

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

30 May 2019

Application No:	SMD/2018/0674	
Location	Eaton House, Buxton Road, Leek	
Proposal	Demolition of existing office building and erection of two storey 66 bed Care Home for the elderly	
Applicant	LNT Care Developments	
Agent	LNT Construction	
Parish/ward	Leek	Date registered 13/11/18
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

REFERRAL

This is a major application

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 Eaton House is a large flat roofed two storey building which fronts the A523 Buxton Road in Leek. There is a small flat roofed extension to the west. The rear of the site is hard surfaced providing a large car parking area. Access to the site is from Buxton Road. Immediately to the east is an area of public open space known as Birch Gardens. There is a two storey detached dwelling to the west which has been converted to a Children's Nursey. The site adjoins several industrial/factory units at the rear, some of which are at a much lower than the application site. The site itself is level. There is a small landscaped area along the site frontage. The area in which the site is situated is of mixed character containing commercial, retail and residential uses.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full application for the redevelopment of the site to provide a purpose built 66 bed Care home for the elderly. The application states that the proposal is for single room accommodation all with en suite facilities together with communal/recreational space. It is stated that between 40 and 50 full time equivalent jobs will be created. These jobs would range from the Home manager, a series of Care workers through to catering and domestic assistants.

3.2 The DAS refers to the scheme being developed in a configuration which enables two types of care to be provided, general residential and residential dementia. It says the plan layout and internal arrangement allows the home to be split into these separate care requirements.

3.3 Plans show a single building arranged in an H format with the principle elevations aligning north – south i.e. so the building has good frontage to Buxton Road. The four corridors on each floor converge on a central hub area which contains the communal/recreational features such as the lounge/dining rooms, cinema, assisted bathrooms, clinic room, salon, hoist stores, shop and reception. The layout is virtually mirrored at first floor. On the ground floor one of the rear wings is dedicated to ‘service’ facilities – the kitchens, laundry, plant rooms, sluice store and offices. The plans show 27 en suite bedrooms on the ground floor and 39 at first floor.

3.4 Externally two garden courtyards are shown with all ground floor rooms having direct access to this. There is also a strip of landscaping along the frontage set behind railings. This area will be slightly deeper than the existing because the new building is set back further into the site. Clearance from the boundary ranges from 4.5m to 8m compared to the existing of 3m to 6m (10m for a very short length). Again all rooms fronting this space have direct access to it. To the east adjacent to Birch Gardens the proposed building is set further in than the existing giving 3-4m extra clearance along this boundary. 20 car parking spaces are shown at the rear of the site together with space for an ambulance and deliveries, cycle store and a refuse area.

3.5 The application was accompanied by a Planning Statement, Design and Access Statement, Preliminary Geo-environmental Appraisal, Transport Statement/Travel Plan and Sustainability Energy Statement.

Amendments during the processing of the application

1. During the processing of the application the following addition Reports were provided; a Flood Risk Assessment and Employment Appraisal, Acoustic report and further marketing information. These documents were made available on the web site and relevant consultees consulted.
2. Amended plans, Site Plan (ST13 6EQ-A-03B) and Elevation Plans (ST13 6EQ-A-05B) were submitted to address design issues raised by the Case Officer. Further publicity was carried out on receipt of these.

4. RELEVANT PLANNING HISTORY

SMD/2009/1165 Construction of Class A1 supermarket and petrol filling station, B1/D1 office floorspace and D1 After School Club, associated car parking and servicing arrangements. Refused

SMD/2004/0844 – Conversion of part of first floor to a mental health child and adolescent clinic - Approved

SMD/2001/1162 – Change of use from B1 offices to D2 gymnasium/leisure with ancillary café – Approved

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6C Rural area strategy
- DC1 Design Considerations
- DC2 Heritage
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

Local Plan process

5.4 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.5 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public was held in November 2018 in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted later this year. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.6 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted the plan and the examination in public has now taken place
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:

Policy SS1 Development Principles
Policy 1a Presumption in favour of sustainable development
Policy SS2 Settlement hierarchy
Policy SS5 Leek Area Strategy
Policy H1 New Housing Development
SS2 Settlement Hierarchy
SD 1 Sustainable use of resources
SD 4 Pollution and water quality
SD 5 Flood Risk
H1 New Housing Development
DC1 Design Considerations
C1 Creating sustainable communities
C2 Sport, recreation and open space
NE 1 Biodiversity
NE 2 Trees, woodland and hedgerows
T1 Development and sustainable transport

