

**MATTER 8**

**Leek Allocations**

**Issue 1 – Identification of Sites**

**1.1 Is the approach within the Strategic Housing Land Availability Assessment (SHLAA) to assessing the suitability and screening of sites in Leek robust?**

1.1.1 See response to Matter 8 Biddulph question 1.1.

**1.2 Does the LP provide for a range of sites of different sizes in Leek?**

1.2.1 Yes it does. Allocations comprising 630 dwellings on 6 sites ranging from 0.45ha to 10.62 ha (including mixed use sites, brownfield and greenfield sites, in locations throughout the town: see Policy H2). Pol SS4 provides for windfalls both across larger, and smaller sites (based on past trends). Pol SS5 also provides supporting the development of new housing on sustainable sites within the Development Boundary.

**1.3 What is the up to date position in relation to planning permissions affecting the proposed allocations?**

1.3.1 LE022: **SMD/2016/0510** (Proposed 12 dwellings with associated car parking and landscaping FULL) approved 30/11/2017. Subsequent Discharge of Conditions application DOC/2018/0077 PENDING. Does not appear commenced as of September 2018.

LEEK EM2 (Pol DSR2): **SMD/2014/0678** (Outline planning permission with some matters reserved (except access) for the erection of B2 and B8 units) covers most of this site; resolution to approve 25/08/16 subject to legal agreement (awaiting finalisation).

**Issue 2 – Land east of Horsecroft Farm (DSL1)**

**2.1 Are all the policy requirements necessary and clear to the decision maker?**

2.1.1 See response to Matter 8 Biddulph question 2.7.

**2.2 Is the site viable and deliverable taking into account the need to extend the school and the potential for landfill gas migration?**

2.2.1 The Council have been engaged with Staffordshire County Council Education, the Middle School, and the Horsecroft Farm landowner concerning the delivery of this site for some time, all of whom are supportive (initial discussions concerning layout have taken place). SCC advise they anticipate school expansion to occur within an appropriate time.

In response to this question viability study [ED 24.1] consultant Keppie Massey state:

*“The results of the viability assessment for this site are contained in table 7.22. Detailed information in relation to the financial assumptions is contained at Appendix 6 and the construction cost*

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*assessment is contained at Appendix 7. The assessment is based on the net site area once land required for the new school is excluded. As noted at para 7.110 it has been assumed that the developer will be compensated for the loss of land required for the school by a commensurate reduction in the level of planning contributions required from this site. As noted at 7.111 the site is viable however there may need to be a reduction in the level of affordable housing to just over 20% if contributions to education and optional standards are to be supported. The level of fees included in the viability assessment for this site would be sufficient to cover the cost of all usual site investigations however it is not known if or whether works will be necessary to deal with any constraints arising due to a nearby landfill. As the need for these works and their costs are unknown at this time it is unrealistic for them to be considered in the viability study. The viability assessment in the Local Plan by its very nature is at a high level based upon available information. The assessment of the site does however include a robust 5% contingency on all costs. The level of surplus generated by the appraisal at the base position was £191 per sq.m or £15,853 per dwelling (based on the average dwelling size of 83 sq.m) so even if further costs are identified there is likely to be sufficient funds to deal with additional costs without undermining delivery. For example WYG suggest that the cost of a gas membrane in this case is unlikely to be more than £1,000 per dwelling. In this context it is noted that emerging Local Plan Policy H3 Affordable Housing allows for a test of viability."*

With regards landfill gas migration the Environmental Health officer advises that the site is likely to be viable and deliverable, but a developer would need to undertake a detailed contaminated land risk assessment including a ground gas assessment (directly monitoring the gas). This detailed investigation could be undertaken prior to the granting of permission or could be conditioned providing the applicant can demonstrate an understanding of the site by providing preliminary risk assessment with the application. This would typically be a desktop study / walkover, and once granted additionally standard planning conditions would then require the preparation of a detailed remediation scheme by the developer to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property, adjoining land and ground and surface waters. Typically the remediation of sites likely to be affected by ground gases requires the installation of gas protection (membranes/ subfloor voids) and are unlikely to be of such magnitude as to affect the viability of a scheme. Note the adjacent Nightingale housing development only identified slightly elevated ground gases –  
<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=18195> .

