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High Peak Borough Council

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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr John Brazier
Aim Engineering Ltd
Melandra Road
Brookfield
Glossop
SK13 6JE

Agent Shaw Cavanagh Ltd
5 Knightsbridge Mews
Didsbury
M20 6GX

Application no. HPK/2013/0293

Registered on 24/05/2013

Determined on 05/08/2013

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Application to Replace Extant Planning Permission - HPK/2010/0272 for Conversion of Existing Mill Building into 6 Apartments & Erection of 9 Houses Following the Redevelopment of the Remaining Part of the Site at Salem Mill Hyde Bank Road New Mills

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have

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been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

3. All new pointing shall be carried out in accordance with the booklet "The Re-pointing of Stone" a copy of which is attached to this decision notice. The use of strap pointing shall be avoided.

4. All new rainwater goods shall be profiled aluminium and painted black. Full details of the gutters shall be submitted to and agreed in writing with the Local Planning Authority before development commences. The rainwater goods shall be constructed in full accordance with the approved details.

5. No window or door frame shall be recessed less than 100mm from the external face into which it is set.

6. All external timber shall be painted in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained thereafter.

7. No works shall take place on site until details of windows, including glazing bar details at 1:2, together with details of the door joinery, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

8. Notwithstanding the provisions of Classes A, B, C, D, E, G or H of Part 1of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order) no development shall takes place without the prior written approval of the local planning authority.

9. Before development commences a scheme for the obscure glazing of the windows on the eastern elevation of the mill shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the Mill and shall thereafter be so maintained.

10. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

11. Before any other operations are commenced, the existing access to shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m x maximum visibility splays in either direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level and so maintained for the life of the

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development.

12. The sole means of vehicular (and pedestrain) access to the application site shall be from the private access road off Hyde Bank Road only. There shall be no other means of access to the site.

13. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings constructed, drained and lit in accordance with the County Council's specification for new housing development roads.

14. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking/ loading and unloading/ picking up and setting down passengers/ manoeuvring of residents/ visitors service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage accommodation/ parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

16. Prior to carrying out any excavations on site, including any re-grading works to the embankment area, details and method statement shall be submitted to the Local Planning Authority for written approval indicating the precise nature of the proposed works to be undertaken, to ensure the structural integrity for the public right of way and claimed route adjacent to the site are maintained. The works shall be carried out in complete accordance with the approved details.

17. Notwithstanding the details shown on Drawing No. SK150710-01 prior to any works commencing on site (excluding demolition or site clearance) details for the boundary treatment adjacent to the existing Right of Way and claimed route shall be submitted to and agreed in writing with the Local Planning Authority. The boundary treatment shall be constructed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

18. All conversion and demolition works to the Mill building should be carried out to avoid the bird breeding season which extends from March to late August unless agreed in writing with the Local Planning Authority. In the event that works need to be undertaken within this period a check for nesting birds should be carried out by a suitably qualified ecologist prior the commencement of any works. If any works are discovered they should be left undisturbed until all young have fledged.

19. "a) No development shall take place until a Written Scheme of Investigation for archaeological work and historic building recording has been submitted to and approved by the

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local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

20. No construction work at the site shall take place outside the following hours:-

1. 0700 hours to 1900 hours Mondays to Fridays.
2. 0800 hours to 1600 hours on Saturdays.
3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
4. All deliveries to the site shall be limited to within the above hours.

21. Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

22. No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays.

23. Prior to development commencing a scheme for dust suppression to include measures to prevent dust escaping from the site, e.g. wet suppression of dust during dry periods or cessation of activities during windy periods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

24. Before the use hereby approved commences a full acoustic appraisal shall be submitted and approved in writing by the Local Planning Authority. Such an appraisal shall consist of the following.
A) Acoustic Site Survey
An acoustic site survey shall be undertaken to determine the acoustic performance of the existing party wall shared between the development and the attached workshop. Such a survey shall demonstrate:

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i) The existing sound reduction index of the insitu part wall and adjacent structures; and the anticipated performance in relation to vibration transmission.
ii) Measured and predicted sound and vibration levels, generated at the adjoining workshop.

B) Assessment
The sound and vibration climate in relation to conditions 8Ai and 8Aii above, shall be assessed. A detailed specification describing the scheme of acoustic remediation assessed as necessary, to increase the sound insulation between the development and the adjoining workshop, shall be submitted to the Local Planning Authority for approval. Such remediation shall be designed to achieve the following criteria:
i) Predicted noise levels originating from the adjoining workshop shall not exceed 30 dBAeq,5min as measured within the development hereby approved.
ii) Levels of vibration as measured within the development hereby approved, in terms of peak particle velocity shall be imperceptible.

25. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the following conditions (i) to (iv) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (iv) has been complied with in relation to that contamination.

(i) Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(a) a survey of the extent, scale and nature of contamination;
(b) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;
(c) 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'.

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(ii). Submission of Remediation Scheme

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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. 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.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, 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 in PPS23 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.

(iv) Reporting of Unexpected Contamination

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 (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (ii), 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 (iii).

26. The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment (FRA) submitted to the Local Planning Authority, dated November 2009 and carried out by Integra Consulting Engineers Limited. The following mitigation measures detailed in the FRA shall be implemented:

1. Limiting the surface water run-off generated by the 1 in 100years return period plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
3. Flood proofing measures detailed in Section 8.0 of the FRA
4. Finished floor levels set no lower than 144.20m above Ordnance Datum (AOD)

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27. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed planting; the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg drainage power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

28. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings and no later than 12 months of that occupation or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

29. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced, or before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

30. The development hereby approved shall not be drained otherwise than to a separate system. There shall be no discharge of surface or other run-off waters to the foul sewer.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

3. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

4. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

5. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and

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BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

6. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

7. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

8. To enable the Council to exercise control over future developments at the site, in accordance with Policy GD4 and Policy GD5 of the High Peak Saved Local Plan Policies 2008.

9. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

10. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

11. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

12. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

13. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

14. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

15. To maintain adequate on-site parking provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

16. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

17. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

18. To safeguard wildlife in the interests of nature conservation.

19. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.

20. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be

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High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
Tel 0845 129 7777 or 01298 28400 Fax 01457 860290 Minicom 0845 129 48 76
E-mail planning@highpeak.gov.uk Website www.highpeak.gov.uk

injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

21. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

22. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

23. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

24. In order that the amenities enjoyed by the occupants of the dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

25. To ensure that the site is developed in a safe manner and ensure a satisfactory standard of development in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

26. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants.

27. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

28. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

29. To ensure adequate and appropriate treatment to all boundaries.

30. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

Summary of reasons for granting permission

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

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

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POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC1 - External Materials
BC5 - Conservation Areas
BC6 - Demolition in Conservation Areas
Archaeological and Other Heritage Features
EMP 4 - Primary Employment Zones
EMP 9 - Change of Use from Industry or business
GD4 - Character Form and Design
GD5 - Amenity
H5 - Housing within the Built up Area Boundaries
H9 - Affordable Housing for Local Needs
H11 - Layout and Design of residential development
TR5 - Access, parking and design

National Planning Policy Framework

Notes to Applicant

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

The proposed access driveway should be surfaced with a solid, bound material (ie; not loose chippings) for the initial 5 metres measured back from the nearside highway boundary.

The application site is affected by a public Right of Way (Footpath/ Bridleway number 141 New Mills and claimed route 195 new Mills on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Footpaths Officer [name and contact number]).

Plans
The plans to which this Notice refers are listed below:
Location Plan

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

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Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

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, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

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.highpeak.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.

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.

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.

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Michael Green
Planning Applications Manager