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: 19th December 2018

Site Notice expiry date: 20th December 2018

Local residents have been notified by letter. Two letters of representation received raising the following issues:-

1. Concern about dust during construction and potential damage to stock and disruption to business. Asks if a large screen can be erected between the two sites during construction
2. Concern about conflict of introducing a residential use on the site and potential noise complaints. Rooms will be within 6m of the boundary of the industrial site at the rear
3. Twenty spaces for a 66 bed care home seems insufficient and will lead to staff and visitors parking on the surrounding streets
4. The distance between Eaton House and the commercial building at Prince Street Business Park is more than 40m. Car parking may be better at the rear to provide a buffer from the Business Park.

Town Council

None received

Regeneration Officer

Does not consider the marketing to be sufficiently robust to determine that there is no demand for freehold office use at this location and therefore does not support the proposal until such time as this has been appropriately tested.

Operations Manager -Waste

Advises that development would need space for the following number of bins:

General refuse between 8-10 x 1100 litre bins (capacity of 140-180 litre per flat)

Recycling 8 x 1100 or 7 x 1280 litre bins (capacity of 140 litres per flat)

The refuse vehicle would need to get close to the bin store and have room to turn around.

Environmental Health Officer

Initially objected to the application on grounds that the impacts from existing noise sources had not been considered. A Noise assessment was subsequently submitted. Having considered this raises no objection subject to conditions

Ecology Officer

No objection subject to condition to secure biodiversity enhancement

Project Officer – open spaces

Advises that the current Public Open Space SPG and council Policy, does not seek any play or playing pitch contributions from applications for elderly person dwellings / apartments or flats.

Local Highway Authority

No objection subject to conditions and a Section 106 Agreement to secure the monitoring fee for the Travel Plan of £6895

Local Lead Flood Authority

Initially objected to the proposal. On receipt of a revised FRA and Drainage Strategy moved to a position of No objection subject to condition

Severn Trent Water

No objection subject to drainage condition

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted

7.3 This site lies within the Development boundary of Leek. It is a brownfield site in a sustainable location, close to the town centre, a bus route, services and facilities.

7.4 The site is an existing employment site. Policy E2 seeks to protect existing employment sites. It says that redevelopment for housing, retail or other non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable and viable for continued employment use or where redevelopment achieves substantial planning benefits which outweigh the loss of employment use. Where redevelopment is proposed preference will be given to mixed use redevelopment scheme that retains an element of employment provision. This is the first matter to address in terms of judging whether the principle of development is acceptable.

7.5 The proposal is for a Care home. It provides en-suite bedrooms for residents but otherwise the facilities are communal. It is a C2 Use (Residential Institution) rather than C3 (Housing). Furthermore because it offers care to those who can no longer live independently, staffing levels are relatively high. Latest figures from the applicant suggest up to 58 FTE staff could be employed. In respect of Policy E2 therefore this is not a '*housing, retail or other non-employment uses...*' and whilst not a use within B1, B2 or B8, it would retain '*..an element of employment provision..*' another requirement of E2 where redevelopment is proposed.

7.6 The Regeneration Officer has been critical of the marketing carried out and whether the loss of the site as an employment site is justified. She points to the lack of exposure to the market, lack of a paper brochure, failure to sign up to the Council's Employment and Skills Charter, failure to make freehold availability clear and concern that the marketing focuses on redevelopment rather than potential commercial use.

7.7 The applicants responded to these points and provided an Employment Appraisal. The key points made are as follows:-

- Although residential in nature this is a commercial development providing employment provision of 40-50 jobs
- Mounsey Chartered Surveyors appointed in July 2015 to market first floor space in the building on a leasehold basis.
- In March 2018 Your Housing vacated the entirety of the ground floor. At this time Mounsey's were instructed to market both the leasehold and freehold of the entire building. A marketing campaign was effected which included a banner has been affixed to the railings at the front of the building, website and third party marketing websites.
- Only 2 enquiries have been generated from the marketing undertaken in relation to the freehold, one of which was the applicant.
- In relation to leasehold interest, these have been limited with the only proposal received from a D2 user who required 6 500 sq ft. This proposal involved significant investment from the landlord which the covenant did not justify.
- The Appraisal also points to the substantial planning benefits that the proposal would deliver including a new local community care and support service, regeneration of the site, inward investment to Leek, 40 -50 new jobs, help meet growing need/demand for this specialised accommodation for the elderly to compliment other provision

