [etc].

Policy H 1 New Housing Development:

1) New housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing;

2) Where a demand exists, residential developments of 10 dwellings (or 0.5ha) or more will make an appropriate contribution towards [self-build] need in agreement with the Council. This will be negotiated on a case by case basis

3)

a) Housing for special groups, particularly for older people and others as identified in the SHMA ..should be of a scale and in a location which is appropriate to its needs

b) Housing proposals of 10 dwellings (or 0.5ha) or more will be required to provide a mix of housing in terms of size, type and tenure .. The final mix will be negotiated with the developer based on housing needs as informed by the SHMA..

c) All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services.

Policy H 3 Affordable Housing:

1) Residential developments of 10 dwellings (or 0.5ha) or more shall provide 33% affordable housing..

Policy DC 1 Design Considerations: All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD:

1. be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;
2. be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance;
8. require new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links;
11. be served by high speed broadband (>30mbps) unless it can be demonstrated through consultation with Next Generation Access Network providers that this would not be possible, practical or economically viable.

Policy DC 2 The Historic Environment: 1. The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment..

Policy C3 Green Infrastructure: The Council will identify, protect and enhance Green Infrastructure assets through the Green Infrastructure Strategy..

Policy NE1 Biodiversity and Geological Resources: The biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by..:

5. Expecting all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development..

Policy T 1 Development and Sustainable Transport: The Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally..by:

2. Ensuring that major development is located in areas that are accessible by sustainable travel modes or can be made accessible as part of the proposal..

Development which generates significant demand for travel or is likely to have significant transport implications (as identified within a Transport Assessment) will, where appropriate:

- Contribute to improved public transport provision
- Contribute to junction improvements, traffic management and highway infrastructure
- Provide proactive facilities and measures to support sustainable transport modes including on-site features to encourage sustainable travel methods e.g. cycle path links, cycle storage facilities, bus stops etc..

Churnet Valley Masterplan

The application site is broadly identified as both an 'opportunity' and a 'gateway' on the page 67 Leek Map. Reference is made under Leek's role to "...Cornhill is a major development opportunity to provide a significant tourist hub to complement the town centre with links to the railway and canal and broadening the tourist appeal of the town..". key actions include:

- Development focused on Cornhill in line with Concept Statement
- Re-opening of rail line to Leek and development of canal gateway
- Strengthen sustainable transport links between town centre and Cornhill...

'possible improvements' to Leek include:

- Improved connection to Cornhill and proposed railway station, canal basin, etc

Cornhill Concept Statement

Page 74 of the adopted CVMP illustrates the Cornhill Concept Plan which indicates the 'zones' pertaining to commercial/residential, tourist, and marina broad uses. states:

- Potential to act as a significant gateway into the Churnet Valley
- Reiterates that CS[now SMLP] identifies that employment, tourism and leisure uses may be suitable for this site and that any development shall make provision for a link between the A520 and A53 to the south of the town and links to the canal and Churnet Valley Railway
- Development proposals should achieve a scheme which is commercially viable and deliverable taking account of site constraints...
- Enhance the environment of the area and make better use of underutilised land
- Utilise potential of canal to full advantage
- Make provision for a railway station and canal basin and associated car parking and create physical links between these
- Secure high quality design which responds to the landscape character of the area and the physical constraints of the site
- Ensure that development does not detract from the existing attractive southern gateway to Leek
- Ensure that where feasible renewable energy and energy efficiency technologies are included within projects for new development.
- Ensure development makes appropriate provision for the sustainable management and use of surface water.

Relevant Issues

The outline scheme was approved in 2015. I have attached the original policy comments. The main difference between the outline scheme and the current reserved matters is that the latter, whilst including provision of the marina basin, the applicant states at the outset it is not feasible or viable for them to commit to its delivery and delineates an area of land within the site to be reserved for its future delivery or, if not implemented within an agreed period of time, an area of public open space (they then state that it is understood the Council is seeking to access Government funding in order to deliver the marina basin). The current scheme reserves land at the NE for a potential link road to Cornhill East and the A52, as expected under Pol SS5. The Planning Statement refers to how proposals for the future railway station area in SE are still being finalised (it is therefore assumed that these will be the subject of subsequent reserved matters?).

