

McDonald's Restaurant Ltd
11-59 High Road
London
Staffordshire
N2 8AW

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N2 8AW

Application no: SMD/2015/0818

Determined on: 14/07/2016

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Premier Garage Leek Ltd Broad Street Leek Staffordshire ST13 5NS

Description of Development:

Erection of a ""drive thru"" McDonald's Restaurant (Class A3/A5) with associated landscaping, parking and access and outline permission for 6 two storey residential units with landscaping, parking and access on land to the North of Broad Street, Leek (Resubmission of SMD/2015/0202)

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 refs: 5459_AEW_8064_001A_Location Plan; 5459_AEW_8064_1002C_Proposed Block Plan; 5459_AEW_8064_10003_Existing Site Plan; 5459_AEW_8064_1004E_Proposed Site Plan; 5459_AEW_8064_1005A_Proposed Elevations; 5459_AEW_8064_1006D_Proposed Internal Layout and 5459_AEW_8064_011B_Housing Scheme for the reason(s) specified below:-

Drive through restaurant (Full):

1. The proposed drive through restaurant development, prominently located on the Broad Street frontage on a key gateway site on the approach to the town centre fails to appropriately assess local character, including historic setting as the site lies close to the Leek Conservation Area. In these respects, the development would not be integrated with its surrounding context, neither would it reinforce and sustain local distinctiveness' or contribute to a sense of place. As a consequence, there would be significant harm to the character and appearance of the local town, including conservation area setting and also harm to the visual amenity of local residents. This is clearly contrary to Policies SS1, SS5a, E1, DC1 and DC2 of the Council's Core Strategy Development Plan Document (Adopted March 2014), which

seeks to protect the district's townscape and historic heritage and is further contrary to the National Planning Policy Framework (NPPF).

2. The submitted Transport Assessment fails to demonstrate that the proposed drive through restaurant development does not adversely affect the existing highway network through both additional volume and turning movements. Although, further information has been submitted by the applicant, this, however, fails to demonstrate that the proposed access and use of the site will not adversely affect the flow of traffic on the Broad Street (A53). As a consequence, the highway network cannot satisfactorily accommodate the traffic generated by the proposal and cannot be improved / mitigated as part of the development. This is clearly contrary to Policy T1 of the Council's Core Strategy Development Plan Document (Adopted March 2014) and is further contrary to the National Planning Policy Framework (NPPF).

3. The NPPF (National Planning Policy Framework) directs Council's to proactively provide needed economic development – however, decisions should ensure that new development is appropriate for its location in both pollution terms and development should contribute to securing good standards of amenity. Firstly, the proposed drive through restaurant development is predicted to cause substantial noise impacts on the Noise Sensitive Receptors (NSRs) at Broad Street and these concerns are not overcome by the proposed mitigation measures. As a consequence, the proposed drive through restaurant would significantly impact on residents within the immediate vicinity, particularly those residents on Broad Street. Overall, the proposal would cause significant and detrimental changes to the noise environment of this area, during the early evening and later into the night. Secondly, the submitted modelled air data quality as presented does not appear to accurately represent the future likely traffic flows in and around the area and therefore is not considered to accurately predict the likely impacts of the proposed drive through restaurant upon air quality within the vicinity. Furthermore, the choice and relevance of the chosen receptors used to assess the impacts of the development indicates that air quality exceedances would occur at Receptor 9 (southbound of the Brook / Broad / Compton / St Edwards crossroads) as a result of the proposed development whilst the northbound side of this junction has not been modelled. These issues are clearly contrary to Policy SD4 of the Council's Core Strategy Development Plan Document (Adopted March 2014) and are further contrary to the National Planning Policy Framework (NPPF).

Residential Development (outline):

1. Although the application site is relatively well contained, the proposed housing development for six dwelling houses as shown on the illustrative layout appear as a cramped form of development with an engineered car and road dominated frontage. In these circumstances, the scheme would fail to integrate with its surrounding context and neither would it result in high quality design, including a sense of place for future residents to harm the visual amenity of future local residents. This is clearly contrary to Policies SS1, SS5a, H1 and DC1 of the Council's Core Strategy Development Plan Document (Adopted March 2014) and is further contrary to the National Planning Policy Framework (NPPF).

2. Insufficient investigation of the significance of the likely nature conservation interest on the site and potential impacts to local wildlife sites. This is contrary to Policies DC1 and NE1 of the Council's Core Strategy Development Plan Document (Adopted March 2014) and is further contrary to the National Planning Policy Framework (NPPF).

3. Overall, the benefits of the residential scheme when considered together would not be sufficient in this case to significantly and demonstrably outweigh the harm identified above contrary to Policies SS1, SS1a, SS5a, H1, DC1 and NE1 of the Adopted Core Strategy Development Plan Document and National Planning Policy Framework (NPPF).

Informative(s)

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have been discussed with the applicant with a view to seeking solutions.

Signed 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

3. 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.