**Issue 3 – Land at the Mount (DSL2)**

**3.1 What are the implications of The Mount as a recreational resource for the allocation?**

3.1.1 Mount Road is an adopted vehicular highway (used by walkers); all land parcels at the DSL2 site are either in private ownership or County Council ownership. None of them have ever contained public open space, visual open space, nor Local Green Space designations. Notwithstanding this all residential schemes would be expected to integrate areas of open space, SuDS etc in accordance with wider policies (and also links to Green Infrastructure in accordance with actions identified in the

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adopted SM Green Infrastructure Strategy ED22.10) . This Strategy identifies a 'promoted walk' down Mount Road on page 91, and general actions on pages 54-56 including developing a series of green radial routes linking the town with surrounding countryside. A number of public rights of way also traverse the site. Wider Council policies expect that existing rights of way be respected in development schemes.

**3.2 Is the Council satisfied that landscape, green infrastructure, biodiversity, heritage, highway, transport, air quality and flood risk impacts can be mitigated so that development of the site would be acceptable?**

3.2.1 Yes

***Landscape***

The site lies on the eastern edge of Leek. As is the case with all proposed Local Plan allocations a site specific Landscape Impact Study (ED22.5 p.43 – 46) has been undertaken which identifies parts of the site where landscape sensitivity is medium, and high, and suggests specific mitigation measures which have been incorporated into Policy DSL2 (refer to MM39).

***Green Infrastructure***

The Council's Green Infrastructure Plan (SD 22.10) seeks to develop a network of green corridors and green spaces. See also para 3.1.1 above.

***Biodiversity***

Ecological survey work has taken place on each part of the site in the form of an extended Phase 1 Habitat Survey and a Local Wildlife Assessment (ED14.3, ED14.8, ED14.9, ED14.10) with recommendations provided in some cases for further survey work. Policy NE1 now requires this evidence be taken into account in development schemes (MM34). In general the sites are species poor, have relatively low ecological importance and habitats are common throughout the region.

***Heritage***

A Heritage Impact Study has been undertaken (ED22.5 p 83-85). All areas of the site were identified as being suitable for development in heritage terms (as despite there being some listed buildings within 400m, due to the topography of the surrounding landscape as well as intervening buildings development would be highly unlikely to adversely affect settings of these assets).

***Highway and transport***

SCC Highways did not raise any objections to sites LE066 /LE128 /LE140 /LE142A /LE142B subject to development in this area contributing to the improvement of Mount Road including provision of footways and pedestrian links. Also Kniveden Lane should be brought up to adoptable standard with the implementation of footways. Further junction improvements at Mount Road/Ashbourne Road may also be appropriate. The Council would assess schemes having significant transport impacts against relevant NPPF and Local Plan policy (including requirement to submit transport statements, and provide highways improvements where deemed appropriate). Leek is already served by a

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number of frequent or less frequent bus routes, connecting to centres such as Hanley, Cheadle, Buxton and Macclesfield. A number of these use main arterial routes such as Buxton Road/Ashbourne/Springfield Road. In some circumstances, major residential developments may be required to contribute to improved bus routes/bus facilities in accordance with Local Plan Pol T1/SM Integrated Transport Strategy.

***Air Quality***

There are currently no designated AQMAs in the District. However the Council is currently considering scope for future designations.

If the Council considered that a development may adversely impact on local air quality then the applicant is required to undertake air quality assessments to identify these issues and develop options to mitigate these impacts. In addition the Council continually monitors air quality across the District and regularly undertakes review and assessments of this data to identify areas where the traffic could have an unacceptable impact on local air quality. Policy SD4 covers controls of all forms of pollution arising from development.

