

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010

REFUSAL OF OUTLINE PLANNING PERMISSION

Application No: 12/00984/OUT_MJ

Mr Nigel Wibberley
c/o Mr Matthew Allen
Radway Green Buisness Centre
Radway Green
Crewe
Cheshire
CW2 5PR

Location of Development:

The Miners Rest 158 Froghall Road Cheadle Staffordshire ST10 2DN

Description of Development:

Redevelopment of former public house and associated car parking to single commercial unit
and 16no residential flats

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: 12653A (CH) 01; 12653A (CH) 02; for the reason(s) specified below:-

1. Insufficient evidence has been submitted to demonstrate that there are no options for the continued use of this Public House as a community facility or that an alternative facility is available. In the absence of such evidence, the loss of this community facility would be detrimental to the viability and sustainability of the area and contrary to Policy C1 [3(ii)] of the emerging Core Strategy and to the National Planning Policy Framework (NPPF), including but not restricted to Chapter 8.
2. The proposal makes no provision for securing affordable housing within the development area and therefore is considered to conflict with the requirements of Saved Policies H14 and H16 of the Adopted Staffordshire Moorlands Local Plan, the District Council's Supplementary Planning Guidance (SPG) 'Affordable Housing for Local People' and to the National Planning Policy Framework (NPPF), including but not restricted to Chapter 6.
3. The development would appear overly cramped within the application site and this is evidenced by, firstly, the awkward relationship that the proposed apartment units share with the new commercial unit and also the neighbouring properties on Foxfield Close with potential overbearing effects; secondly, the over dominance of car parking, particularly to the frontage of Hammersley Hayes Road and thirdly, the lack of communal open space normally expected for a residential development of this size. Consequently, the Council considers that this does not represent high quality design and would not achieve a satisfactory level of amenity for both existing and future occupiers. It would therefore be contrary to Chapter 7 of the NPPF which requires high quality design and is also contrary to Policies DC1 and H1 of the Council's Local Development Framework Core Strategy Development Plan Document (Revised Submission) and also Saved Policy B13 of the Adopted Staffordshire Moorlands Local Plan.

4. Insufficient information has been submitted by the applicant to demonstrate that the proposed commercial development would not be incompatible with existing and proposed noise sensitive properties both within and adjoining the site. The proposal is therefore considered to conflict with the Saved Policy D2 of the Adopted Staffordshire & Stoke-on-Trent Structure Plan and Saved Policy B13 of the Adopted Staffordshire Moorlands Local Plan and the National Planning Policy Framework (NPPF).

5. Circular 06/2005 confirms that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by a proposal is established before planning permission is granted. It is considered that insufficient information has been provided to assess the potential harm to bats (European protected species). It needs to be established that there is not a population threat to these species from the development and / or that all reasonable measures have been taken to minimise the potential threat. Without this information, the proposal is contrary to the National Planning Policy Framework (NPPF) and Circular 06/2005; NC7A of the Adopted Staffordshire and Stoke-on-Trent Structure Plan and Policy NE1 of the Staffordshire Moorlands Core Strategy Development Plan Document (Revised Submission Document December 2011).

6. The indicative layout provided has not demonstrated adequate onsite car parking in respect of both the commercial and residential units nor do the delivery proposals appear to accommodate any vehicle or provide any practical means of manoeuvring. Also, residents parking bays should be provided perpendicular to Hammersley Hays Road. The removal of highway footway on the Froghall Road frontage and its inappropriate replacement is unacceptable. Additionally, insufficient information has been provided in respect of the likely use / end user of the convenience store. In view of these issues and in the absence of this information having regard to matters of highway safety, it has not been possible to demonstrate that the proposal would comply with Saved Policy T13 of the Staffordshire & Stoke-on-Trent Structure Plan and Saved Policy T14 of the Adopted Staffordshire Moorlands Local Plan and the National Planning Policy Framework (NPPF).

Informative

1. It is considered that the proposals are unsustainable and do not conform to the provisions of the NPPF and solutions have not been possible within the context of the current application.

2. Hammersley Hays Road is a private road. The developer should therefore satisfy themselves that they have the appropriate rights to access the proposed flats off Hammersley Hays Road and to use construction and delivery materials on a private road. If such rights do exist, Hammersley Hays Road should be reconstructed on completion of construction works.

Signed on behalf of Staffordshire Moorlands District Council

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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
3. 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.