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

Sammons Architectural
10 Cawdry Buildings Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

C/o Agent

Application no: SMD/2019/0481

Determined on:

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

REFUSAL OF OUTLINE PLANNING PERMISSION

Location of Development:
Land to the rear of 90 Ashbourne Road Leek Staffordshire ST13 5AT

Description of Development:
Outline planning application for the erection of eight dwellings and construction of access road with details of access and layout (all other matters reserved)

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: 2018-2331-05 Location Plan, 2018-2331-06, 2018-2331-03B and 2018-2331-04 for the reason(s) specified below:-

1. Due to insufficient information provided with the application, it is not possible to conclude that the application would be acceptable with regards to highway safety. Accordingly it is considered that the development would result in significant and demonstrable harm to highway safety for road users, contrary to Policy T1 of the Core Strategy and Paragraph 108 of the NPPF

2. Due to insufficient information provided with the application, it is not possible to conclude with any certainty that the application would not result in any adverse harm to protected species, habitats and the Lady Dale Local Wildlife Site. In the absence of any supporting information, including mitigation and enhancement, it is considered that the application would result in significant and demonstrable harm to protected species, habitats and the Lady Dale Local Wildlife Site contrary to Policy NE1 of the Core Strategy and Paragraph 175 of the NPPF.

3. In the absence of a tree survey to demostrate which trees will be retained or removed, it has not been possible to fully assess and detemine whether or not the

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development would have any adverse impact on the existing landscape features, which may have biodiversity benefits. Accordingly the proposed development fails to comply with Policy NE1 of the Core Strategy, Policy NE2 of the Emerging Local Plan and relevant policies within Chapter 15 of the NPPF.

Informatives

1. The Local Planning Authority have where possible worked with the applicant to overcome outstanding planning issues to achieve a sustainable form of development. However, in this case, due to the level of insufficent informaiton and timescales needed to submit such information, the application has been refused.

2. This decision is made without predudice to any future application which contains the following:

- Full Ecological Impact Assessment
- Transport Statement
- Tree Report and Survey
- Revised Layout in line with Case Officer comments

X

Signed by: JaneC

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.
8.