

Staffordshire County Council
Town and Country Planning Act, 1990
Development Management Procedure Order 2015

To: Staffordshire Moorlands, DCM
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Applicant: RENEW LAND DEVELOPMENTS LTD & KEY

Address: C/O MR BEN WEATHERLEY
KNIGHTS PROFESSIONAL SERVICES
LIMITED
THE BRAMPTON
NEWCASTLE-UNDER-LYME,
STAFFORDSHIRE
ST50QW

Application Type: OUTLINE

Application Number: SMD2017/0129

Date Received: 10-MAR-2017

Road Number: D1082

Officer: David Plant

Date: 31-MAR-2017

Particulars of Development:

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS) FOR RESIDENTIAL DEVELOPMENT (UP TO 28 DWELLINGS) RESUBMISSION OF SMD/2016/0127.

Location of Development:

HURST QUARRY, HURST ROAD, BIDDULPH, STAFFORDSHIRE

CONDITIONAL:

Recommendations: There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1 No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Layout and disposition of buildings and roads;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage;
- Surfacing materials;

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

2 The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no SCP/13151/F01 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

3 The development hereby permitted shall not be brought into use until details of the following works have been submitted to and approved in writing by the Local Planning Authority

- widening and improvement of the highway on the frontage generally in line with drawing SCP/13151/F01
- improvements including improved signage and appropriate surfacing to Bridleway Biddulph 150(a) between the proposed residential access road and Hurst Road and Biddulph Town 35 between Hurst Road and Grange Road;
- access works generally in line with SCP/13151/F01
- footway into the site from Hurst Road and on the frontage of Hurst Road;

The works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

REASONS

ALL To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

3(ii) To comply with SMDC Core Strategy policy T1; to provide facilities for pedestrians

IMPORTANT INFORMATIVE TO BE INCLUDED ON DECISION NOTICE

SCC Rights of Way comment:

The application documents recognise the existence of Public Bridleway No 150(a) and 150(b) Biddulph Town although these are incorrectly referred to as Footpaths throughout the application documents. This used to form one through route until it was severed by the quarrying and this represents an opportunity to reinstate the links for pedestrians, horse riders and cyclists.

The attention of the developer should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the paths do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the bridleways to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert either route. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. We would ask that trees are not planted within 3 metres of the bridleways unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility. We would request further details on the proposals and any surfacing works in due course.

Please note that Rights of Way Circular 1/09 (section 7.8) recommends that "In considering potential revisions to an existing right of way that are necessary to accommodate planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

The conditions requiring highway works shall require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Minor Works Information Pack and an application form for the Minor Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

Improvement works to the Rights of Way will require approval of Staffordshire County Council Rights of Way. The applicant is advised to contact rightsofway@staffordshire.gov.uk as early in the process as possible. No works should be carried out on the bridleway and footpaths without approval.

NOTE TO PLANNING OFFICER

Pedestrian links for this site are poor, hence condition to improve the bridleway Biddulph 150(a) and footpath Biddulph Town 35 which would improve pedestrian provision.

**Commissioner for the Built County
on behalf of the County Council
as Highway Authority**