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DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Steven Williams
STW Planning Concultants
7 Wilton Crescent
Macclesfield
SK11 8TH

Mr Miah
Roshni Restaurant
19 Cheadle Road
Forsbrook
ST11 9BX

Application no: SMD/2017/0247

Determined on: 13/07/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
19 Cheadle Road Forsbrook Staffordshire ST11 9BX

Description of Development:
Change of use of single storey store into two storey dwelling with parking space and yard at the front

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 ref: L100, L101, L01, L02, L03, L04, L05A, L06, L07, L08, L09 for the reason(s) specified below:-

1. The proposed development, by virtue of its form and design, would result in a building which would not harmonise with the design and appearance of residential development in the area and would harm the character and appearance of the area. It would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF).

2. The proposed development, by virtue of the layout and fenestration design, would result in a dwelling with inadequate light provision and a poor outlook affecting the living conditions of the future occupants and resulting in harm to the residential amenity. It would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF).

3. The proposed dwelling would not have a private amenity area/private garden thereby affecting the living conditions of the future occupants and resulting in harm to their residential

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amenity. It would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF). It would also be contrary to the Council's 'Space About Dwelling' Supplementary Planning Guidance (SPG).

4. The occupants of the proposed dwelling are likely to be affected by the potential of noise and disturbance from an adjacent public house, adjacent restaurant and adjacent restaurant car park and no noise assessment report has been submitted with the planning application. The proposal would be likely to result in further harm to residential amenity. The proposal would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) and would not be in line with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF).

5. The application site is close to a road junction with an 'A' classified road and there are on-street parking restrictions in the area. The application has inadequate information about existing parking provision for the restaurant and proposed provision for the dwelling and restaurant and therefore the impact on highway safety cannot be fully determined. The proposal would therefore not comply with Policy DC1 'Design Considerations' of the Council's Core Strategy Development Plan Document (adopted March 2014) which requires, amongst other things, safe access to all developments.

6. The site is in Flood Zone 3 and the Flood Risk Assessment submitted with the application is inadequate in terms of the level of information required in order to fully determine the risk of flooding and its impact on the occupants of the dwelling and property. The proposal does not comply with Policy SD4 'Pollution and Flood Risk' of the Core Strategy and is not in line with Section 10 of the NPPF.

7. The benefits of the proposal in providing a dwelling in a sustainable location in a District with no five year housing land supply demonstrated, are outweighed by adverse impacts described in the other reasons for refusal and therefore the proposal does not comply with all parts of the NPPF and runs contrary with the key environmental, social and economic aims of the NPPF, as outlined in paragraph 14 of the NPPF.

Informative

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have not been discussed with the applicant with a view to seeking solutions because it is not considered the proposal can be amended to make it acceptable.

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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.

3. If this is a decision to refuse planning permission for a minor commercial 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.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

7. 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.

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