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Application no: SMD/2015/0267

Determined on: 01/04/2016

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

**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:**

SPRING BANK NURSING HOME MILL HAYES ROAD KNYPERSLEY STAFFORDSHIRE  
ST8 7PS

**Description of Development:**

Extension and improvements to Nursing Home with two new build wings and side extension to provide stairs for improved emergency egress. Together with the formation of an attic storey to improve the aesthetics of the existing building and to create additional storage and administration space.

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:-

- Site Layout as Existing 4261-E-10
- Ground Floor as Existing 4261-E-11 A

- First Floor and Roof as Existing 4261-E-12 A
- Elevations ss Existing 4261-E-13
- Location Plan 4261-L-01 A
- Site Plan as Proposed 4261-P-01 C
- Site Layout as Proposed 4261-P-02 E
- Ground Floor GA as Proposed 4261-P-03 B
- First Floor GA as Proposed 4261-P-04 B
- Second Floor as Proposed 4261-P-05 A
- South Wing Ground Floor 4261-P-06
- South Wing First Floor 4261-P-07
- East Wing Ground Floor 4261-P-08 A
- East Wing First Floor 4261-P-09 B
- Link Section Ground Floor 4261-P-10
- Link Section First Floor 4261-P-11
- SE and SW Elevations as Proposed 4261-P-12 A
- NW and NE Elevations as Proposed 4261-P-13 A

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- External facing materials, including hard surfacing
- Window and door details
- Eaves / verge details
- Boundary details

Development shall thereafter be undertaken in accordance with the approved details.

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

4. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

### Highways

5. The development hereby permitted shall not be commenced until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The car park management plan shall include details of the location of spaces allocated to staff and visitors and details of measures to secure a turnover of spaces between the shift hours Monday to Sunday. The car park management plan shall be implemented as approved at all times thereafter.

Reason:- In the interests of highway safety.

6. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans and Car Park Management Plan (as approved by Condition 05 above). The parking, turning and servicing areas shall thereafter be retained unobstructed for the purposes of parking, turning and servicing for the life of the development.

Reason:- In the interests of highway safety.

#### Amenity

7. No development hereby permitted shall take place until a Construction and Environmental Method Statement for the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- The method and duration of any pile driving operations (expected starting date and completion date);
- The hours of work for 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) and 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;
- Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- The arrangements for prior notification to the occupiers of potentially affected properties;
- The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction;
- Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- A scheme for recycling/disposal of waste resulting from the construction works;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, and,
- Installation and maintenance of wheel washing facilities.

All works within the development shall be carried out in accordance with the approved details.

8. The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The details and location of any plant or machinery to be installed under this permission shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details. Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

#### Contamination Risk Assessment

9. No development hereby permitted shall take place until a further site investigation and risk assessment has been completed in accordance with a scheme (including Phasing Programme if appropriate) to be submitted to and agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent person(s) and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The assessment shall include:

- i. A survey of the extent, scale and nature of any contamination;
- ii. An assessment of the potential risks to:
  - Human health
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems; and,
  - Archaeological sites and ancient monuments.
- iii An appraisal of remedial options, and proposal of the preferred option(s).

A written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development.

Any reference to phases in Conditions 9 to 15 inclusive shall be the phases set out in the remediation strategy approved pursuant to this condition.

### Remediation Statement

10. No development hereby permitted shall take place until a detailed remediation strategy giving full details of the remediation measures required and how they are to be undertaken has been submitted and approved in writing by the Local Planning Authority. The remediation strategy shall be produced by competent persons and shall include a:

- i. Summary of the results of the site investigation and the detailed risk assessment and options appraisal referred to in Condition 15.
- ii. Remediation strategy giving full details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures, and,
- iii. Verification plan providing details of the data that will be collected in order to demonstrate that the works as set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation scheme shall be fully implemented as approved and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Verification Report

11. No occupation of the hereby permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved for each phase.

### Unexpected Contamination

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 9 and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of Condition 10. 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 remediation carried out must be produced in accordance with the requirements of Condition 11.

### Soil Importation

13. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence shall be submitted to and approved in writing to by the Local Planning Authority prior to the soils being imported onto site.

Reason (common to 9 - 13):- To ensure that the proposed development ensures 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.

### Coal Authority

14. No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any land instability and/or and other public safety issues are found resulting from, for example, past mining activity during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any unexpected hazards are found which have not been identified in the site investigation, additional measures for their remediation must immediately be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before any further development of the site continues.

Reason:- To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

### Drainage

15. The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, based on sustainable drainage principles incorporating surface water limitation, has been submitted to and approved in writing by the Local Planning Authority along with a timetable for implementation. The drainage works shall be completed in accordance with the agreed details and timetable.

Reason:- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

## Trees

16. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and as set out in the Tree Heritage Arboricultural Report Ref. THL–R15/58 accompanying the application, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed 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 by the Local Planning Authority.

Reason:- In the interests of the general amenities of the area.

17. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) full details of all tree protection measures shall be submitted to and approved by the Local PA. Such details shall include full construction specification for a no-dig cellular confinement system for use where proposed parking bay(s) and hard surfaced access to them encroach within the Root Protection Area of tree T2 as defined and denoted in the Tree Heritage Arboricultural Report Ref. THL–R15/58 accompanying the application, together with an arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to existing trees on and adjacent to the application site. Such method statement and protection measures shall specifically include details and timescales to ensure that appropriate measures are implemented to protect tree roots from the initial outset of any construction activity. Thereafter, the development shall be constructed only in full accordance with details approved under this condition.

Reason:- In the interests of the general amenities of the area.

18. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) a landscaping scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include full details of any new tree, shrub, hedge, herbaceous and grass planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and other plants which are planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of the general amenities of the area.

### Ecology

19. No removal of any hedgerows, trees or shrubs or works to demolish structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before vegetation clearance and provided written confirmation that no birds will be harmed and /or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Local Planning Authority prior to any work commencing.

Reason: In the interests of ecology.

### Informative

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

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**Signed 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.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.staffsmoorlands.gov.uk](http://www.staffsmoorlands.gov.uk) for details.** 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
8. 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.