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Application no: SMD/2023/0246

Determined on: 23rd Dec 2024

**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:

Moor Court Moorside Lodge Farley Road Oakamoor Staffordshire ST10 3BD

Description of Development:

Change of use to existing buildings from care home to residential with alterations and extensions to form 8 two-bedroom dwellings with parking and both private and shared outdoor amenity

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 approved 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 accordance with the details as submitted in the application form and submitted specifications and (subject to condition 3 below) as shown in drawings:

4366-001 Rev A – Site Location Plan

4366-005 – proposed site plan September 2024

4366-006 Rev A – ground floor plan as proposed

4366-007 – first floor plan as proposed

5033-008 Rev B – proposed elevations

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of

doubt.

3. Notwithstanding condition 2 and any annotations to the contrary in the drawings hereby approved all existing exposed un-painted brickwork shall be retained un-altered as exposed brick and all new build elements shall be finished externally in exposed brick to match the existing brick all as shown in drawing 4366-008 Rev B hereby approved. All pitched roofing shall be retained as genuine natural slate as existing. There shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works harmonise with the existing development and heritage setting.

4. Prior to the installation of any exterior insulation the details of the material and its appearance shall first be submitted to the Local Planning Authority for approval in writing and shall subsequently be installed only in accordance with the details as approved.

Reason: To ensure that the works harmonise with the existing development and heritage setting.

5. No development hereby approved shall begin, notwithstanding condition 2 and submitted drawing 4366-005, until details for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the details as subsequently approved before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

6. No development hereby approved including demolition shall take place until:

(i) there has been submitted to the Local Planning Authority (LPA) and approved in writing supported by further appropriate bat survey as necessary 'a detailed scheme of mitigation and compensation measures' (the scheme) in respect of bats shown to be associated with the application buildings as determined by the applicant's submitted bat activity survey by Charnia Ecology dated September 2024.

(ii) The scheme shall take account of the entirety of the host building including any elements to be demolished in order to plan the work to accord with the latest published Bat Conservation Trust Guidelines and Natural England requirements.

(iii) As a minimum the scheme shall set out seasonal timing of works and working methods as well as providing appropriate bat roosting sites in the completed development as recommended at section 4 of the applicant's submitted bat activity survey by Charnia Ecology dated September 2024.

The development shall be implemented in accordance with the scheme as approved in writing by the LPA unless separately approved by a Natural England European Protected Species (EPS) Licence in which case the work shall be implemented in accordance with the EPS Licence and in either event shall be implemented and retained as approved for the lifetime of the development.

Reason: To ensure that the development proceeds with appropriate protection and safeguard for European Protected Species (bats).

7. Nothing in this permission shall be read or interpreted as consenting to or authorising any tree pruning or tree removal or other works to trees within the application site red edge.

Prior to the commencement of development (including any site clearance, stripping, site establishment and formation of new temporary or permanent access track) temporary protective fencing and advisory notices for the protection of the existing trees shall be erected in accordance with the guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and shall be retained in position for the duration of the period that development takes place. 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 LPA with appropriate additional control measures in place.

Reason: To ensure appropriate safeguard for trees significant to the area and local amenity including trees protected by Tree Preservation Order.

8. All construction activities shall be restricted to the following times:

- ☐ 08:00 - 18:00 hours (Monday to Friday);
- ☐ 08:00 - 13:00 hours (Saturday)
- ☐ No work shall take place on Sundays or Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during anti-social hours.

9. 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 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 exist to any identified receptors, development shall not re-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 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 remediation carried out must be produced, submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the residential amenities of the occupants of the site.

10. Any waste material associated with the demolition or construction work hereby approved shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Reason: To protect the amenities of the area.

11. No activity hereby permitted shall cause dust to be emitted beyond the site boundary that would adversely affect the occupiers of adjacent premises 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 requested by officers of the Local Planning Authority.

Reason: To protect the amenities of the area.

12. No top soil shall be imported to the site unless it has been tested for contamination and assessed for its suitability for the proposed development and a suitable methodology for testing this material shall first have been 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 risk assessment and source material information. The analysis shall then be carried out and validation 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. In the interests of protecting the residential amenities of the occupants of the site.

13. No changes in ground levels shall take place in the area shown as gardens along the south west facing elevations of units 1 to 6 in the plans hereby approved until details of the levels changes and any ground retention works have first been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved detail

Reason: In the interests of proper planning and the appearance of the development.

14. No fencing or boundary works in relation to the gardens as shown along the south west facing elevations of units 1 to 6 in the plans hereby approved shall be erected until details of the design form, materials and height (notwithstanding the submitted plans) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be erected before the development is first occupied.

Reason: In the interests of the appearance of the development and the amenities of occupiers

15. Outside of the enclosed garden areas serving units 1 to 6 and outside of the parking and turning areas as shown on the plans hereby approved, the lands coloured purple on drawing 4366-001 Rev A other than areas occupied by building hereby approved shall be retained as open areas for the shared recreational use and enjoyment by occupiers of the units 1 to 8 hereby approved and shall be so retained and managed for the life of the development.

Reason: In the interests of the appearance of the development and in the interests of the amenity of occupiers.

16. The development hereby permitted shall not be brought into use until the existing garages have been demolished and removed from the site and parking and turning areas have been provided in accordance with the approved proposed site plan 4366-005. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason: To comply with NPPF Paragraph 112; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

17. The development hereby approved shall not be brought into use until details of the arrangements for the storing of occupiers' refuse and waste and bin storage have been

submitted to and approved in writing by the Local Planning Authority and the arrangements as subsequently approved shall be provided prior to the development being brought into use and shall thereafter be retained for the life of the development.

Reason: To protect the local amenities from unsightly waste, prevention of pest infestation and offensive smells from putrescible materials.

18. At any time during and following the completion of the development all exterior lighting installations shall be attached in the service of the development hereby approved only in accordance with the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2011 – or later revisions) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).

Reason: To protect the amenities of nearby residents and minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site.

19. Units 3 and 4 in the development hereby approved shall only be marketed at any time in the life of the development whether for sale or to let as providing one double and one single bedroom and shall each be occupied by not more than 3 persons as their sole or permanent residence at any time.

Reason: In the interests of occupier amenity as the overall gross internal floor space in each of units 3 and 4 meets only the Nationally Described Space Standard sufficient for a two-bedroom 3 person dwelling.

Informatives

1. The confirmed presence of bats in the buildings proposed to be developed means that work can only take place if carried out in accordance with Natural England's licensing procedures for work which will affect European Protected Species. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

2. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present – which could include Swallows which winter in Africa and migrate to their breeding locations in Britain and Europe each spring often returning faithfully to the same sites – the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.

3. Drainage: Reference is made in the drawings to utilising a sewage bed in Farley Road but no further details such as its ownership, specific location, capacity or how it drains have been provided. Severn Trent Water has advised that they would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative

arrangements. Planning Practice Guidance and section H of the Building Regulations 2010 set out a surface water disposal hierarchy. The disposal of surface water by means of soak-aways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water should be allowed to enter the foul or combined water systems by any means.

4. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amendments were agreed with the agent in the course of the determination in accordance with the approach to decision making as advocated in the National Planning Policy Framework at paragraph 38.

X *B.J. Haywood*

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
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. 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).
14. 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.