STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

MBD Architecture Ltd
74 Newcastle Road
Staffordshire
ST15 8LB

Mrs Wain
20 Caverswall Road
Staffordshire
ST11 9BG

Application no: SMD/2017/0730

Determined on: 15/01/2018

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

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:
Land Adjacent to 20 Caverswall Road, Blythe Bridge, Staffordshire

Description of Development:
Two storey dwelling with integral garage.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above and shown and detailed in drawing number 15L37P02 'I', subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development hereby permitted shall only be carried out to accord with all of the written and drawn details shown on the drawing number 15L37P02 'I', the written details on the drawing specify external roofing and facing materials; and windows and door details and the development shall be finished accordingly.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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3. Before the commencement of any works on site, the ground shall be boarded with single thickness scaffold boards (or inter-linked ground protection boards if pedestrian-operated plant up to a gross weight of 2 tonnes are to be used within the Root Protection Area) on top of a compressible layer (such as 100mm, increased to 150mm if pedestrian-operated plant up to a gross weight of 2 tonnes are to be used within the Root Protection Area, depth of woodchip) laid onto a geotextile membrane and protective fencing shall be erected in the positions shown on the attached drawing 2b. Where it is necessary to use or move wheeled or tracked construction traffic exceeding 2 tonnes gross weight vehicle within the Root Protection Area, the ground protection shall be designed to accommodate the likely loading and in accordance with Section 6.2.3 of *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.* The protective fencing shall accord with Section 6.2.2 of *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations* (shown in figure 2 on the attached dawing 2b). The Local Planning Authority shall be notified in writing once the ground boarding and fencing is in place. The fencing will remain in place until completion of the construction phase and other than works approved in writing by the Local Planning Authority, no works including storage or dumping of materials shall take place within the Root Protection Areas defined by the protective fencing and no fires will be lit within 20 metres of the trunk of any of the trees marked as T1, T2 and T4 on the attached drawing 2b.

Reason:- To safeguard the existing mature Oak, Lime and Beech trees to be retained on and within proximtiy of the site.

4. Before the development is brought into use the driveway shown on the drawing number 15L37P02 'I' as 'parking and turning area', and marked out on the attached drawing 2b with the 'honey comb' hatching, shall be surfaced with Marshall Tegula Priora permeable paving in 'traditional' colouring, laid on the Cellweb Tree Root Protection System, angular stone and sand bedding in the sub constrcution form shown on attached cross section 'Sheet 2'.

Reason:- To ensure that deleterious material is not carried on to the highway by vehicles leaving the site; the surface has an acceptable character and appearance; the surface free drains to soakaway limiting the extent that sufcae water runs off onto the shared drive and to pretect the root systems of adjacent mature trees.

5. The internal space that the approved plan no. 15L37P02 'I' shows as being for the garaging of motor vehicles shall be retained and kept availabe as such throughout the life of the development. This internal space shall at no time be converted into or used as living or habitable accommodation without the prior express permission of the Local Planning Authority.

Reason:- In the interests of providing safe and suitable access to the site for the purposes of highway safety, so that the development complies with NPPF Paragraph 32 and SMDC Core Strategy Policy DC1.

Informatives

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. It is a resubmission and represents an improved design after a previous application was withdrawn. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraphs 186-187.

The access drive off Caverswall Road is a private drive. The applicants should ensure they have appropriate rights of access to construct and occupy this additional dwelling.

Public Footpath No 4(a) Forsbrook runs adjacent to development site. The planning permission granted does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of the development the developer needs to apply to the Local Planning Authority under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The granting of planning permission does not constitute authority for interference with the right of way or its 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 are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Suitable surface works may be required to ensure that the path complies with that requirement.

