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DISTRICT COUNCIL

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Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ
Tel: 0845 605 3013 • Fax: 01538 483586 • Web: www.staffsmoorlands.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

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.

Application No: 09/00597/FUL

To:
Mr G Bowker
C/o JPK Design
83 Dimsdale Parade East
Wolstanton
Newcastle
Staffordshire
ST5 8DP

Location of Development:
Ash Hall Nursing Home Ash Bank Road Werrington Staffordshire Moorlands ST2 9DX

Description of Development:
Proposed retirement properties with on site care

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 in accordance with plans ref: 001; 002; 09/1/2235/P; 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.

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2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the nursing/care home known as Ash Hall.
Reason:-
To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use which could harm the setting and character of this listed building.

3. The development hereby permitted shall not be commenced until a sample panel of pointing, at least 1 metre square, is completed on site and inspected and approved in writing by the Local Planning Authority. The agreed pointing sample panel shall then be carried out in accordance with the approved written details and the on-site sample panel.
Reason:-
To ensure that the external appearance of the development is satisfactory.

4. The development hereby permitted shall not be commenced until samples and details of types and colours of all roof tiles, facing materials and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Materials samples are also required for the gas meter building. The development shall be carried out in accordance with the approved details.
Reason:-
To ensure that the external appearance of the development is satisfactory.

5. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.
Reason:-
To provide adequate privacy and an acceptable external appearance.

6. Notwithstanding the window and door details shown on the above approved drawing the development hereby permitted shall not be commenced until detailed plans and sections of the proposed windows and doors at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority. Details should include the recess depth of the frame within the aperture; moulded timber sections; finish; opening mechanism and glazing bar subdivision. The development shall then be carried out in accordance with the approved written details.
Reason:-
To ensure that the external appearance of the development is satisfactory.

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7. Notwithstanding approved drawing number 09/1/2235/P and before the proposed development is brought into use the new driveway and parking area shall be provided in accordance with plans to be first submitted to, and approved in writing by, the Local Planning Authority which shall thereafter be constructed in accordance with the approved drawings and retained for the life of the development. (Please refer to informative number 2).
Reason:-
In order to comply with the Staffordshire and Stoke-on-Trent Structure Plan (1996 - 2011).

8. Before building works commence on the site a scheme shall be submitted to and approved in writing by the Local Planning Authority for the insulation of the proposed retirement properties so that the external noise levels do not cause internal noise levels to exceed an indoor ambient noise level in unoccupied rooms of 30 dB(A) LA eq (1 hour) and individual noise event shall not exceed 45 dB LA max. On completion tests shall be carried out to verify compliance with this condition. The scheme to be submitted shall include details of sound attenuation methods to be used including glazing and acoustic ventilation. The design and construction criteria for development shall have regard to BS 8233:1999 (British Standard 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice. The scheme should include details on noise mitigation measures including window glazing and room ventilation provisions).
Reason:-
To protect the internal local amenities of future residents from noise pollution.

9. Unless prior permission has been obtained in writing from the Local Planning Authority potentially 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.

A noisy activity is defined as any activity (for instance 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 unsociable hours.

10. Prior to any construction/demolition works commencing the contractor shall submit for the approval in writing of the Local Planning Authority a scheme to prevent dust formation from dusty activities and the prevention of any dust formed leaving the site. regard shall be had to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities (BR456).
Reason:-
To protect local amenities from dust.

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11. No development shall take place until details of any proposed artificial lighting (including floodlighting) incorporated to the retirement properties has been submitted to and approved in writing by the Local Planning Authority.
Reason:-
To protect the local amenities of the local residents by reason of excess of luminance.

12. 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 should not commence further 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 exists to any identified receptors, development shall not commence 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 historic environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.
Reason:-
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with PPS23).

13. No top 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 should be submitted to and approved in writing by the Local Planning Authority prior to the soils being imported onto the site. The methodology should 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 submitted to and approved in writing by the Local Planning Authority.
Reason:-
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with PPS23).

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14. The development hereby permitted shall not be commenced until details, including materials and positioning of all rainwater goods have been submitted to and approved in writing by the Local Planning Authority.
Reason:-
In the interests of the visual integrity of the building.

Informatives

1. Policies B13 and T14 of the Staffordshire Moorlands Local Plan together with PPS1: Delivering Sustainable Development and PPG15: Planning and the Historic Environment have been taken into consideration during the determination of the above application. The proposed retirement properties are considered to be acceptable in principle and are of a good design complimenting the existing original features of the adjacent Grade II Listed Ash Hall.

2. In respect of condition number 7 above the applicant is advised that the new driveway and parking layout does not provide sufficient width to enable access/egress from parking bays 3-8 (inclusive). A minimum distance of 6 metres is required to the rear of the parking bays to allow vehicles to manoeuvre.

3. ADVISORY NOTE.....

The applicant(s) is reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and is made aware that:

- In accordance with the Site Waste Management Plans Regulations 2008 any construction project with an estimated cost greater than £300,000 must, before work begins, prepare a Site Waste Management Plan in accordance with the requirement of these regulations.

- If required contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

- 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

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such become an 'appropriate person'. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- 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.

- It is recommended 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 the works undertaken are sufficient to discharge the contaminated land conditions.

Signed on behalf of Staffordshire Moorlands District Council

11 AUG 2009

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NOTES

1. 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.

2. 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. 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.

3. 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.