7.8 The loss of this site for B1 use is perhaps regrettable but in terms of Policy E2 it is not considered that the Regeneration Officer's comments are fatal to the scheme because as noted above the proposal is not for housing development, it is for a C2 Care Home which by its nature includes a significant element of employment provision. In that respect it is not a non-employment use in terms of the policy albeit that the policy does refer to B1, B2 and B8 uses. Furthermore the revised NPPF of 2018 dedicates a whole chapter to making effective use of land. It says that planning decisions should promote an effective use of land in meeting the needs for homes *and other uses* (our emphasis) and that substantial weight should be given to the value of using suitable brownfield land within settlements for homes *and other identified needs* (our emphasis). It goes on to say at para 121 that LPA's should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated in a plan, where this would help to meet identified development needs. As discussed in the Planning balance section below the updated Strategic Housing Market Assessment (2017) identifies a growing need for accommodation for elderly persons in the District to which the proposal would make an important contribution.

7.9 It is for these reasons the conclusion is that although the marketing campaign is not as robust as would normally be expected were this for a housing, retail or non employment use, this is a C2 Use with an element of employment associated with it. The site has been made available to the market. It will meet an identified need for elderly person's accommodation. For these reasons it is considered that in this particular case the proposal does accord with Policy E2 and the NPPF. The principle of development is therefore acceptable.

Access

7.10 Plans show an intention to continue to use the existing access into the site from Buxton Road leading to car parking to the rear where 20 spaces are provided. Provision is also made for ambulance parking and a turning/parking area for deliveries. A Transport Statement and Travel Plan are provided with the application which provide, amongst other matters, a full explanation as to how the relatively low level of parking is arrived at.

7.11 The Local Highway Authority has considered the application. They comment that whilst car parking levels appear low this is a care home with residents unlikely to have their own vehicle. The site is off the A523 which is controlled by double yellow lines and it is close to the town centre, bus stops and a public car park. Furthermore a Travel Plan is proposed to reduce car dependency and encourage other modes of travel. Weighing all these factors together the LHA raise no objection to the application subject to conditions to secure the parking before use, reduce the over wide access and reinstate redundant parts of the existing site access, implementation of the Travel Plan and submission and approval of a Construction Method Statement. In addition a monitoring fee of £6895 is required for the ongoing review of the Travel Plan. This needs to be secured as usual within a Section 106 Legal agreement. With conditions in place and a Section 106 Agreement there is compliance with Policies DC1, T1 and T2 and the NPPF.

Design

7.12 This is a large building with a greater site coverage than the existing building. It is two storeys in height with predominantly gables roofs albeit that there are some hipped elements to the rear. The main elevations are relieved by a series of gables projections. As described above it has an H shaped footprint. North and South elevations (including Buxton Road) show eaves height of approximately 5 m with ridge at 8.5 m. The west and east elevations have large areas of glazing to the central lounge dining areas.

7.13 The initial submission was not considered to be acceptable in design terms primarily due to the siting of the building, the location of the car parking and the overall 'horizontal'

appearance, particularly of the Buxton Road frontage. Negotiations have taken place with the applicant and a number of design changes have been secured as a result of these including:-

- The building has been brought forward so that it is now positioned at the front of the site providing a stronger presence, definition and enclosure to Buxton Road and a more attractive street scene.
- The car park has been relocated to the rear of the site, out of public view.
- The area between the building and Buxton Road is now shown as a landscaped area enclosed by railings.
- The rendered panel running the length of the building at first floor has been removed and replaced with brick to reduce the 'horizontal' emphasis of the appearance
- The end projections on the Buxton Road elevation have been changed from hips to gables not only to 'book end' the building but to provide greater verticality.
- The main roof line on Buxton Road frontage has been extended to finish in side gables.
- Stone cills and heads have been added to windows and doors
- Blind windows added to the side gables where the building turns the corner to add interest

7.14 The applicant was asked to express the side gable simply by setting the front projection in slightly (one or half a brick). The applicant is not prepared to do this. She feels it will result in a *'complicated arrangement around the roof and guttering of the gable'*. She goes on to say that as a result of the change to a gable roof here there is now a requirement to install a down pipe on this elevation. She suggests that this could help to create the necessary break. This side gable is wide at 14m. However the closest section to Buxton Road, and thus most visible does now contain dummy windows (see above) and together with the smaller central projecting gable will help to break up this section. The applicant was also asked to reduce the size of the central windows on the front (Buxton Road) elevation to provide a greater solid to void ratio. The applicant has commented that at ground floor only the side lights provide ventilation and reducing the aperture would mean that the side light opening windows could not be achieved at ground floor.

