Rob Duncan
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Mr. C. Johnston
Development Control
Staffordshire Moorlands District Council
Stockwell Street Leek
Staffordshire
ST13 6HQ

24th June 2019

Dear Chris

VARIATION OF CONDITION 13 OF SMD/2013/0903 AND CONDITIONS 2 AND 4 OF SMD/2017/0438 FORMER GROVE GARAGE, KINGSLEY ROAD, CELLARHEAD

On behalf of my client Broadoak Properties Ltd. I would be grateful if you would find enclosed two planning applications relating to the above site, which seek consent to vary the wording of conditions 4, 13, 16 and 17 of application SMD/2013/0903, and conditions 1 and 2 of application SMD/2017/0438.

Condition 13 of application SMD/2013/0903 requires that the development is not brought into use until visibility splays of 2.4m x 215m in both directions have been provided, noting also that the splays shall thereafter be kept free from obstructions to visibility over 600mm above the adjacent carriageway level. Condition 16 requires that the dry stone walls shown on the approved plan be constructed to a maximum height of 600mm and be retained at that height for the lifetime of the development. Condition 17 required, amongst other matters, that a 2m wide footway be provided on the frontage to the development.

Following investigations by your Enforcement Officer it was noted that the visibility splays had not been provided in accordance with the requirements of condition 13 of SMD/2013/0903, and that the stone wall on the eastern side of the site access had been erected to a height of 1.1m within 2 metres of the carriageway edge, contrary to condition 16 of SMD/2013/0903. The tops of the existing stone pillars were, at that time, still in situ (since removed). It was also noted that the approved plans showed the provision of a 2m wide footway adjacent to the carriageway on the eastern side of the access, but that this had not been provided, contrary to condition 17.

The enclosed plan (1402-00 Rev.B) shows the site access arrangements as they now exist on site, and has been submitted in the interests of regularizing the breaches of conditions 13, 16 and 17 of

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SMD/2013/0903. The application also seeks to vary condition 1 to regularize the plans referenced therein. The proposed variation of the above conditions so that the development accords with the enclosed plan (1402-00 Rev. B) is not considered to raise any unacceptable or severe residual impacts to highway safety, and consequently the proposed development is considered to accord with the provisions of paragraphs 108 and 109 of the National Planning Policy Framework.

In addition to the above, it was also noted during the Enforcement Officer's investigations that the approved landscaping scheme on the site (Condition 2 of SMD/2017/0438) had not been implemented in accordance with the approved plans, in particular that the original wall to the west of the access has not been removed and replaced with post and rail fencing, that a new dry stone wall has not been provided, and that the area of land in between the new dry stone wall and approved post and rail fence had not been landscaped as per the approved plan.

The submitted plan (1402-00 Rev.B) to seeks to regularize the breach of condition 4 of SMD/2017/0438 and shows the existing dry stone wall to the west of the existing access retained, with an area of grass between it and the vehicular access, providing an open aspect to the site entrance. Alongside these revisions it is proposed to re-position the existing approved field gate so that it sits closer to the main highway, with the originally approved access subsumed into the curtilage of Plot 1 to provide additional parking, as shown on the plan. The application also proposes to vary the wording of Condition 1 in order to regularize the plans referenced therein.

The proposed alterations to the site layout / landscaping are not considered to be unduly harmful to the character and appearance of the area, as they will secure the retention of the existing dry stone wall to the west of the access, and provide a pleasant, open plan character to the access to this site. The proposed variation of condition 4 of SMD/2017/0438 is therefore considered to be in accordance with the provisions of policy DC1 of the Core Strategy.

I trust that these applications will be of interest and should you have any queries or concerns in respect of the proposal then I would welcome the opportunity to discuss them with you prior to determination of the application.

Yours sincerely

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