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

Mr Andrew Dukesell
DBD Architectural Consultancy Ltd
50 Broad Street
Leek
Staffordshire
ST13 5NS

Mr Archer
1 Park Street
Macclesfield
SK11 6SR

Application no: SMD/2018/0046

Determined on: 28th September 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 Adjacent Gkn Drive Line Ltd HIGHER WOODCROFT LEEK STAFFORDSHIRE ST13 5QF

Description of Development:
Application for Planning Permission: construction of 24 dwellings on land adjacent to to GKN factory.

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: PL01C, PL02M, PL03J, PL04D, PL05D, PL08D, PL09B, PL14, PL15A, PL16B, PL17 for the reason(s) specified below:-

1.The only access to the application site is through an adjacent and established B2 factory. The proposal is to create access through part of this factory yard with a series of road markings and signage such that vehicles emerging from the proposed houses would give way to commercial traffic. There are some significant level changes across the site which would require a major cut and fill operation with the need for retaining structures along the western boundary, shown to be in the region of at least 7m in height. No Stability report is submitted for these walls. It is considered that these particular site characterisitcs would lead to a very poor level of amenity and poor living conditions for future occupiers of the proposed dwellings as a result of their proximity to the adjacent factory, their proximity to the retaining structures along the western boundary of the site, their proximity to large mature trees on or close to the western and eastern boundaries and the proposed access to the development through a commercial yard. As a result there is conflict with Polices DC1 and SD4 of the Staffordshire Moorlands Core Strategy which seek to ensure good design and protect amenity and it conflicts with the NPPF which requires good design, a high standard of amenity for future occupiers and requires decision makers to avoid noise giving rise to

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significant adverse impacts on health and the quality of life and avoid any risks arising from land instability. The proposal would not create a high quality place, would not function well nor would it create an attractive, welcoming place to live.

2. The proposed development is likely to impact adversely on existing trees on and off site some of which are protected and all of which contribute positively to the character and appearance of the area. The proposed access for example is likely to affect roots from the protected trees situated in the front garden of Croft Cottage. Furthermore existing trees on or close to the south and west are likely to receive root damage arising from construction of the access road, the retaining structures and houses and in some cases, particularly along the western boundary the indicated changes to ground levels would be likely to require the removal of and/or cause damage to many of the trees. For these reasons the proposal is likely to lead to damage to and/or loss of mature trees, including protected trees which contribute positively to the character and appearance of the area. The proposal therefore conflicts with that part of Policy DC1of the Core Strategy which refers to new development being designed to promote a positive sense of place through amongst other matters its landscaping, character and and appearance and to the NPPF

3. Overall the adverse impacts are considered to be significant and demonstrable in this particular case and outweigh the benefits that delivering housing would bring, notwithstanding the Councils current land supply situation contrary to Polices DC1 and SD4 of the Core Strategy and the NPPF.

Informatives
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, although such solutions have not been possible as the applicant has declined to amend the application any further and wishes for the application to be determined.

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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