STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Stephen Lomax
Design 21 Architecture Ltd
1 Spark Terrace
Stoke on Trent
Staffordshire
ST4 7QA

Mr Heald
46B Station Road
Biddulph
ST8 6BS

Application no: SMD/2019/0266

Determined on: 19th June 2019

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

FULL PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITIONS SUBJECT TO WHICH PREVIOUS PLANNING PERMISSION SMD/2018/0482 WAS GRANTED

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:
46B, Station Road, Biddulph, Staffordshire, ST8 6BS

Description of Development:
Construction of a first floor terrace spanning between two buildings to provide outdoor amenity space for flat 46B, including the installation of an access door and the erection of a privacy screen.

In pursuance of their power under s.73 of the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following differing condition(s):

1. Within 6 months from the date of this planning permission, the balaustrade railings shall be removed, the edge of the decked area shall be reduced, and the timber louvred privacy screen shall be erected and installed all in accordance only with the drawn and written details shown on the revised drawings numbered 1365 04B and 1365 05B that were submitted to the Local Planning Authority on the 7th June 2019. The first floor terrace and the louvred privacy screen shall thereafter be retained and maintained for the life of the development, without any alteration, adaption or modification, in exact accordance with the plans numbered 1365 04B and 1365 05B.

Reason:- A large part of the development has already been carried out and, in the interests of the existing residential neighbour's amenity, it is only considered acceptable if the

appropriate screen is erected.

2. The development shall not be used to hang or dry washing and there shall at no time during the life of the development be any plants; planted screens; planters; fencing; trellis; or reed screens or similar, placed up against the railings or timber louvred privacy screen or erected or placed anywhere else on the terrace.

Reason:- To ensure that the introduction of items that might be visible, particularly when viewed from Station Road, and contribute to or be responsible for visual clutter between the two buildings, is kept to a minimum and to ensure that the development retains an acceptable appearance.

Informative

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As advocated within the National Planning Policy Framework at paragraph 38, negotiation with the applicant and agent resulted in a new and alternative design solution that will mitigate any amenity harm while retaining an acceptable visual appearance.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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 BControl@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.