Condition 5 of the outline consent sets upper thresholds for the various non-residential uses on site. It needs to be assessed whether the current scheme conforms with these requirements.

Policies in NPPF (paras 120,123 etc), SMLP (SS5) and CVMP taken together encourage brownfield redevelopment of underused sites for housing and other imperatives, subject to wider policies.

When assessed against employment land protection policies in the core strategy the combination of other public benefits derived from the scheme (including marina) was central in justifying the outline approval [para 60 in the PAC report]. Therefore a view needs to be reached whether it is realistic the marina basin would be delivered at all under the current proposals, and if not, whether non-delivery of this element is sufficient to justify the overall scheme (and whether reserved matters are consistent with the terms of the original outline consent). Also note that housing delivery weighed heavily in favour of the proposal in 2014 when the 5YHLS figure was only 2.2 years; currently (with 2020 Local Plan having been adopted) the latest figure available is 4.21 years. However as the Council cannot currently demonstrate a 5YHLS the tilted balance under para 11(d) NPPF applies to this scheme.

Housing Mix and Affordable Housing

It is understood that the outline approval dispensed with any affordable housing contributions owing to the requirement for housing to cross-subsidise other elements of the approval (and general viability of wider scheme). Therefore no affordable housing is proposed under the current proposal. However I note the original S106 to the outline approval did reference and define the carrying out of future viability re-appraisals concerning appropriate contributions including affordable housing. I have set out below the Council's normal expectations for affordable housing/tenure mix on residential schemes. A view needs to be reached as to whether any/all of this could be achieved whilst retaining the viability of the overall scheme in broad NPPF terms (having regard to any financial viability information submitted by the applicant).

The 2017 Strategic Housing Market Assessment update conclusions refer to these indicative %age split:

- For affordable housing: 60% Social / Affordable Rented: 40% Intermediate / Starter Homes
- Property Sizes: 60% 1/2-bed; 40% 3/4-bed dwellings overall

Policy H1 states that the final mix should be negotiated with the developer based on housing needs as informed by the SHMA and other factors such as available supply and market demand. Below is the ward based census data for Leek South Ward (results for 1-2bed and 3-4 bed have also been combined). The scheme should bring the housing stock closer to the SHMA recommendations.

2011 census merged ward	All categories: Number of bedrooms	1-bed	2-bed	3-bed	4-bed	5 or more bed
Leek South	2547	258	751	1130	317	91
% of housing stock	100%	10.13	29.49	44.37	12.45	3.57

Commented [JM1]: We should expressly state that we do not have a 5 year housing land supply and therefore the tilted balance as per para. 11d of the NPPF is engaged.

Combined %		39.62%	56.82%	
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Self-Build Housing Demand

The Council has a legal duty to meet the demand for the number of entries (plots) demanded on its self-build register overall; and should also consider the geographic areas of the District specified by applicants. Pol H1(2) states that where a demand exists major residential developments will make appropriate contribution to this demand in agreement with the Council, to be negotiated on a case by case basis.

In the case of Leek at the time of writing **4** self-build plots specified the Leek area only, as a locational preference; a further **17x** plots specify Leek but with other locations in the District (out of a total District-wide plot demand of 65). As no self-build plots are proposed the scheme should respond to the expectations of Pol H1(2).

Flood Risk

I note that western areas of the site fall within FZs 2/3 [River Churnet]. The illustrative layout appears to show some proposed housing affected by FZ2 and adjacent to FZ3. It needs to be established whether the scheme conforms to the sequential- and exceptions- test expectations set out in policy (above). Does the EA object to any aspect of the scheme, and does the scheme locate the most vulnerable parts of the development in the areas of lowest flood risk (FRA)? Does the scheme integrate green areas and SuDS, and in the most appropriate locations?

