

Tetra Tech Planning
90 Victoria Street
Bristol
BS1 6DP

C/O Tetra Tech Planning

Application no: SMD/2021/0290

Determined on: 13/08/2021

**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:

Nab Hill House, Nab Hill Avenue, Leek, Staffordshire, ST13 8EF

Description of Development:

Change of use from a dwelling house (Class C3) to a children's residential care home for up to six residents (Class C2).

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 change of use permitted and described above shall only be carried out at the property identified and shown on the Promap 'site location plan', 'Site Plan' numbered 21989 01C, 'Existing & Propd floor plans' numbered 21989 02, and the 'Existing Elevations' drawings numbered 21989 03A that were submitted with the application. The property layout and arrangement of interior room space shall remain and be used as shown in 'Existing & Propd floor plans' numbered 21989 02.

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

3. When the property ceases to be used for the permitted purpose described above it shall be made available for reuse and a return to its former use as a single dwellinghouse (Class C3). The use may return to that former dwellinghouse use without the need for a further express grant of planning permission.

Reason:- So that it would not be necessary to gain express planning permission to return the use of the property to a Class C3 dwellinghouse.

4. This permission is to only use the property for the purposes of providing full time residential care for no more than six residents (aged 7-17yrs), who would occupy the property as their sole or main residence, and their care and supervision is provided full time by care staff on a shift rotation; and for no other purpose, including any other purpose in Class C2 of the Use Classes Order.

Reason:- In the opinion of the Local Planning Authority the premises for other uses within the same Use Class could cause harm to the amenities of the area.

5. 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 development as specified in Part 1 Class(es) A, AA, B, C, D and E or Part 20 shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:- For the avoidance of doubt and to ensure that the capacity and function of the property is not enlarged without planning permission.

6. Before the use permitted commences, a camera system for the monitoring and recording of activity at particular access points along the boundary shall be installed and operated in accordance with a scheme and details that have first been submitted to and agreed in writing by the local planning authority. The system shall thereafter be operated as agreed, retained and maintained throughout the life of the development.

Reason:- To assist with and support the safeguarding of the residents.

7. Before the use permitted commences, the existing boundary enclosures shall be supplemented and secured in accordance with a scheme and details that shall first be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the scheme should include the erection of boundary treatment to the garden boundary with 46 Kiln Lane, a barrier to the top of the retaining wall above the parking area, and the locking and securing of the gate at the Kiln Lane pedestrian access.

Reason:- For the safety and security of the care home residents and to protect the living conditions of adjoining neighbours.

8. Throughout the life of the development, the existing parking and turning area at the property, as shown on the 'Site Plan' numbered 21989 01C, shall be retained, maintained and, at all times, be available and unobstructed for the parking and turning of motor vehicles so that they can enter and exit the site in a forward gear. The vehicles of staff and employees

of the operator, shall not at any time park or turn in the Nab Hill Court driveway.

Reason:- In the interests of highway safety and the amenity of residential neighbours.

Informative

1. The members of the planning applications committee request and encourage the operators and/or management of the premises to engage proactively and regularly with nearby neighbours within the local community, both before the permitted use commences and as an ongoing arrangement throughout the life of the use. In particular, contact details should be made clearly available as a means of effectively reporting or discussing concerns and/or any problematic incidents.

2. The proposed development is judged to meet the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

X 

Signed by: Jane Colley Signature

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.