

## DELEGATED DECISION REPORT

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**SMD/2021/0537**  
**Valid 13/08/2021**

**LAND AT BARNFIELDS**  
**INDUSTRIAL ESTATE**  
**SUNNYHILLS ROAD**  
**LEEK**

**VARIATION OF CONDITIONS 4**  
**10, 13 AND 19 OF PLANNING**  
**PERMISSION SMD/2014/0750**

**(OUTLINE - LARGE-SCALE**  
**MAJOR APPS)**

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### INTRODUCTION

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. Whilst it is open to the applicant to decide whether to implement the new permission or the one originally granted, in this case the changes in the S73 are made so that it aligns with the reserved matters application SMD/2021/0536 which already has a Committee resolution to approve subject to this S73 being approved. The intention being that both permissions will be issued simultaneously. Condition 1 is recommended on both applications to make it clear as to which permission the outline and reserved matters respectively refer.

### DESCRIPTION OF SITE

The application relates to the Cornhill redevelopment site

### PROPOSAL

The application initially proposed amendments to Conditions 4 and 13 and the removal of Conditions 10 and 19. The former relates to highway matters, the latter to the construction/delivery of the Marina.

The applicant has subsequently agreed that Conditions 10 and 19 need to remain but as he is not delivering the Marina, the triggers for these two conditions can be amended. The description has been amended accordingly

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS 5 Leek Strategy
- SS12 Planning obligations
- DC1 Design Considerations
- DC2 Heritage
- E1 Employment
- E3 Existing employment areas
- C1 Creating Sustainable Communities
- C2 Sport, recreation and open space
- NE1 Biodiversity and Geological Resources

- NE 2 Trees, Hedges and woodland
- H1 New housing development
- H3 Affordable housing
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

## **National Planning Policy Framework**

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

## **CONSULTATIONS**

### **Publicity**

Site Notice, press notice and neighbour letters – all expired

### **Public Comments**

None received

### **Town / Parish Comments**

No objection

### **Environmental Health**

No issue

### **Local Lead Flood Authority**

No Issue

### **Environment Agency**

No issue

### **Staffordshire County Council Highways**

No objection subject to conditions

### **Staffordshire Wildlife Trust**

Commented that the application appears not to have significant ecology implications, so will not be providing detailed comments. Any amended plans as a result of this application would need to be reflected in the calculation of the site's biodiversity net gain.

### **Canals and River Trust**

Object to the request to remove Conditions 10 and 19. Suggest these could be simply amended so that they are no longer pre commencement conditions but related to any work commencing on the marina

Officer comment: Subsequently agreed with the applicant and the description amended accordingly

## **OFFICER COMMENTS**

The issue here to consider is whether the proposed condition amendments are acceptable in planning terms and whether or not there have any material changes in circumstance since the outline permission was granted in 2015 which could lead to a different outcome.

There has been no change in terms of the principle of development. The site is vacant brownfield land on the Barnfield's industrial estate within the development boundary of Leek. Policy SS5, the Leek Area Strategy sets out how the role of Leek as the principal service centre and its regeneration will be supported. It refers amongst other matters to supporting the development of housing and creating employment growth. The Development strategy for

the Cornhill site in the adopted Churnet Valley Masterplan refers to appropriate uses being employment, residential , leisure and tourism.

Although a new Local Plan was adopted in September 2020 i.e. since the outline permission was granted, there has been no substantive change to Policy SS5 and the CVMP remains a weighty material consideration

For these reasons the principle of development remains acceptable.

#### Highways

A Transport Statement has been submitted with the application. The LHA has carefully considered this and raised no objection to the proposed amendments to Conditions 4 and 13. The former is required to reflect the revised position of the main access from Sunnyhills Road into the site and the secondary access points onto Barnfields Road in line with the reserved matters application SMD/2021/0536. The amendment to Condition 13 is to allow for the phased implementation of the development.

#### Flood Risk/Drainage

The LLFA has been consulted. They raise no objection subject to the re imposition of Conditions 31 and 32 of SMD/2014/0750

#### Contamination

The EA and Councils EHO have been consulted. Both have raised no issue. The original conditions requested will be included

#### Biodiversity

At the time of the outline application the site was largely hard surfaced with minimal biodiversity interest noted leading to just two conditions in the Ecology section; one relating to the timing of works to protect breeding birds and one seeking a lighting scheme albeit that the condition is non species specific (bats would be the obvious species requiring some protection) other than referring to avoiding '*nuisance to the Ladderidge Country park and occupiers of dwellings*'.

In the intervening 8 or 9 years, the ecology of the site has altered with part of it now comprising open mosaic previously developed land. The applicants have provided a number of updated surveys and reports following various discussions with Staffordshire Wildlife Trust. These discussions have naturally overlapped with the reserved matters application, SMD/2021/0536. These include updated Bat, Otter and Invertebrate surveys carried out in July 2022, an Outline Mitigation Strategy (May 2022), a Biodiversity Enhancement Management Plan dated July 2022 and a Biodiversity Net Gain Assessment dated August 2022.

Bats – no evidence of roosts observed, bats are using the site for commuting and foraging. Mitigation - Lighting strategy recommended and recommendation made in respect of nesting pigeons in buildings B1 and B3.

Invertebrates – no notable species found. Recognises that the site is an example of the UKBAP habitat 'Open mosaic habitats on previously developed land' and potentially an important site for its invertebrate communities.

Mitigation:- pollinator strips of wildflowers, deadwood piles, measures to prevent run off and silt from entering the water system/River Churnet and affecting the invertebrate community

Otters – are known to be present within the River Churnet but nearest holt 80m away from site. No direct impact expected.

Mitigation:- To prevent indirect impact to otters during construction through pollution of the River Churnet, reports sets of RAM's to be taken during construction (para 5.2.1 of the report) and lighting strategy including during construction

Provided therefore conditions are imposed to secure a Construction and Environment Management Plan in order to safeguard protected species during construction and a Landscape Ecological Enhancement and Management Plan, the application is acceptable in terms of biodiversity.

## **CONCLUSION / PLANNING BALANCE**

For the reasons outline above, the amendments to Conditions 4, 10, 14 and 19 are acceptable. As the development has not commenced, all conditions on the previous outline SMD/2014/0750 are re imposed except where amended as discussed in the Officer comment section above. The application will be compliant with polices in the Development plan and on this basis the Section 73 application can be granted

**OFFICER RECOMMENDATION :**                      **Approve the Section 73 application**

**Case Officer: Jane Curley**

**Recommendation Date: 18<sup>th</sup> November 2024**

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**