7.15 The applicant explained during discussions that as this is a care home the aim is to try and create a building that is 'homely' internally and externally. It was explained that the building design has been generated over years of discussions with the users of the buildings to create an internal layout that works efficiently for the staff and has a cosy non institutional feel for the residents. The external scale and appearance of this building is hoping to reflect a terrace of houses rather than a large monolithic building and with the use of appropriate landscaping, a building that has a more residential feel.

7.16 Whilst there are some small misgivings with the design as described above overall Officers consider that an appropriate compromise has now been reached on the design and that the scale, layout and appearance is acceptable. As always materials and boundary treatment will be critical to its success. A good quality red brick and slate or Staffordshire blue clay tile roof will be sought. Suitable conditions are recommended to secure this.

Drainage and Floor Risk

7.17 The application was not supported by a Drainage Strategy/Flood Risk Assessment which led to a recommendation of refusal from the Local Lead Flood Authority (LLFA). A Flood Risk Assessment was subsequently provided. This recommends amongst other matters keeping floor levels no lower than the existing building and the provision of on site surface water attenuation.

7.18 The LLFA has reviewed the revised documents and have now lifted its objection subject to the imposition of a condition to ensure that the mitigation measures set out in the FRA are delivered. With this in place there is compliance with Policy SD 4 and the NPPF.

Impact on trees

7.19 There is no Tree survey/Arboricultural Impact Assessment Report with the application, although existing trees on- and off-site are picked up on the basic Topographical survey and transposed onto the proposed site layout plan, shown to be retained or removed as applicable.

7.20 The proposal would result in the loss of a mature Birch situated within the site just to the north of the existing building. The Trees and Woodland Officer comments that whilst this Birch tree appears to be in good condition, it is adjacent to the top of a retaining wall, has a potentially weak main union between its two co-dominant stems and is not individually of prominent public amenity value due to screening by the existing building and by further mature trees in the adjacent Birch Gardens public open space/pocket park. No objection is raised to this.

7.21 Notwithstanding the lack of an Arboricultural Assessment the Trees and Woodland Officer estimates that the proposed new building footprint would be outside the Root Protection Areas of the mature Beech trees within Birch Gardens along the eastern boundary of the application site; additionally where this proximity would be closest (the north-eastern wing) there are intervening existing hard-surfaced areas, abrupt changes in ground level and retaining walls, further reducing the prospect of extensive/significant root development in this area which would be affected by the proposed scheme.. He also comments that the south-east wing of the new building is set back further from the Birch Gardens side boundary than the existing building, allowing comfortable clearance from both Root Protection Area and crown spread to the mature Beech

7.22 In respect of the 3 mature Beech trees in a group approximately half-way along the side boundary of Birch Gardens the Officer comments that all have quite substantial crown overhang into the application site, to the extent that some lower/mid-crown reduction would be required to physically accommodate the building. While in theory this would be better avoided by increasing building clearance from the side boundary (by some 5m or so) in practice such pruning could be achieved without detriment to amenity and condition of the trees. Arguably he says that for the northern-most of the three in particular, such crown reduction would be beneficial in that the tree leans slightly towards/over the application site with imbalanced crown growth and weight bias in this direction too. It is also noted that in the Revised site plan these 3 trees no longer directly overshadow the eastern courtyard garden to the same extent, now being more alongside the end elevation of the north-east wing which has windows/doors serving only stairwells and end of corridors rather than habitable accommodation.

7.23 For all the above reasons the Trees and Woodland Officer raises no objection subject to conditions. An indicative only landscape treatment of the site is provided. As the Tree Officer notes there is limited physical opportunity within the site for major new structural landscaping, but nevertheless scope to provide attractive courtyard gardens for residents/staff and to provide a landscaped setting for what will be a significant new development on a prominent route into/out of the town centre. This can be conditioned.

Biodiversity

7.24 A Bat survey was submitted during the processing of the application. This shows that the existing building has negligible potential for bats. However it confirms that the new

building offers possibilities for creating nesting sites for swifts and artificial bat roosts, particularly in the eastern elevation which is adjacent to Birch Gardens. It recommends care with lighting on this side of the site also.

