

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

Applicant: MR R SHELDON
NEW HOUSE FARM BAGNALL ROAD
BAGNALL
ST99JY

Application Type: FULL

Officer: Tracey Lunn

Application No: SMD2021/0289

Date: 23-NOV-2021

Date Received: 23-NOV-2021

Road No: C0187

Particulars of Development:

PROPOSED IMPROVEMENTS TO VEHICULAR ACCESS

Location of Development:

NEW HOUSE FARM BAGNALL ROAD
BAGNALL

Acceptance

Recommendations: There are no objections on Highway grounds to this proposal.

1. Site Visit 20/05/2021
2. Personal Injury Collisions;
Current records show there were no Personal Injury Collisions on Bagnall Road within 215 metres either side of the property access for the previous five years.
3. Background;
The property is located on Bagnall Road (Road No. C0187) a C classified road and is subject to a 60mph speed limit.
4. Description of Proposal;
Proposed Improvements to vehicular access.
5. Comments on Submitted Information;
The proposal is to replace the existing tarmacked vehicle access with stone setts and to remove the existing hedge either side of the access and replace with a wall.

The wall is to be set back from the highway boundary by at least 2.4m as detailed in the submitted Drawing Ref: 1713-AL01D. The removal of the hedge and setting back of the wall will widen the access and improve visibility. It is also intended to provide a stile within the wall for PROW Bagnall 27 which is within the site. Staffordshire County Council Public Rights of Way Team have made comment with regards to the proposal. Further consultation with the PROW Team is required.

The existing tarmac access will be replaced with setts which are to run from the back edge of the carriageway to the existing gates as detailed in Drawing Ref: 1713-AL01D. It is noted that a BT pole is sited within the grass verge, there is a service strip running across the access and along the grass verge. The service strip will contain utility plant which can be accessed by Statutory Undertakers for any reason at any time.

The electric gates at the access will remain unchanged by the proposal.

The proposal seeks to improve visibility at this location. I have no objection (application number SMD/2021/0289).

IMPORTANT INFORMATIVES TO BE INCLUDED ON DECISION NOTICE

The works will require the relevant permit from our Network Management Section. Please note that prior to works taking place you require a Permit to Dig. Please contact 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)

Note to Planning Officer:

It is noted that the Public Footpath Bagnall 27 runs through the proposed site. The Staffordshire County Council Public Rights of Way Officer's comments are below (these comments are based on plan Drawing Ref: 1713-AL01B).

The application plans do not identify the right of way but indicate they are aware of the existence of Public Footpath No. 27 Bagnall Parish which runs along the access to the proposed development. However, the plans do not show it in its correct alignment and indicate that the intention is to divert the footpath along the side of the gate.

The attention of the developer should be drawn 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. The path will need diverting as part of these proposals therefore the developer will need to apply to Stafford Borough Council under section 257 of the Town and Country Planning Act 1990 to divert the rights of way to allow the development to commence. The plans state they intend to place a new stile in the wall however this stile will not be on the line of the path.

The County Council will need to be formally consulted on any proposal to divert the right of way.

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), in particular the recommendation 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".

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. 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 grass verge and the driveway have a service strip and therefore could contain utility plant within. This can be accessed by Statutory Undertakers for any reason at any time. The applicant should be advised that Statutory Undertakers will not reinstate the setts.

It is noted the applicant intends to ensure the hedge and vegetation is cut back and maintained to improve visibility.

No part of the proposed wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

**Assistant Director - Highways and the Built County
on behalf of the County Council
as Highway Authority**