***Flood Risk***

The whole site is within flood Zone 1 (i.e. low probability of flooding). The Lead Local Flood Authority, whilst not objecting to the site, has questioned how any existing surface water will be dealt with, and has requested a Flood Risk Assessment for all areas of the site. Schemes would have to comply with Policies SD4 and SD5.

**3.3 Should parts of the allocation be safeguarded as Local Green Space, Green Infrastructure (GI) or open space?**

3.3.1 Refer to Q 3.1 responses above.

**3.4 Are all the policy requirements necessary and clear to the decision maker?**

3.4.1 See response to Matter 8 Biddulph question 2.7.

**3.5 Should the policy include a requirement for master planning and phasing of the school site?**

3.5.1 Ollerton Estates' agent CBRE have confirmed their support with the submission of a development statement on behalf of both Ollerton Estates and Staffordshire County Council, setting out an illustrative masterplan for parts of the site owned by both parties [LPS269]. In this context the Council are therefore happy to modify the Policy [in MM39] such that masterplan schemes are required. SCC Education advise that a requirement for school phasing in the policy is not considered necessary because the land in question already falls within SCC control.

**3.6 Is the site deliverable given the multiple ownerships?**

3.6.1 Yes. All landowners involved have confirmed their support for DSL2 allocation [see also 3.5.1 above]. Policy SS12 sets out the Council's expectations concerning securing contributions from development sites, including sites in multiple ownership. A Developer Contributions SPD will provide detail of how

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contributions will be calculated. The Plan encourages applicants on multiple ownership sites to work with the Council and other landowners on joint funding arrangements to coordinate contributions; and to enter into Land Equalisation Agreements to ensure equitable distribution of benefits.

**3.7 Does the wind turbine at The Mount have any implications for delivery of the allocation?**

3.7.1 No the Kniveden Farm wind turbine does not have any implications on delivery of the allocation. Following Environmental Health Officer advice the 2013 wind turbine appeal consent contained a noise condition based on ETSU (Energy Technical Support Unit) criteria to control noise emissions that may impact nearby residents. Following EH officer advice the Council considers a site specific noise assessment should be submitted for any scheme at the Mount to ensure that noise emissions upon future occupiers would be within acceptable limits, and to guide site layout generally. The Council at MM39 proposes to modify the policy to additionally require schemes to be informed by a site-specific noise assessment to ensure that the amenity levels of future occupants are acceptable in relation to wind turbine noise. Additionally a further modification MM38 is proposed in the supporting text to explain this.

<b>Issue 4 – Land adjacent to Newton House (DSL3)</b>
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**4.1 Should the policy be more prescriptive in terms of the employment component and phasing and/or include a requirement for master planning the development as a whole and not just the heritage aspects?**

4.1.1 Note that the landowner's agent submitted previous correspondence [refer to site proforma in ED13.1 and consultation statement ED5.2 Appendix 1 p.1011 LPP01335] including a development statement and zonal masterplan setting out how employment and residential could be co-located (this was not limited to heritage considerations). In this context the Council is happy to modify the Policy [in MM40] such that masterplan schemes and phasing programme are required. Note that all mixed use schemes would be determined against wider amenity policies (DC1, SD4 etc).

**4.2 Are all the key development considerations necessary and clear to the decision maker?**

4.2.1 See response to Matter 8 Biddulph question 2.7.

**4.3 Is the site deliverable given potential costs such as remediation?**

4.3.1 The Environmental Health Officer states *"No significant constraints on residential development - minor contamination expected from light industrial buildings but easily dealt with"*.

