STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

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Application no: SMD/2018/0674

Determined on: 19th June 2019

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:
Eaton House Buxton Road Leek Staffordshire ST13 6EQ

Description of Development:
Demolition of existing office building and erection of a two storey 66 no. bed care home for the elderly.

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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

ST13 6EQ-A-01A
ST13 6EQ-A-02A
ST13 6EQ- A 03B

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ST15 6EQ – A 04A
ST13 6EQ – A 05B
ST13 6EQ – A 08

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

Design/external appearance

3. Notwithstanding the submitted details no development above slab level shall commence 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.Notwithstanding any details shown on the approved plans, the windows and doors of the proposed development shall be set back a minimum of 50mm from the edge of the brickwork around the window opening, unless otherwise agreed in writing by the Local Planning Authority.

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

Tree protection and landscaping

5. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the Local Planning Authority (LPA). There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed in writing by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- To protect existing trees and hedgerows which contribute to the character and appearance of the area

6. Any pruning of trees overhanging the application site from the adjacent Birch Gardens shall only be carried out in consultation with the local planning authority's arboricultural officer, with whom a specification of type and extent of work shall be first agreed in writing prior to its implementation, and the work so agreed shall be carried out in accordance with British Standard 3998:2010 *Tree Work – Recommendations*.

Reason:- To protect existing trees and hedgerows which contribute to the character and appearance of the area

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7. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) a Landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The scheme shall be informed by an Ecological Design Strategy. 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 and shrubs 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:- To ensure an acceptable external finish in the interests of the character and appearance of the are and to enhance biodiversity

Biodiversity

8. Prior to first occupation of the development hereby permitted a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be endorsed by a suitably qualified ecologist to demonstrate that it will have an acceptable impact on bats. No external lighting shall be installed except in accordance with the approved scheme.

Reason:- In the interests of biodiversity and to protect the character and appearance of the area

9. No development including any demolition or site clearance shall take place until an Ecological Design Strategy (EDS) addressing enhancement for biodiversity via garden landscaping and provision for breeding birds, in particular swifts and bats has been submitted and approved in writing by the local authority.

The EDS shall include the following:

- Purpose and conservation objectives for the proposed work.
- Tree, shrub, hedge and wild flower planting plus establishment, focusing on native species that are attractive to pollinating insects.
- Green infrastructure and climbing species supported by the walls of the building that will provides additional habitats.
- Detailed designs and methods to create a minimum of 15 nesting sites for swifts according to best practice.
- A minimum of 10 artificial rooting sites for bats as integral structures within the fabric of the building.
- The location of features on appropriate scale plans.
- Timetable for creation of features.
- Persons responsible for overseeing and installing features.

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- Details of initial aftercare and long term management (at least 10 years) for all features of the plan.

The approved EDS shall be implemented in accordance with the approved timetable and all features shall be retained in that manner thereafter.
Reason:- In the interests of biodiversity enhancement

Residential care home only and no other use
10. The development hereby permitted shall be used for a residential nursing home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re enacting that Order with or without modification
Reason:- In the interests of highway safety and residential amenity

Drainage and Flood risk
11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy April 2019 / EHLS-BSP-ZZ-XX-RP-C-001-P2 19-0087/FRA-DS / BSP Consulting and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 100 year + 30% Climate Change critical storm so that it will not exceed 26.95 l/s and not increase the risk of flooding off-site.
- Provision of adequately sized attenuation flood storage on the site to a 100 year + 30% Climate Change standard
- Finished floor levels are set no lower than 197.02 AOD.

Reason:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that storage of flood water is provided. To reduce the risk of flooding from blockages to the existing culvert.

