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

Robert Ford
Parkside Park Road
Leek
Staffordshire Moorlands
ST13 8JT

Mr M Banjo
Urban Nu Ltd
Suite 6
3-11 Marsden Road
Bolton
BL1 4AA

Application no: SMD/2020/0125

Determined on: 04/06/2020

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

REFUSAL OF RESERVED MATTERS

Location of Development:
Land At Abbey View Fields Bridge End Macclesfield Road Leek Staffordshire

Description of Development:
Variation of condition 1 relating to SMD/2017/0696

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council as Local Planning Authority, hereby **REFUSES TO APPROVE** the following matter(s) access, layout and landscaping which have been reserved for later approval on the grant of outline permission for development for the reason(s) specified below:-

Plan numbers: 104F(1) 'Proposed Site Plan'

1. It appears that an unlawful start on site commenced on the 29th February 2020 following the approval of the reserved matters planning permission SMD/2017/0696. Critically, relevant pre-commencement conditions were not satisfied prior to the outline planning permission ref. SMD/2013/1099 expiring on the 15th March 2020. It is considered that the start of works is unlawful, a lawful commencement has not been made and the outline planning permission has therefore fallen away. Accordingly, the current planning application submission ref. SMD/2020/0125 (Variation of Condition 1) principally seeking layout changes cannot proceed on this basis as the related outline planning permission ref. SMD/2013/1099 has expired.

2. The scheme's layout amendments in respect of plots 7 and 8 would push development further to the south-west with resultant short rear gardens therefore leading to amenity concerns in relation to shading/overbearing by protected trees in their south-western outlook from main living accommodation. In turn this would give rise to pressure for felling and/or substantial crown pruning impacting on the main trees, which are protected by a TPO with resultant landscape impacts. Furthermore, the layout amendments in respect of

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plot 1 would also lead to an erosion of the northeast boundary planting, which abounds open countryside. The amended scheme therefore would create conflict with CS Policies SS1, SS1a, SS5a, H1 'New Housing Development', DC1 'Design Considerations' and DC3 'Landscape and Settlements' in particular and the NPPF.

Informatives

1. Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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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