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Application no: SMD/2015/0585

Determined on: 18/05/2016

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

OUTLINE 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:

London Mill, London Street, Leek, Staffordshire ST13 5LD

Description of Development:

Outline planning permission with some matters reserved (except access) for demolition of existing buildings (with some existing facades retained) and new build development to create 96 apartments: 76 no. for older people, 16 for general needs and 4 no. for starter families (resubmission of SMD/2015/0013)

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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:-

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:-

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended).

3. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced:

Layout

Scale

Appearance

Landscaping

Reason:-

The application is an outline application under the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

4. No part of the development shall be commenced until a written Demolition/Construction Environmental Management Plan (DCEMP) has been submitted and approved in writing by the Local Planning Authority. The DCEMP shall detail the methods and management procedures for controlling and minimising the environmental impacts resulting from demolition and construction work and should include the following:

-A scheme detailing the site waste management plan in accordance with the Site Waste Management Regulations (2008)

-A scheme relating to the control of noise and vibration from the demolition/construction activities that accord with British Standard BS5228 and Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974. It shall also include a rationale for any piling method that may be chosen.

-A scheme relating to the control of dust from demolition/construction activities. Regard shall be had to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

-A scheme relating to any external lighting to be installed at the work site, including measures to prevent light spillage.

Development shall be carried out in compliance with the approved Demolition/Construction Environmental Management Plan, unless otherwise approved in writing by the Local Planning Authority.

Reason:-

To ensure that appropriate environmental protection is in place during demolition/construction.

5. Permitted hours for construction work shall be the following:

08:00 - 18:00 hours (Monday to Friday);

08:00 - 13:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays.

There shall be no work or deliveries, except in emergencies, to the site outside these hours. If for any reason you wish to carry out works outside these hours then this would require to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason:-

To ensure that appropriate environmental protection is in place during demolition/construction.

6. No burning of any material shall be allowed on site at any time.

Reason:-

To ensure that appropriate environmental protection is in place during demolition/construction.

7. Development should not commence until a further 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 investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings 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) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination', CLR 11.

Reason:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. In the event that contamination is identified by the investigation carried out in pursuance of condition 7, 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 shall be prepared and submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme 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. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to as a validation 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition.

Reason:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. No top 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. No development shall be commenced until drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall thereafter be implemented in accordance with the approved details.

Reason:-

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and minimise the risk of pollution.

12. Before the proposed development is brought into use the London Street (D289) access shall be designed and thereafter completed to a standard that provides:

- 4.5m radius kerbs each side of the access;
- a minimum width of 4.8m for the first 6.0m rear of the highway boundary.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

13. The London Street (D289) access shall be ungated.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

14. Before the proposed development is brought into use the London Street (D289) access rear of the highway boundary, parking and turning areas shall be surfaced and thereafter maintained in a bound material in accordance with details and plans to be first submitted to, and approved in writing by, the Local Planning Authority which shall thereafter be constructed in accordance with the approved details and retained for the life of the development.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

15. Before the proposed development is brought into use the London Street (D289) access shall be constructed with a gradient not exceeding 1 in 10 for a distance of 4.5 metres from the rear of the highway boundary in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

16. Before the proposed development is brought into use the Duke Street (D289) vehicular access shall be designed and thereafter completed to a standard that provides a minimum width of 4.2m for the first 6.0m rear of the highway boundary.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

17. Any gates to the Duke Street (D289) vehicular access shall be located a minimum of 5.0m rear of the carriageway edge and shall open away from the highway.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

18. Before the proposed development is brought into use the Duke Street (D289) vehicular access rear of the highway boundary, parking and turning areas shall be surfaced and thereafter maintained in a bound material in accordance with details and plans to be first submitted to, and approved in writing by, the Local Planning Authority which shall thereafter be constructed in accordance with the approved details and retained for the life of the development.

Reason:-

In the interest of highway safety and to comply with S.C.C. requirements for access.

19. Before the proposed development is brought into use any lengths of the existing Duke Street (D289) site access made redundant as a consequence of the development hereby permitted by this consent shall be 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:-

To avoid the proliferation of redundant accesses.

