

Mr G Dunnicliff
Caldene Properties Ltd
Brailsford Hall
Brailsford
Derby
DE6 3BU

Mr S Hodgkinson
St. Michael's
Lathams
Queen street
Derby
Derbyshire
DE1 3SU

Mr G Dunnicliff
Caldene Properties Ltd
Brailsford Hall
Brailsford
Derby
DE6 3BU

Application no: SMD/2015/0523

Determined on: 07/12/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2015**

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:

Portland Mill Portland Street Leek Staffordshire

Description of Development:

Conversion of mills into 18 no. townhouses and apartments. Demolition of remainder of buildings on site and erection of 17 no. new houses.

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

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

- 7011 (08) 01 Rev A
- 7011 (08) 02 Rev C
- 7011 (08) 03 Rev B
- 7011 (08) 04
- 7011 (08) 05
- 7011 (08) 06

- 7011 (08) 07 Rev B
- 7011 (08) 08
- 7011 (08) 09
- 7011 (08) 10
- 7011 (08) 11

- 7011 (02) 10
- 7011 (02) 11
- 7011 (02) 12
- 7011 (02) 15
- 7011 (02) 16
- 7011 (02) 17
- 7011 (02) 18

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced 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 joinery details;
- Treatment of demolition scars;
- Eaves / verge details;
- Boundary details, and,
- Landscaping.

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. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

Highways

5. The development hereby permitted shall not be brought into use until the existing site access dropped crossings, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted are permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: - In the interests of highway safety.

6. The access shall thereafter be carried out in accordance with the approved details prior to the development being first brought into use.

Reason: - In the interests of highway safety.

7. 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.

Reason: - In the interests of highway safety.

8. Notwithstanding any details shown on the approved plans, no development shall be commenced until revised access details indicating the removal of reference to adopted highway (the access is not adoptable and will not be adopted) has been submitted to and approved in writing by the Local Planning Authority. The highway works shall thereafter be carried out in accordance with the approved details prior to the development being first brought into use.

Reason: - In the interests of highway safety.

9. The development hereby permitted shall not be brought into use until the existing drainage channels crossing the footways made redundant as a consequence of the development hereby permitted, where the existing buildings are to be demolished, are permanently removed and the footway reinstated in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The highway works shall thereafter be carried out in accordance with the approved details prior to the development being first brought into use.

Reason: - In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until details of the surface water drainage including outfall to SUDS principles has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: - In the interests of highway safety.

11. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor (provided across the access immediately to the rear of the highway boundary connected to a surface water outfall ideally to SUDS principles) has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: - In the interests of highway safety.

12. The development hereby permitted shall not be commenced until details of the construction of the bellmouth access has been submitted to and approved in writing by the Local Planning Authority. The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: - In the interests of highway safety.

Amenity

13. No development hereby permitted shall take place until a Construction and Environmental Method Statement for the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- The method and duration of any pile driving operations (expected starting date and completion date);
- The hours of work for all noisy activities shall be restricted to the following times of operations: 08:00 - 18:00 hours (Monday to Friday), 08:00 - 13:00 hours (Saturday) and no working is permitted on Sundays or Bank Holidays. In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction / demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary;
- Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- The arrangements for prior notification to the occupiers of potentially affected properties;
- The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- 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;
- Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- A scheme for recycling / disposal of waste resulting from the construction works;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, and,
- Installation and maintenance of wheel washing facilities.

All works within the development shall be carried out in accordance with the approved details.

14. Except for works of site clearance and demolition, no phase of the residential development hereby permitted shall take place until a site specific noise assessment and scheme for protecting the proposed residential units for that phase of the site from external noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard 8233:2014 (Sound insulation and noise reduction for buildings) and shall be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and less than 55 dB LAeq in outdoor living areas. Pre-completion tests shall be carried out to verify compliance

with this condition. A report shall be produced containing all raw data and showing how calculations have been made. No dwelling hereby permitted shall be occupied until the approved works to that dwelling have been completed in accordance with the approved details.

