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Chief Executive

Miss Kate Walker
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C/O Hewitt&Carr Architects

Application no: SMD/2018/0281

Determined on: 20/09/2018

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Land off Ashbourne Road The Old Copperworks WHISTON STAFFORDSHIRE

Description of Development:
Phase 2 Residential Development for 11No. Dwellings on the former Copperworks site, Whiston

In pursuance of their powers under the above mentioned Act, Staffordshire Moorlands District Council, **HEREBY REFUSE PERMISSION** for the development described in the above application, in accordance with plans ref: K710-100, K710-101, K710-102, 00614 AL(0)01G, 00614 AL(0)02C, 00614 AL(0)04C, 00614 AL(0)05C, 00614 AL(0)06A, 00614 AL(0)07A, 00614 AL(0)08, 00614 AL(0)09, 00614 AL(0)10 for the reason(s) specified below:-

1. The site for eleven family-type dwellings clearly does not offer opportunities for walking, cycling or using public transport. Instead future occupiers would be wholly reliant upon the private car. As such, this site is considered to be located within an unacceptably remote location, with future occupiers not having reasonable access to shops and services. As a consequence, there is considered to be a fundamental conflict with Policy T1 of the Adopted Staffordshire Moorlands Core Strategy, as well as the NPPF, which seeks, among other things, to reduce reliance on the private car for travel journeys and reduce the need to travel generally.

2. The scheme raises matters of insufficient information to properly assess highways safety matters; the attenuation tank is situated close to the highway where any overflow or seepage would adversely affect the surface and structure of the highway such that it may be a safety hazard to any vehicle losing control on A52 or at site access and the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of

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highway danger due to the likelihood of vehicles being parked on the access way, in the passing bays and the public highway. In these circumstances, there would be a conflict with Policy TR1 of the Staffordshire Moorlands Core Strategy and with the guidance of the NPPF as revised.

3. The scheme has not presented an acceptable Drainage Strategy as the submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In these circumstances, there would be a conflict with Policy SD4 of the Adopted Staffordshire Moorlands Core Strategy and those relevant sections of the NPPF as revised.

4. A residential development of the scale and form proposed would significantly change the character of this undeveloped wooded area into an intensification of ribbon development along the main Ashbourne Road frontage. This would be harmful to the character and appearance of the main approach into the village and this rural area as well as creating potential residential amenity impacts. As a consequence, this would be in conflict with the objectives of CS Policy DC3, which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. There would be some further conflict with Policies SS1, SS6c, S7, H1 and DC1 of the Adopted Staffordshire Moorlands Core Strategy in respect of landscape and design quality and those relevant sections of the NPPF as revised.

5. The Grade II listed Moorland Cottages and Locker Farm buildings currently stand more remotely in a rural landscape setting. Moorland Cottages would be most directly affected by the new scheme dwellings owing to its close proximity and proposed siting of the nearest proposed dwelling standing further forward, elevated and closer to the road than Moorland Cottages. This would have a dominating effect on these Listed Buildings and the entire scheme would have an overall significant urbanising impact on setting. The impact would be considered to be 'less than substantial' of the highest magnitude therefore requiring a strong presumption in favour of the preservation of the heritage assets and their setting. The scheme would also harm the setting of the adjoining Moorland Cottages (Grade II Listed) and rural setting of Lockers Farm (Grade II Listed). As a consequence, this would be in conflict with the objectives of CS policy DC2, which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. There would be some further conflict with Policies SS1, SS6c, S7, H1 and DC1 of the Adopted Staffordshire Moorlands Core Strategy in respect of landscape, heritage and design and those relevant sections of the NPPF as revised.

6. The application is supported by an updated Preliminary Ecological Appraisal dated August 2018. The survey has concluded that bat surveys are required before the development can be determined. The rationale for the methodology under pinning the invertebrate survey should be specified with reference to best practice. Evidently, it is considered that due to the lack of sufficient ecological information to demonstrate otherwise, there is a risk of impacts to important habitats and species contrary to

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Policy NE1 of the Adopted Staffordshire Moorlands Core Strategy and the relevant sections of the NPPF as revised.

Informatives

1. Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

X

Signed by: Jane Colley

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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