Density and Design

A total of 157 dwellings are proposed on the majority of the site (excluding marina/railway station/employment units): an approximate density of 29/ha on this part of the site. The above policies set out that higher densities should be pursued (and in the context of the 5YHLS figure) in locations that are (or can be made) more accessible. I note that the proximity to supermarkets, employment areas, and the main Leek to Hanley road (with its hourly(?) bus routes). Also note that the Leek-Werrington-Hanley half hourly route runs along the A52 Cheadle Rd therefore emphasising the importance of establishing green travel links between both roads. The density of the current scheme therefore needs to be considered also taking into account any design and heritage considerations. Given the scale (and density) of the scheme, are any of the transport mitigation measures identified in Pol T1 appropriate (consult with HA)?

The illustrative masterplan appear to show a high density straight frontage of semi-detached 2-storey dwellings along southern edge of site overlooking the canal and river. The appropriateness of this arrangement in terms of design, landscape impact and heritage impact (canal conservation area) needs to be assessed. For example would a less regular, lower density, lower height arrangement be more appropriate? Is further screening required? Also Policy SD1 and other policies support scheme layouts that minimise energy needs/maximise orientation (passive solar gain, south facing roofs for solar etc). Has this been considered (and has the requirement in SD1(5) been responded to?). For example most roofs appear to have east/west orientation not north/south). Also SMLP and NPPF policies support integration of EV charging points, and decentralised renewables— have these been considered?

Biodiversity Net Gain

Pol NE1(5) and NPPF para 174 expect that schemes generally achieve a net gain in biodiversity [notwithstanding that provisions of Part 6 of Environment Act 2021 are not expected to be enacted until late 2023]. Has the applicant responded to the Pol NE1(5) expectations?

Green Travel

Under the above policies, the scheme should encourage green travel modes to traverse the site easily and link to the town centre, railway line, the A53 (and preferably the A52). The Green Infrastructure Strategy 2018 identifies the railway line as a key green travel route.

Railway Station

The scheme makes provision for future development of a railway station area in the SE of the site. Note adjacent approval SMD/2021/0700 for new railway line and platform. As the two schemes appear to be separate applicants, it needs to be considered whether these two adjacent schemes can be developed together (to preferably achieve the railway aspirations in the CVMP etc).

Conclusion

The scheme is an opportunity for the comprehensive redevelopment (and remediation) of an underused brownfield site within the town boundary for various uses that conform with local and Churnet Valley policies. Therefore the principle of the scheme should be viewed favourably provided you are satisfied that the question over the delivery of the marina basin element would still justify the whole scheme against local employment land protection policies etc. similarly it is assumed that the railway station element is to be forthcoming under reserved matters. The scheme would also represent major delivery of housing for the Council's 5 year housing supply etc. However, this is a major scale high density housing scheme therefore you need to be minded that the design and layout are acceptable, and also in terms of landscape and heritage impact from the south. The scheme is an opportunity to consider minimising energy needs and maximising building orientation, and EV charging points, decentralised renewables etc: has this been considered? Given the density of the scheme, and its peripheral, non-central location, the appropriateness of the density needs to be considered, and the layout should design in green travel options (for example linking to A53 bus routes, links to town centre and Churnet Valley etc). Are further sustainability measures required under Pol T1? Does the scheme consider biodiversity net gain at all? For example features like SuDS can incorporate biodiversity benefits, or the scheme could create green linkages to the green corridor railway line, the Cornhill East BAS, etc.

Commented [JM2]: Need to tie this back to Local Plan policy as well to acknowledge the distinction between the 2.

Commented [JM3]: Yes – the latest statement counts a total of 45 homes from the site towards the supply. 15 in 2024/25 and 30 in 2025/26. Did we write out the owners recently?