STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr John Heath
MBD Architecture Ltd
74 Newcastle Road
Stone
Staffordshire
ST15 8LB

Mr & Mrs O'Donnell
20 Caverswall Road
Blythe Bridge
Staffordshire
ST11 9BG

Application no: SMD/2019/0428

Determined on: 11/10/2019

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 attic space bedroom and intergral 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 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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-

Drg No. 15L37P02 Rev K (Planning Proposals);

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

3. The first action on commencement of development, prior to any further action, including any site clearance, site stripping, site establishment, and formation of temporary or permanent site access, shall be the provision, (across the whole of the site frontage lying within the Root Protection Areas of trees T1, T2 and T4 as identified in the application's BS 5837 Tree Survey & Arboricultural Impact report), of temporary ground protection boarding comprising 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, together with temporary tree protection fencing to the northern, eastern and western edges of the parking/turning areas in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. 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 temporary ground protection and tree protection barriers provided in accordance with this condition shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the Root Protection Areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.

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

4. Before any construction of the permanent driveway, parking and turning areas, full details of the specification and construction methods for these areas shall be submitted to and approved in writing by the Local Planning Authority, and shall in particular make provision for the use, throughout the hard-surfaced areas within the tree Root Protection Areas, of ‘no-dig’ construction methods and cellular confinement load support specification together with permeable final surfacing. Thereafter, the development shall be constructed only in full accordance with the details to be approved under this condition and retained for the lifetime of the development.

Reason:- In the interests of trees to be retained, visual appearance and drainage.

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5. The internal space that the approved plan 15L37P02 Rev K shows as being for the garaging of motor vehicles shall be retained and kept available 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 and for the provision of adequate parking space within the site to serve the size of the dwelling hereby approved.

6. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans and the approved details required by condition number 4 of this consent. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:- In the interests of highway safety and the provision of adequate on-site parking.

7. Prior to first occupation of the developmentthereby approved, details of the proposed eastern boundary shall be submitted to and approvedin writing by the local Planning Authority. The development shall then be carried out in accordance with the approved details and be retainedfor the lifetime of the development.

Reason:- In the interests of neighbour amenity, good design and for the avoidance of doubt as to what is approved.

8. Notwithstanding the above approved plan, there shall be no window inserted within the upper western facing gable to serve the attic shower room.

Reason:- For the purposes of clarification due to a drawing error (floorplan indicates window and gable is blank) and in accordance with the architect's written confirmation of no window being required.

Informatives

1. The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework - February 2019) and any other material considerations. As the application is acceptable there was no need for any negotiation and accordingly a sustainable form of development is approved.

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

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3. Public Footpath No. 4 Forsbrook Parish runs up the private road leading to the property. The applicant/developer is reminded that although the lane to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right ie pedestrians have a public right and vehicles need to give way.

4. 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 proposed development or use of the site if the application is approved. 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.

5. Staffordshire County Council (SCC) advise that they have 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. SCC comments 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.

6. Severn Trent Water (STW) advise that there may be a public sewer located within the application site and that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with STW to discuss the proposals. STW will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. STW advise that every approach to build near to or divert their assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact STW at the earliest opportunity to discuss the implications of any assets crossing the site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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

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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.