20. Before the proposed development is brought into use the London Street (D289) access shall be built with surface water drainage interceptors which shall be sited across the access

immediately to the rear of the highway boundary.

Reason:-

In the interest of Highway safety.

21. Before any development commences details shall be submitted for the written approval of the Local Planning Authority indicating:

- layout of site including disposition of buildings and provision of adequate parking that includes disabled spaces, turning and refuse/recycling bin storage facilities within the site curtilage;

- means of surface water drainage

Development shall thereafter be implemented in accordance with the approved details.

Reason:-

In the interest of Highway safety

22. Details pursuant of the reserved matter consent shall indicate connections to the existing footway network;

- the extent of, and construction details for, the footway widening in London Street (D289) and Brook Street (A53);

- the means of gating the entrance at Cornhill Street (D289).

Reason:-

In the interest of Highway safety

23. Before the proposed development is brought into use the proposed cycle parking facilities shall be provided with reasonable weather protection, a secure fixture and should allow cycles to be parked without risk of damage.

Reason:-

In the interests of site sustainability

24. Before the proposed development commences parking for site operatives and visitors shall be provided within the application site in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority which shall thereafter be installed/constructed in accordance with the approved details and retained unobstructed during the construction of the development.

Reason:-

To prevent indiscriminate parking in the interests of highway safety.

25. Unless otherwise agreed in writing by the Local Planning Authority, the number of

residential units shall not exceed 96.

Reason:-

As the traffic assessments have been made on this basis and any additional units would require reassessment in the interests of highway safety.

26. The Reserved Matters submission shall have regard to the height, scale, massing and 'stepped' design shown in the illustrative drawings contained in this application, and no building or any part of the development hereby permitted shall exceed in height or massing the dimensions shown on these drawings.

Reason:-

To ensure a satisfactory form of development in the interests of safeguarding the character and appearance of the surrounding area, and the setting of the nearby Listed Buildings.

27. The development hereby approved shall include the retention of part of the existing building facade on the boundary with London Street and details of this shall be provided in the Reserved Matters submission.

Reason:-

In the interests of the character and appearance of the surrounding area including the Leek Conservation Area.

28. No works shall commence until three dusk emergence and dawn re-entry bat surveys have been undertaken in accordance with the (Bat Conservation Trust, 2012) Bat Survey Good Practice Guidelines and details of these shall be submitted to and approved by the Local Planning Authority for approval before the commencement of works. If the Local Planning Authority considers mitigation for bats should be provided in the development then details shall be submitted to and approved by the Local Planning Authority before works commence and provided in accordance with the details before the occupation of the development.

Reason:-

In the interests of the ecological value of the site.

29. No works shall commence until the following have been provided to the Local Planning Authority, either:

- a) a licence issued by Natural England pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010; or
- b) a statement in writing from Natural England to the effect that it does not consider that the proposed development of London Mill will require a licence.

Reason:-

In the interests of the ecological value of the site.

30. No development shall take place until a scheme to secure the provision and delivery of 44 units dedicated for use by persons of state pensionable age or 55 years or older (whichever is the lower) and dependants/widowers/widows of such persons has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the agreed scheme.

Reason:-

In order to achieve an appropriate mix of housing.

31. The development shall not commence until a scheme of crime prevention measures has been submitted to and approved by the Local Planning Authority and the agreed scheme shall be implemented before the commencement of works.

Reason:-

In the interests of high quality design which reduced the opportunities for crime.

Informatives

1. The scheme is considered to be a sustainable form of development which conforms to the provisions of the NPPF.

2. The applicant is advised that the design of building shown on the indicative elevation drawings accompanying the application would not be considered acceptable as part of the required future Reserved Matters planning application(s) due to the form and design of the building proposed for the north part of the site which is considered to be out of keeping with the character and appearance of the surrounding area. The applicant is encouraged to submit alternative designs to the Local Planning Authority for further planning advice before the submission of the Reserved Matters application(s).

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.