The developer also needs to confirm that they have a private right to use the footpath with vehicles in order to access the property. If there is a private right to use the access with vehicles then the status of the route as a public highway takes precedence. The use by private vehicles is subject to, and subordinate to, the public's right. Vehicles must give way to pedestrians using the public right of way.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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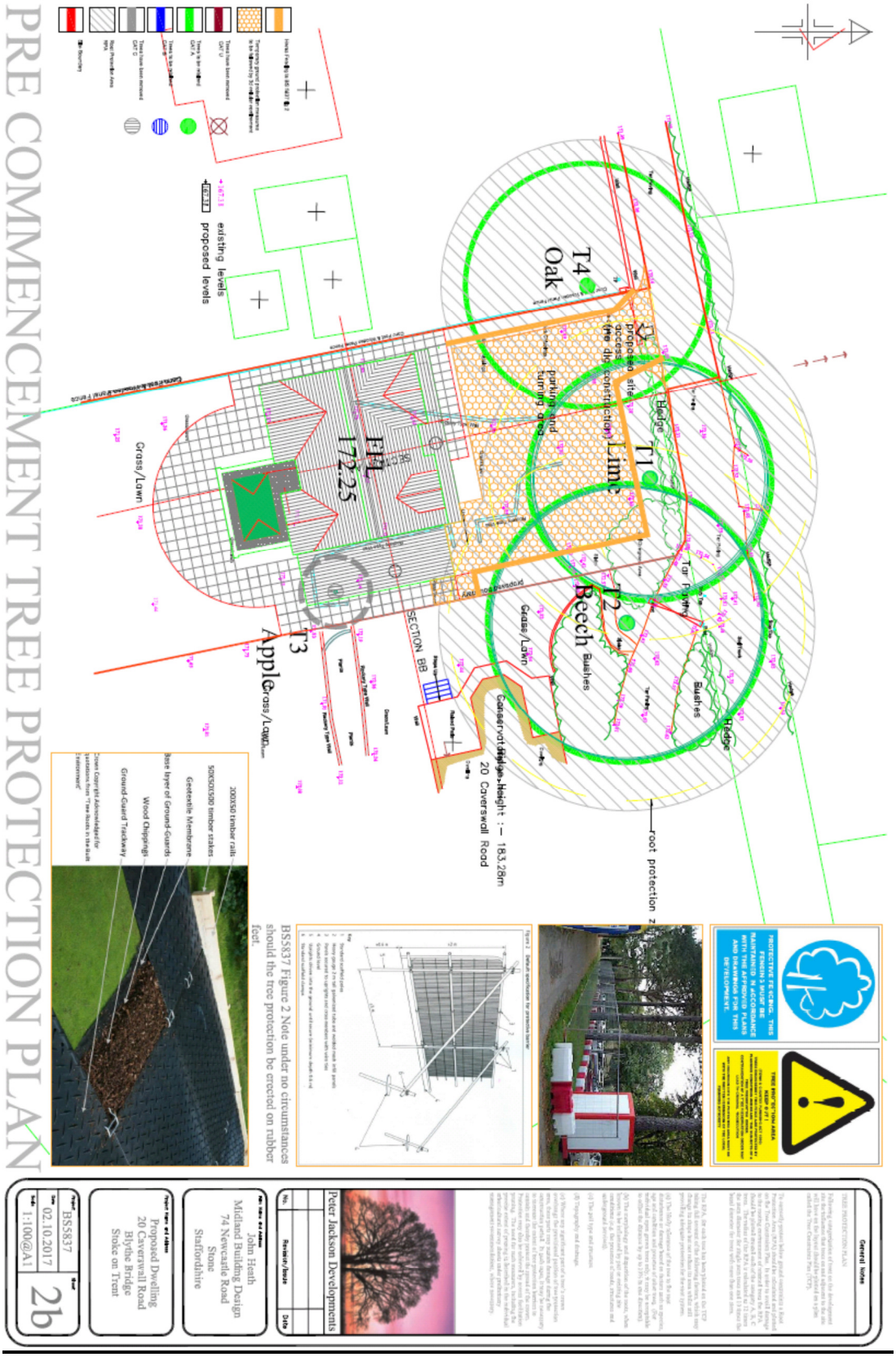

