STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr David Byatt
Byatt Oliver Associates
Whitebridge Way
Stone
ST15 8LQ

Mr and Mrs Hewins
Brambley Dell
Cotton Dell
Oakamoor
ST10 3DJ

Application no: SMD/2017/0633

Determined on: 31/12/2019

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
Brambley Dell Cotton Dell Oakamoor Staffordshire ST10 3DJ

Description of Development:
Proposed residential dwelling.

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:

5324 – 014 Rev A – site location 1:200
5324 – 011 Rev A – proposed layout, plans and elevations 1:100
5324 – 012 Rev A – site layout and sections 1:200

for the reason(s) specified below:-

1. Design / Amenity

As a design per se, the building form, glazing styles and proportions and the materials mix in the use of timber framing would be out of character with surrounding development. As a result of the proximity and scale, orientation and layout of the building and the proposed extensive use of large glazed openings the proposal would be overbearing and intrusive for occupiers of neighbouring properties. The proposed vehicular access through the garden of Brambley Dell would have a significant adverse impact on the amenities of Brambley Dell; would adversely affect the character and appearance of the location and environment of Cotton Brook further resulting in loss of amenity and would poorly serve the proposed dwelling with parking provided separately on the lane to Cotton Dell again poorly serving the proposed dwelling due to the separation and restriction on access to the property at that point.

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The proposal is thus found contrary to policies SS1, SS1a, SS6b, SS6c, DC1, DC2 and DC3 of the Staffordshire Moorlands Core Strategy and Policies SS1, SS1a, H1, DC1, DC2, DC3, and T1 of the emerging local plan and the provisions of the NPPF.

2. Heritage

Owing to the location, scale, massing, orientation and design form of the proposed dwelling and the access route along Cotton Brook the proposal would adversely affect the heritage significance of the Conservation Area detracting from the prominence and standing of the Village Hall by intruding dominantly into its setting and that of Starwood Terrace and by infilling notable views from public vantage points in the village, also reducing the sense of space which has been a historic component of the village layout of these buildings; and leading to a loss of setting as viewed from within the village.

The proposal is thus found contrary to policies SS1, SS1a, SS6b, SS6c, DC1, DC2 and DC3 of the Staffordshire Moorlands Core Strategy and Policies SS1, SS1a, H1, DC1, DC2 and DC3 of the emerging local plan and the provisions of the NPPF.

3. Highways

The traffic generated by the proposed development would be likely to result in an unacceptable impact on highway safety due to:

(i) increased use of the existing access to/from Star Bank (B5147) which is geometrically substandard in that:
- the access is of insufficient width to accommodate passing vehicles;
- the entry radii are insufficient to accommodate the swept path of all vehicles.

(ii) increased use of the existing access which affords restricted visibility for:
- drivers emerging from the access looking in a westerly direction.

The proposal is thus found contrary to policies SS1, SS1a, SS6b, SS6c, DC1 and T1 of the Staffordshire Moorlands Core Strategy and Policies SS1, SS1a, H1, DC1 and T1 of the emerging local plan and the provisions of the NPPF.

4. Flood Risk

The submitted Flood Risk Assessment by Peak Associates, dated October 2018, does not comply with the requirements for site-specific FRAs, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the PPG. The FRA does not therefore adequately assess the development's flood risks and the application is therefore contrary to policies SS1, SS1a, SS6b, SS6c, SD1, SD4, DC1, and C3, of the Staffordshire Moorlands Core Strategy and the provisions of the NPPF.

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Informatives

The proposal would not overall improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. Despite protracted discussions with the applicant / agent there were ultimately no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The applicant / agent were advised of this assessment prior to issue of the decision. The Local Planning Authority has therefore met the requirement of Paragraph 38 of the National Planning Policy Framework.

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.