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Mr & Mrs Chiswell  
c/o agent

Application no: SMD/2022/0485

Determined on: 24/02/2023

**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:**

Cloud Wood End Farm Toft Green Lane Cloud Side Congleton Staffordshire CW12 3QF

**Description of Development:**

New replacement dwelling to be linked to existing converted outbuildings to create one large dwelling in lieu of existing house, with garden outbuildings, detached garage and new access.

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 complete accordance with the submitted amended plans and specifications as follows:-

3706\_04\_11 Rev G

3706\_04\_12 Rev E

3706\_04\_13 Rev G

3706\_04\_14 Rev D  
3706\_04\_15 Rev D  
3706\_04\_16 Rev G  
3706\_04\_18 Rev E  
3706\_04\_20 Rev A  
3706\_04\_22 Rev A  
3706\_04\_17 Rev D  
3706 Location Plan

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Prior to the installation of any windows, doors and rooflights, details of the design and materials of all proposed new windows, doors and rooflights, shown on drawings with a scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented. The external windows and doors to be used in the development hereby permitted shall be white painted timber.

Reason:-

In the interests of the character and appearance of the area.

4. Prior to the installation of any vents/cowls/ducts, rainwater goods and pointing/re-pointing details of the design and materials for all proposed new vents/cowls/ducts, rainwater goods and pointing/re-pointing shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented. The rainwater goods shall be cast metal and finished in black.

Reason:-

In the interests of the character and appearance of the barns considered to be a non-designated heritage asset.

5. All facing and roofing materials for the replacement dwelling, including lintels and cills and roof verge and eaves detailing and external front door surround materials and detailing shall match those of the existing dwelling in terms of type, colour and texture and shall incorporate external facing and roofing materials reclaimed from the existing dwelling to be demolished.

Reason:-

In the interests of the character and appearance of the area.

6. Before the proposed new dwellinghouse is first brought into use, the existing dwelling and all other buildings shown in the approved drawings to be demolished shall be demolished in their entirety and all remaining demolition materials shall be removed from the sites edged red and blue in the location plan.

Reason:

In the interests of ensuring appropriate development in the Green Belt.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development hereby permitted unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:-

To protect the character and appearance of the buildings.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) A, AA, B, C, D, E, F, G and H, Part 2 Class(es) A to C or Part 20 shall be carried out within the site unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area.

9. Prior to the first occupation of the development hereby approved full 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. The proposals shall include a new mixed native species hedgerow including hedgerow trees along the full length of the eastern boundary of the site, together with new native species tree planting on a minimum level of 3 new trees for each existing tree removed. The planting of replacement trees and the details shall also include:

- Means of enclosure
- Hard surfacing materials
- Remediation of any excavations required for foul or surface water drainage works

Soft landscape details shall include:

- 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 and residential amenities of the area and to achieve a Net Biodiversity Gain.

10. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of

the area.

11. The first action on commencement of development, prior to any further action (including any further demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained as shown in the drawings hereby approved, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations, and as set out in the Christians Environmental site report reference CEF-BS-001 Rev A dated April 2022 submitted in support of the application hereby approved and these 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 fenced 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 ensure the appropriate landscape design and in the interests of the visual amenities of the area.

12. The development shall be undertaken in complete accordance with Protected Species Report 8th April 2022 by Kingdom Ecology, including the bat mitigation drawings Figure E3A and E3B and also the Bats Method Statement received by the Council on 15.12.23 unless altered by a subsequent Natural England bat licence. The bat lofts and bat boxes shall be retained for the lifetime of the development.

Reason:-

In the interests of the ecological value of the site.

13. Before the development is first brought into use, bat monitoring results shall be submitted to and approved in writing by the Local Planning Authority

Reason:-

To ensure compliance with the approved bat mitigation measures and hence aid biodiversity.

14. Before the development is first brought into use, details of external lighting shall be submitted to and approved in writing by the local planning authority and the lighting shall be provided in exact accordance with the approved details.

Reason:-

In the interests of the character and appearance of the area and protecting the ecological value of the area.

15. Before any ground extraction or removal of trees, method statements for the protection of amphibians, birds and a method statement for tree removal shall be submitted to and approved in writing by the local planning authority and the development hereby approved shall proceed in accordance with the statements.

Reason:-

In the interests of the ecological value of the area.

16. The development hereby permitted shall not be brought into use until the visibility splays shown on plan 3706\_04\_22 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

Reason:-

In the interests of highway safety.

17. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge.

Reason:-

In the interests of highway safety.

18. The development shall be undertaken in accordance with the following measures:

I. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records shall be retained for inspection by officers of the Local Planning Authority;

II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These shall be made available for inspection when required by officers of the Local Planning Authority

Reason: -

To protect the amenities of the area during construction

19. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not continue until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the approved remediation

shall be submitted to and approved in writing by the Local Planning Authority.

Reason:-

To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

20. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- "" 08:00 - 18:00 hours (Monday to Friday);
- "" 08:00 - 13:00 hours (Saturday)
- "" No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason:-

To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

### **Informatives**

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
2. It is advised that any felled tree material shall be kept on site as log piles for ecological enhancement.
3. During any demolition and construction activities (including landscaping) the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
4. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

"" A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

"" Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound

insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance

"" Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>

"" Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

"" During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

"" If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

"" Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

"" The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and ""appropriate person"". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

"" Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

"" During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

"" The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

"" Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved

in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

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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](mailto: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](http://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.
12. Domestic sprinklers  
Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1  
If you would like further advice please contact Staffordshire Fire and Rescue Service ([www.staffordshirefire.gov.uk](http://www.staffordshirefire.gov.uk))

13. Working smoke alarms correctly positioned in your home can save your life.

The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month.

Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.