

Scott Desert
Scott Architecture
68 High Street
Tarporley
CW6 0AT

Mr & Miss George & Zegar
Lower Whitemore Farm Congleton Road
Biddulph
Staffordshire
CW12 3NF

Application no: SMD/2021/0220

Determined on: 28th January 2022

**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:

Lower Whitemore Farm Congleton Road Biddulph Staffordshire CW12 3NF

Description of Development:

Proposed replacement dwelling and outbuildings

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 permitted shall be carried out in accordance with the following approved plans:
 - 2081-EX-100
 - 2081-PL: 101E, 102.1C, 102C, 103.1D, 103C, 105C, 106C, 107C, 110C, 111C, 115D, 116D

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

3. Prior to the erection of either the replacement dwellinghouse or the replacement outbuilding hereby approved, samples/details facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure that the external appearance of the development is satisfactory.

4. Prior to the occupation of the replacement dwellinghouse hereby approved, the existing dwellinghouse shall be completely demolished.

Reason:- To comply with Green Belt policy in respect of inappropriate development.

5. The replacement outbuilding hereby approved, located to the east/southeast of the dwellinghouse, shall be used solely for purposes incidental to the use of the dwellinghouse (Use Class C3).

Reason:- To comply with Green Belt policy in respect of inappropriate development.

6. Prior to the development commencing details of the finished floor levels of the buildings hereby approved and of the ground levels of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

7. Prior to the construction of the external walls of the replacement dwellinghouse hereby approved, details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation of the development. These details shall include:-
- Means of enclosure
 - Hard surfacing materials
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 - Implementation timetables

Reason:- To ensure the appropriate landscape design and in the interests of the

visual amenities of the area.

8. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. The development hereby approved shall be undertaken in accordance with the recommendations, mitigation measures and compensation measures detailed within the Ecological Appraisal dated 13th September 2021 and Supplementary Ecological Information dated 2nd December 2021, both produced by Sambrook Associates Ltd.

Reason:- To ensure the proposed development has an acceptable impact on protected species and their habitats.

10. The development hereby approved shall be undertaken in accordance with the Construction Environmental Management Plan dated 15th November 2021, produced by Sambrook Associates Ltd.

Reason:- To ensure the proposed development has an acceptable impact on protected species and their habitats.

11. The development hereby approved shall be undertaken in complete accordance with chapter 5 of the Arboricultural Report dated December 2021 and produced by ACS Consulting.

Reason:- To ensure the continued wellbeing of the existing trees on the site.

12. Prior to the construction of the external walls of the dwellinghouse hereby approved, details of bird nesting opportunities within and around the site and inline with chapter 5 of the Supplementary Ecological Information dated 2nd December 2021 and produced by Sambrook Associates Ltd shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the dwellinghouse hereby approved.

Reason:- To provide nesting facilities for birds and to result in a net increase in biodiversity.

Informative

1. The applicant/developer should note that a licence from Natural England must be sought prior to the commencement of development, as the proposed development will have an impact on a population of protected bat.
2. During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the scale of the replacement dwellinghouse complied with Green Belt policy; that sufficient information was provided in respect of the development's impact on trees, protected species and their habitats, existing trees and neighbouring amenity. It is therefore considered that the proposals meet the provisions of paragraph 38 of the NPPF.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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>
10. 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.
11. 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.