Contamination Risk Assessment

15. No phase of the development hereby permitted, except for works of site clearance (not to include demolition or break up or removal of hardstanding or other excavation) shall take place until a further site investigation and risk assessment has been completed in accordance with a scheme (including Phasing Programme) to be submitted to and agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent person(s) and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The assessment shall include:-

- i. A survey of the extent, scale and nature of any contamination.
- ii. An assessment of the potential risks to:-
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - Adjoining land;
 - Ground and surface waters;
 - Ecological systems; and,
 - Archaeological sites and ancient monuments.
- iii. 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.

Any reference to phases in Conditions 15 to 19 inclusive shall be the phases set out in the remediation strategy approved pursuant to this condition.

Remediation Statement

16. No phase of the 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. Summary of the results of the site investigation and the detailed risk assessment and options appraisal referred to in Condition 15.

- ii. Remediation strategy giving full details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures, and,
- iii. Verification plan providing details of the data that will be collected in order to demonstrate that the works as 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.

Verification Report

17. No occupation of any phase of the permitted development shall take place until a verification report demonstrating completion of works as set out in the approved remediation strategy and the effectiveness of the remediation has been 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.

Unexpected Contamination

18. 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 15 and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of Condition 16. 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 in accordance with the requirements of Condition 17.

Soil Importation

19. No soil shall 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 approved in writing by the Local Planning Authority. 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

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

Reason (common to 15 - 19):- To ensure 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.

20. The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, based on sustainable drainage principles incorporating surface water limitation, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details and timetable.

Reason:- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

21. The development hereby permitted shall not be commenced (including any site clearance) until such time as a further bat survey has been carried as per the recommendations of the applicant's 'Peak Ecology' report and according to guidelines of the Bat Conservation Trust 'Bat Surveys Good Practice Guidelines 2012'. The approved survey shall be completed in accordance with the approved details and timetable.

Reason:- In the interests of nature conservation.

22. The development hereby permitted shall not be commenced (including any site clearance) until such time as an EcMP (Ecological Management Plan) has been submitted to and approved in writing by the Local Planning Authority. It shall provide details of proposed creation, maintenance, management and development (including timescales and delivery mechanisms) for all new landscaping and wildlife enhancements across the site. The plan must include all avoidance, mitigation and compensation measures to address impacts on legally protected species.

The EcMP shall include full and accurate locations of proposed new habitats; technical specifications, timescales and phasing for the creation of any new wildlife features; 5-year establishment and aftercare management prescriptions for any newly created wildlife features and minimum 20-year maintenance and management operations for all habitats or species enhancement features throughout the site. The EcMP must specify that the demolition structures are to be carried out carefully by hand to avoid potential impacts on bats. If bats are found work should stop immediately and an ecological consultant licensed by Natural England should be contracted to draw up a mitigation plan.

To avoid impacts on breeding birds, a check for breeding birds shall be carried out before works are carried out by a suitably qualified ecological consultant as detailed in the EcMP. If nesting birds are located, work shall cease until nesting is completed and fledged young have departed the site.

Nesting opportunities for swift and house martins shall be provided within the development and the exact location and design shall be specified within the EcMP.

The approved EcMP survey shall be fully implemented in accordance with the details and timescales.

Reason:- In the interests of nature conservation.

23. The development hereby permitted shall not be commenced until a written scheme of archaeological investigation ('the scheme') has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The scheme shall thereafter be implemented in accordance with the approved details.

Reason:- In the interests of the historic environment.

Informative(s)

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. The conditions requiring reinstatement of redundant dropped crossings, removal of redundant channels and construction of the bellmouth access shall require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Minor Works Information Pack and an application form for the Minor Works Agreement. Please complete and send to the address indicated on the application form which is 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)

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

3. The access is not adoptable and will not be adopted by the Highway Authority. The developer should ensure that appropriate mechanisms are in place to ensure future maintenance.

4. Subject to the outcome of the bat activity survey required by Condition 21, the Council judge that it is unlikely that bats will utilise this building as a place of rest or shelter. Nevertheless, in the unlikely event that bats or bat droppings are encountered at any stage during the work approved, all operations should immediately cease and advice shall be obtained from an ecologist qualified according to the Chartered Institute of Ecology and Environmental Management (CIEEM) (2012) Species Surveys Competencies. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

Signed 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.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
8. 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.