In response to this question viability study [ED 24.1] consultant Keppie Massey state:

*"The results of the viability assessment for this site are contained in table 7.22. Detailed information in relation to the financial assumptions is contained at Appendix 6 and the construction cost assessment is contained at Appendix 7. As noted at 7.114 the site is viable however there may need to be a reduction in the level of affordable housing to just over 20% if contributions to education and optional standards are to be supported. The construction cost assessment includes costs to deal with the demolition and clearance of the site and provision for abnormal foundation costs to a percentage*

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*of the dwellings. The site has been used as offices for many years and this form of use is likely to carry a low risk of contamination. The level of fees included in the viability assessment for this site would be sufficient to cover the cost of all usual site investigations however it is not known if or whether works will be necessary to deal with any remediation. The viability assessment in the Local Plan by its very nature is at a high level based upon available information. The assessment of the site does however include a robust 5% contingency on all costs. The level of surplus generated by the appraisal at the base position was £162 per sq.m or £13,122 per dwelling so even if further costs are identified there is likely to be sufficient funds to deal with additional costs without undermining delivery. In this context it is noted that emerging Local Plan Policy H3 Affordable Housing allows for a test of viability."*

**Issue 5 - Land at Cornhill East (DSL4)**

**5.1 Should the policy be more prescriptive in terms of the employment component, link road and phasing and/or include a requirement for master planning the development as a whole?**

5.1.1 Note that the Council published and consulted on a masterplan for this site in 2016 [ED32.6]. In addition the Council are currently collaborating with a developer and landowner to prepare a masterplan encompassing both this site and land to the west at Barnfields industrial estate towards the A53 [see para 5.4.2 below]. Previously the site was identified as part of the Leek character area in the Churnet Valley Masterplan [ED32.3 p.71] for commercial/residential uses, similarly as part of a wider area to the A53. The Council is therefore happy to modify the policy to require masterplanning and a phasing programme [MM41] . Whilst all 3 masterplans allow for an indicative route for a link road to A53 this is an aspiration in the Local Plan (see Leek Pol SS5) retained from the Core Strategy [ED32.7] (although the policy does refer to transport improvements having regard to CVMP). The IDP identifies the link road as 'desirable' (ED8.2) because it is not required to implement the allocation.

**5.2 Are on-site nature conservation designations capable of being mitigated?**

5.2.1 Yes. The Policy already provides for mitigation/compensation of impacts upon the Biodiversity Alert Site. The Council's Extended Phase I and LWS survey evidence for the site [ED14.7] concludes development proposals offer opportunities to provide (recommended) biodiversity enhancements, with recommendations made to avoid impacts to nesting birds, bats, badgers, hedgehogs and reptiles, which is reflected in the policy.

**5.3 Are all the policy requirements necessary and clear to the decision maker?**

5.3.1 See response to Matter 8 Biddulph question 2.7.

**5.4 Is the site deliverable taking into account the link road and access requirements over 3rd party land? (Note – the link road is described as 'desirable' infrastructure in the IDP, not 'essential')**

5.4.1 Refer also to Q5.1 response. The viability study [ED 24.1 p. 104&109] concludes the requirement to provide employment land leads to a reduction in the viability of the site but at the base position development on this site is likely to be viable. The impact of education contributions and the Optional Technical Standards M4(2) reduces the surplus and means that the scheme would not be

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sufficiently viable to support 33% affordable housing. At 10% affordable provision the scheme is likely to be able to support the education contribution plus M4(2) and remain viable.

- 5.4.2 The Council is currently working with Casey Developments, who have an outline planning approval for the adjacent Hughes Concrete Site, to explore accessing the Cornhill east site from Sunnyhills road/A53. The Council has partnered with Casey Developments and commissioned a joint masterplan which is being undertaken by 5plus. A business case for Local Enterprise funding (LGF) is also under development to support infrastructure costs.

<b>Issue 6 - Land east of Brooklands Way, Leekbrook (DSR2)</b>
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**6.1 Should the allocation be extended to 8ha to allow ecological mitigation?**

- 6.1.1 Note ecological mitigation is proposed off-site under SMD/2014/0678 [see 6.3.1 below]. The area shown in map A5.17 pertains to the *gross* 8ha area whilst the policy identifies a *net* area (as explained in supporting text para 9.112) as does Policy E2 (Tables 8.1 – 8.4). However a modification is proposed within the policy to clarify this (MM56).

