Norfolk House
7 Norfolk Street
Manchester
M2 1DW

T: +44 (0)8449 02 03 04
F: +44 (0)161 956 4009

avisonyoung.co.uk

Our Ref: 923A
Your Ref:

19 October 2019

Rachael Simpkin
Development Services
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Dear Rachael

Application to Vary Condition 4 of Permission SMD/2014/0655: Mixed Development at Land off Brookhouse Way, Cheadle, Staffordshire

On behalf of our client, Danbank Developments Limited, please find enclosed a planning application for the variation of a condition under Section 73 of the Town and Country Planning Act 1990 ("the 1990 Act"), in respect of planning permission SMD/2014/0655 which was granted on 17th November 2015. This submission seeks to vary Condition 4 which sets out the approved plans that development should accord with.

Background

The application relates to Land off Brookhouse Way, Cheadle and permits the following description of development:

> *Outline application for a mixed development comprising a residential development (Use Class C3) of up to 43 dwellings and up to 1,350sqm of employment use (Use Class B1 a,b,c) with associated open space, highways, landscaping and infrastructure provisions. All matters reserved except access*

Whilst the access matter was approved at outline stage, no access plan was referenced on the Decision Notice for forthcoming Reserved Matters applications to accord with. The approved plans are listed at Condition 4, set out below:

> *The development hereby approved shall be carried out in complete accordance with the submitted plans as follows: drawing ref. Site Edged Red Plan. 7405L(00)03 and Land Demarcation 7405 L(00)04.*
> *• There shall be no more than 43 dwellings developed on the site.*
>
> *Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.*

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Regulated by RICS

Proposed Variation of Condition 4

For clarity on the agreed access points, it is proposed to vary condition 4 of the permission to include a plan showing the access points that development should incorporate and accord with. The proposed wording of the condition is set out below, with the amendments in red text.

> *The development hereby approved shall be carried out in complete accordance with the submitted plans as follows: drawing ref. Site Edged Red Plan. 7405L(00)03 and Land Demarcation 7405 L(00)04. For the avoidance of doubt, the access approved by this permission is shown on the submitted drawing ref. Planning Layout A84-27.*
> *• There shall be no more than 43 dwellings developed on the site.*

The plan referred to is enclosed with this submission. It is noted that the access shown has been prior agreed with the Staffordshire Moorlands Highways team and is heavily supported by local residents. A Transport Statement prepared by CBO Transport is also enclosed which assesses the proposed access and concludes that it is acceptable in highways terms.

Assessment against Planning Policy

Planning Practice Guidance (PPG)[1] states that when considering an application under Section 73 of the 1990 Act, Local Planning Authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. These are considered below.

The National Planning Policy Framework (NPPF) has had a number of revisions since the original grant of permission, the most recent one being published in February 2019. Relevant to the permission, the NPPF still strongly supports the objectives of building a strong, competitive economy and delivering a wide choice of high-quality homes, both of which are addressed and supported in this application.

The adopted Development Plan for Staffordshire Moorlands District Council, which supports the development of new housing sites within the urban area, and employment uses in the New Haden/ Brookhouse Industrial Estate Area, has not changed since the grant of the original permission. However, a new Local Plan has been submitted to the Secretary of State for examination on 29th June 2018 and it is now at main modifications stage. Policies SS 2 and SS 3 support housing and employment growth in Cheadle, and the development would contribute to the strategic housing and employment land supply set out at Policy SS 4. It is noted that paragraph 9.83 under 'Mobberley Strategic Development Area' refers to the safeguarding of a link road between the A522 Tean Road and Brookhouse Way/A521. The enclosed layout shows an extension to Brookhouse Way that can be amended/extended further in due course should this link road come forward. The principle of the application is therefore still supported by the adopted and emerging Development Plan. No main modifications to the emerging Local Plan are recommended that would change this position.

No other material considerations have changed, however in light of the time that has passed, an updated Viability Report (ref: October 2019) is submitted with the application to demonstrate that the viability of the scheme is such that it cannot support the provision of any affordable housing or S106 obligations, as per the position at the time of the original permission.

It is noted that PPG[2] also states that decision notices for the grant of planning permission under Section 73 of the 1990 Act should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. It is noted that the application with reference DOC/2019/0055 to discharge conditions 25, 26, 27 and 34 on permission SMD/2014/0655 is currently

[1] Paragraph: 019 Reference ID: 17a-019-20140306

[2] Paragraph: 015 Reference ID: 17a-015-20140306

being determined, and it is requested that should this application or any emerging discharge of conditions application be approved ahead of the S73, that the conditions are removed from the Section 73 decision notice for clarity.

Summary

In summary, the proposed variation of condition 4 would provide clarity as to the approved details on the outline application SMD/2014/0655, allowing compliant Reserved Matters application to come forward in due course. There has been no significant change to the national or local policy support, or material considerations relevant to the proposed development since the granting of the original permission which would prevent the granting of the application under Section 73 of the 1990 Act.

I trust that the enclosed information will enable you to validate the submission as soon as possible. If you have any queries or require any further details, please do not hesitate to contact me.

Yours sincerely

Richard Barton
Director
0161 956 4082
Richard.barton@avisonyoung.com
For and on behalf of
GVA Grimley Limited t/a Avison Young

Enc.
Planning Layout (dwg ref: A84-27) prepared by Geoff Perry Associates
Transport Statement (ref: CBO-0249-005) prepared by CBO Transport
Viability Report Executive Summary (ref: October 2019) prepared by Grasscroft Development Solutions
Viability Report (ref: October 2019) prepared by Grasscroft Development Solutions