Highways
12. The development hereby permitted shall not be brought into use until details of the reinstatement of that part of the existing site access with full height kerb, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development, have been submitted to and approved in writing by the local planning authority. That part of the existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans prior to the first occupation of the development.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety and to avoid a proliferation of over long dropped crossings

13. The submitted and hereby approved Travel Plan shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the Local Planning

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Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Local Planning Authority for written approval for a period of 5 years from the date of first occupation of the development hereby permitted.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC, T1 and T2; in the interests of highway safety and to encourage alternative modes of transport

14. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety

15. No development including demolition and site clearance shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
i) a site compound with associated temporary buildings:
ii) the parking of vehicles of site operatives and visitors;
iii) loading and unloading of plant and materials;
iv) storage of plant and materials used in constructing the development;
v) wheel wash facilities and details for ensuring that no mud, debris or deleterious material is deposited on the highway
Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety

16. No development (including demolition and site clearance) hereby permitted shall take place until an Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the arrangements for prior notification to the occupiers of potentially affected properties;

III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

IV. 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 phase;

V. a scheme for recycling/disposal of waste resulting from the construction works; 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.

VI. the parking of vehicles of site operatives and visitors;the loading and unloading of plant and materials;

VII. the storage of plant and materials used in constructing the development;

VIII. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

IX. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved Method Statement. Any alteration to this Method Statement shall be approved in writing by the Local Planning Authority prior to any deviation from it.
Reason: To protect the amenities of the area.

17. 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.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

18. Prior to any part of the development first being occupied pre-completion tests shall be carried out to verify compliance with the submitted and approved Environmental Noise Assessment prepared by Peak acoustics Report Reference NM1503193NR dated 10th April 2019. The raw data, calculations and results from the pre completion tests shall be submitted to the Local Planning Authority and approved in writing before any of the units hereby approved are occupied.

Reason: To protect occupiers from noise and safeguard their residential amenities

19. There shall be no deliveries between the hours of 20.00 hours and 08.00 hours Monday to Saturday inclusive, and not between the hours of 20.00 hours and 10.00 hours on Sundays and Public or Bank Holidays.

Reason:- To safeguard the amenity of neighbouring residential occupiers.

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20. The development hereby permitted including demolition and site clearance shall not take place until an intrusive Site Investigation and Risk Assessment has been completed in accordance with a scheme which has first been agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. The assessment and a written report of the findings shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development including demolition and site clearance

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.

Remediation Statement

21. No development hereby permitted, except for works of site clearance and demolition (not to include break up or removal of hardstanding or other excavation) 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:

(i) A summary of the results of the site investigation and the detailed risk assessment and options appraisal referred to in condition (20).

(ii) A remediation strategy giving full details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

(iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works 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.

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.

Verification Report

22. No occupation of any phase of the 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

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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.

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.

Unexpected Contamination

23. 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 (20) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (21).. Following completion of measures identified in the approved remediation scheme a verification report shall be produced in accordance with condition 22.

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.

Soil Importation

24. 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 agreed in writing by the Local Planning Authority prior to the soils being imported onto site. 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 submitted to and approved in writing to 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.

Cooking Smells

25. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from cooking activities on the premises. (The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues). Details of the equipment shall be submitted to and

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approved in writing by the Local Planning Authority in writing prior to commencement of this development. Equipment shall be installed and in full working order in accordance with the approved details prior to the commencement of use. (Any system installed must be by suitably qualified competent engineers and the canopy must meet all relevant Health and Safety requirements including the use of Gas Interlocks. The provision of a commissioning certificate issued by a Gas Safe registered engineer shall be available for inspection on request.)

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised, in the interest of the amenity of occupiers of nearby properties.

Air Quality

26. No development above slab level shall be commenced until a scheme for the provision of electric vehicle charging points has been submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied until any approved electric vehicle charging infrastructure associated with the development has been installed.

Reason:- To protect the local residents from air pollution and breaches in local air quality objectives for Nitrogen dioxide

INFORMATIVE

1.The Council has negotiated a sustainable form of development which meets the provisions of the National Planning Policy Framework

2. That part of the over wide existing dropped crossing to the site not required for the proposed access width shall be reinstated to footway with full height kerb in accordance with drawings to be submitted. Please note that prior to the reinstatement 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)

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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

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. 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.

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.

8. 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.

9. 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.

10. 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

11. 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.

12. 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.
13.