7.25 The Ecology Officer accepts the conclusions of the report. He notes reference in the Planning Statement at paragraph 4.24 to the application contributing to a net gain in biodiversity with 'increased landscaping and habitat provision'. He recommends an Ecological Design Strategy to reflect these aims and secure the provision.

7.26 With a condition in place to secure the ECS and an external lighting scheme, there is compliance with Policy NE1 and the NPPF which requires all development to secure a net gain in biodiversity.

Amenity (including noise, contamination, pollution)

7.27 There is an existing Day Nursery immediately to the west of the site fronting Buxton Road. It is separated from the proposed new building by the access road leading to the car park. This is similar to the existing situation albeit that the proposal is considered to result in a slight improvement in that the new building is set further from the common boundary. No particular issue is raised in terms of overlooking or neighbourliness.

7.28 A Noise assessment submitted during the processing of the application identifies noise levels from road traffic at the front to be significant and of potential amenity concern for future residents. As the proposal is for a care home and residents may spend a considerable amount of time in their rooms during the day, the assessment is based on bedrooms meeting daytime as well as night time noise levels. The report recommends use of appropriate glazing and ventilation systems to mitigate noise impact and achieve the desirable levels as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The Environmental Health Officer (EHO) recommends that these measures are installed as a minimum and that pre completion testing is required by condition to ensure compliance before occupation of the building.

7.29 In terms of contamination, a Preliminary Geo Environmental Appraisal was submitted in support of the application. The report concludes that the site may be subject to contamination from its former use as a silk mill and that this requires further investigation. The EHO advises that the contamination is unlikely to be of such magnitude to affect the viability of the development. As such it is reasonable to require by condition a further intrusive contaminated land risk assessment prior to any development (including demolition and site clearance) on the site to ensure safe development in line with the recommendations outlined in section 5.9 of the above report.

7.30 In terms of Air quality and to ensure no deterioration in this, a condition is recommended to secure some electric vehicle charging points to facilitate the use of low emission vehicles.

7.31 With conditions in place as discussed above the proposal is considered to comply with Policies SD 4 and the relevant part of T1 and the NPPF.

Conclusion & Planning Balance

7.32 The proposal complies with the Development plan. The NPPF is also a material consideration of weight. The revised publication dedicates a whole chapter to making effective use of land. It says that planning decisions should promote an effective use of land in meeting the needs for homes and other uses and that that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The Strategic Housing Market Assessment update 2017 confirms that the

District is expected to see an increase in the over 60 age group and a sharp increase in the over 70 age groups by 2031. This will mean that there will continue to be an increasing demand for specialist housing for older people. The proposal may also release other houses into the available stock. The model of care proposed in the application is a different offer to recent developments in Leek at Portland Mill and Daisy Haye for example. In this respect the proposal will help to widen the choice of accommodation/support required for elderly persons. Furthermore the application indicates that up to 58 jobs will be created. In this respect it is a quasi – employment use. The site is currently under used. Notwithstanding the Regeneration Officers concern about the marketing undertaken, for the reasons above it is considered that on balance it would be unreasonable to withhold permission for a scheme which is acceptable in all other respects, will regenerate a prominent site, will have significant economic and social benefits. Any potential environmental harm (to trees, protected species) can be mitigated as described above. It delivers sustainable development and a recommendation of approval is therefore made.

8. RECOMMENDATION

That planning permission be granted subject to the prior completion of a Section 106 Agreement to secure £6895 for the future monitoring of the Travel Plan and subject to the following conditions:-

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: [INSERT]*

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:- n 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 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 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 with the LPA 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

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 area 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. The development shall be carried out 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 provide 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 roosting 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.

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

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:- In the interests of biodiversity enhancement

Residential care home only and no other used

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 first 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.

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 Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date planning consent to the Local Planning Authority for approval for a period of 5 years from first occupation of the development permitted by this consent.

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

Construction and demolition works: Environmental Method Statement

16. No development (including demolition and site clearance) hereby permitted shall take place until a Demolition and Construction and 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 public footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

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 should be submitted to and approved of 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 for its written approval 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.

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 to be agreed 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 should include:

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

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 (X) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (20), which is subject to the approval in writing of 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, and is subject to the approval in writing of 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.

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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto 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 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 approved by the Local Planning Authority in writing prior to commencement of this development. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority 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 should be available for inspection.)

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

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal), prior to the decision being issued the 'Head of

Development Services' has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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)