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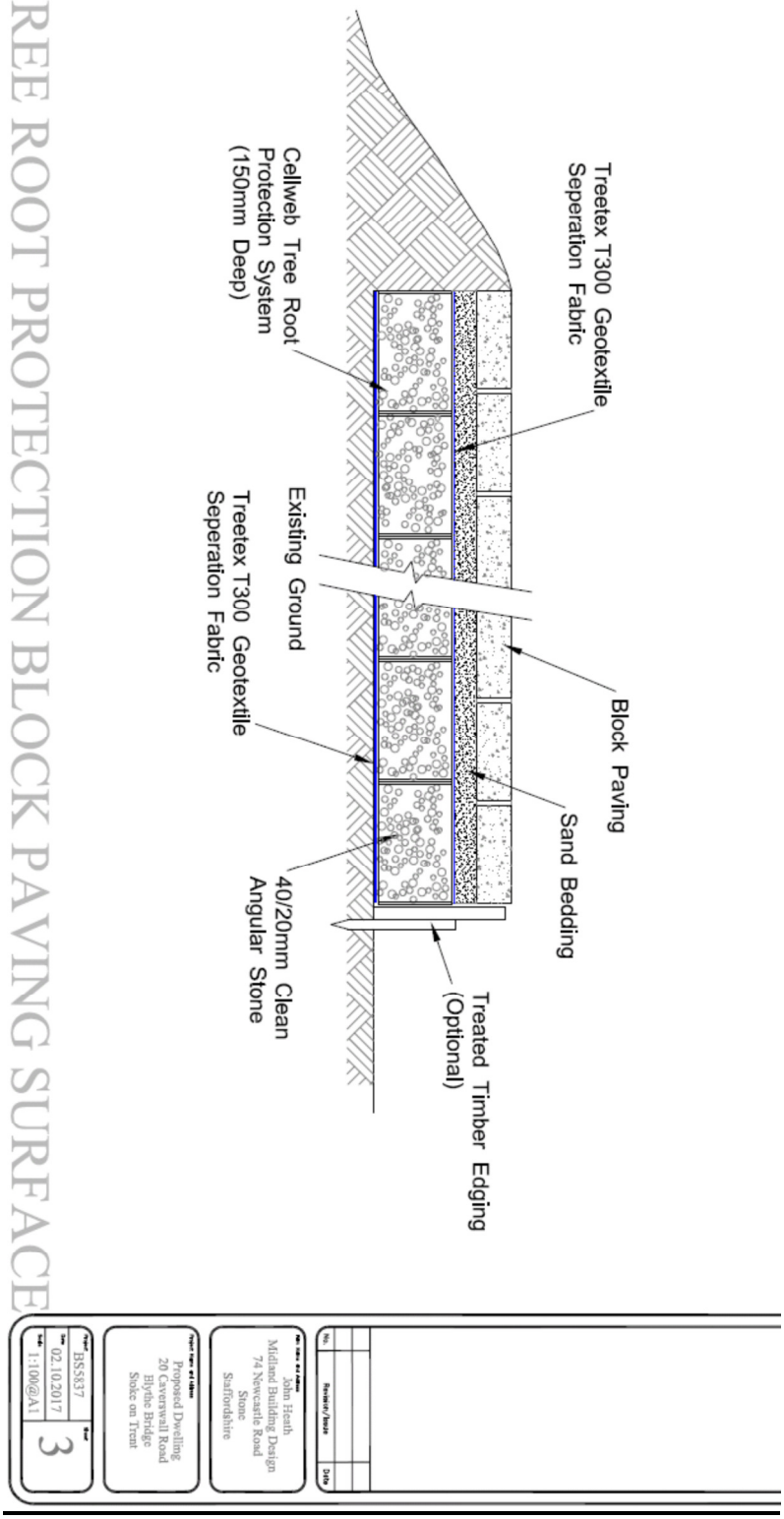
TREE ROOT PROTECTION BLOCK PAVING SURFACE



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NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section at buildingcontrol@staffsmoorlands.gov.uk

2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.

3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
   (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
   (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
   (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
   (b) Variation to the approved plans will require the submission of a new planning application.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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

11. 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.

12. 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.