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Application no: SMD/2013/1029

Determined on: 16/12/2013

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Land North Of The Green (A521), Cheadle, Staffordshire, ST10 1PH

Description of Development:

Demolition of existing dwelling house and workshop buildings and erection of 63 dwelling houses with all homes to be either affordable rent, social rent or shared ownership.

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: C1802 020A for the reason(s) specified below:-

1. The proposed number of dwellings on this site results in a very dense development that is out of character and context, when it is compared with the surrounding area. Due to the high density of development it is considered that quality of the built environment for future residents would be compromised. In addition, although no details have been submitted, it would appear that significant engineering works would be necessary to the west of the site (adjacent to the stream) to overcome the change in land levels. The application is accordingly considered to conflict with the requirements of saved policies B13, H4, R1 & R2 of the Staffordshire Moorlands Local Plan; Policy DC1, H1, NE1 of the Staffordshire Moorlands Core Strategy (Revised Submission Document, December 2011) and national planning guidance contained in the National Planning Policy Framework.

2. The proposed development is considered to be unacceptable as inadequate / insufficient information has been submitted to demonstrate why the loss of the site for employment use is justified; and why the site is unsuitable or undesirable for continued employment use. As a consequence it is not considered that the development of this site for affordable housing outweighs the loss of an existing employment site. The application is accordingly considered to conflict with the requirements of saved policy E7 of the Staffordshire Moorlands Local Plan; Policy E2, SS5 and SS5c of the Staffordshire Moorlands Core Strategy (Revised Submission Document, December 2011) and national planning guidance contained in the National Planning Policy Framework.

3. The proposed development is considered to be unacceptable as inadequate / insufficient information has been submitted to demonstrate that the development will not adversely affect this high flood risk area or be affected itself. In addition the flood mitigation techniques proposed are not adequate enough to ensure that the development does not increase flood risk over its lifetime. The application is accordingly considered to conflict with the requirements of policy SD3 of the Staffordshire Moorlands Core Strategy (Revised Submission Document, December 2011) and national planning guidance contained in the National Planning Policy Framework.

4. The proposed development is considered to be unacceptable as inadequate / insufficient information has been submitted to demonstrate that the development will not harm the local habitat and wildlife and understand the full impact of the proposal. Therefore, in this particular case the potential for considerable harm that could be caused to wildlife and protected species outweighs the benefit of providing affordable housing. The application is accordingly considered to conflict with the requirements of saved policy N15 of the Staffordshire Moorlands Local Plan; policy NE1 of the Staffordshire Moorlands Core Strategy (Revised Submission Document, December 2011) and national planning guidance contained in the National Planning Policy Framework.

5. The submitted development necessitates the completion of a S106 Obligation in order to secure the delivery of affordable housing (including tenure breakdown) on this site in perpetuity; and contributions towards public open space and recycling. No such agreement has been put in place by the applicant and accordingly there is no mechanism to ensure the delivery of affordable housing on this site or the contribution towards the provision of public open space or recycling. The application is accordingly considered to conflict with the requirements of saved policy H16 of the Staffordshire Moorlands Local Plan; ; policy H2 of the Staffordshire Moorlands Core Strategy (Revised Submission Document, December 2011); Developer / Landowner Contributions SPG and national planning guidance contained in the National Planning Policy Framework.

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.

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.