**6.2 Are all the policy requirements necessary and clear to the decision maker?**

- 6.2.1 See response to Matter 8 Biddulph question 2.7.

**6.3 Are on-site nature conservation designations capable of being mitigated?**

- 6.3.1 Yes. In August 2016 the Planning Committee resolved to approve an outline scheme for the erection of B1, B2 and B8 unit at this site (subject to legal agreement) SMD/2014/0678. The scheme proposed off-site ecological compensation in response to Local Plan natural environment policies concerning the SBI status of the site. Policies NE1 and NE2 of the SVLP would also apply to any scheme (requiring local wildlife site protection, net gains in biodiversity, and tree/hedgerow protection). Natural England did not object to this Policy. The land for the off-site mitigation has now been identified ( land owned by Cheddleton Parish Council). CPC are in agreement and are happy to manage the site in conjunction with Staffordshire Wildlife Trust who will undertake the works on the site which will be funded by developer contribution paid directly to CPC. SWT have also agreed in principle to the proposals. Final detail of a programme of works and costings is currently being worked up to go into the legal agreement at which point it can be signed and permission granted.

**6.4 Should the policy include specific reference to the setting of the nearby Grade II\* listed farmhouse?**

- 6.4.1 The Council has proposed a main modification (MM56) which addresses this point.

**6.5 Is the site deliverable taking into account the need to access the site via Brooklands Way and potentially remove existing buildings?**

- 6.5.1 Refer to Council response to para 134 in Preliminary Matters report EL1.001b.

**Issue 7 - Land west of Basford Lane, Leekbrook (DSR3)**

**7.1 Would the allocation secure a good standard of amenity for existing residential occupants in the vicinity?**

7.1.1 The Council consults with its internal Environmental Health Team, and the Environment Agency when considering which development sites to proceed with in its Local Plan. Neither objected to the inclusion of this site. Any subsequent schemes arising on the site would have to conform with the Council's (and NPPF) design, landscape, and amenity policies.

Note that issues such as lorry noise and external lighting (where not separately controlled by planning conditions) should be considered under statutory nuisance legislation. Further issues such as the hours of operation of commercial firms using HGVs or coaches (and engine noise) is controlled by the Traffic Commissioners as licensing authority; their powers include imposing traffic regulation conditions to prevent danger to road users and/or reduce traffic congestion and/or pollution.

**7.2 Should the allocation be extended to 1.67ha to allow mitigation?**

7.2.1 The area shown in map A5.17 pertains to the *gross* 1.67ha area whilst the policy identifies a *net* area (as explained in supporting text para 9.113) as does Policy E2 (Tables 8.1 – 8.4). However a modification is proposed within the policy to clarify this (MM57).

**7.3 Are all the policy requirements necessary and clear to the decision maker?**

7.3.1 See response to Matter 8 Biddulph question 2.7.

**7.4 Is the site deliverable taking into account topography and landscape constraints?**

7.4.1 It is known that the owner is supportive of delivering this allocation for their own purposes. The site owner did not object to any aspect of the policy. The Landscape, Local Green Space and Heritage Impact Study (ED 22.5) concludes the site is acceptable in landscape terms but recommends that future development be limited to the lower ground only and building heights limited in the west. These recommendations have been reflected in the Policy.

**Issue 8 - Infrastructure**

**8.1 Will the infrastructure to support the scale of development proposed in Leek be provided in the right place and at the right time, including that related to transport, the highway network, health, education and open space?**

8.1.1 Refer to paras 5.1.1 to 5.1.3 Matter 8 Biddulph

**Issue 9 - Delivery**

**9.1 Are the assumptions about the rate of delivery of houses from the allocations realistic?**

9.1.1 Refer to paras 6.1.1 and 6.1.2 to Matter 8 Biddulph.