

Emery Planning Partnership
Hobson Street
Macclesfield
Cheshire
SK11 8BS



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Hobson Street
Macclesfield
Cheshire
SK11 8BS

Mr Dobie
330 Audenshaw Road
Manchester
M34 5PJ

Application no: HPK/2015/0689

Determined on: 01/07/2016

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 (as amended).

Location of Development:

Bankwood Mill Bankwood Charlesworth Derbyshire SK13 5ER

Description of Development:

Proposed Redevelopment of the Former Bankwood Mill for 2 Dwellings (re-design of scheme approved under application HPK/2010/0396 & HPK/2013/0298)

In pursuance of their power under the above mentioned Act, High Peak Borough 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 09/14/150 1, 09/14/150 2, 09/14/150 3, 09/14/150 5, 09/14/150-B 6, 09/14/150-B 7, 09/14/150-B 8, 09/14/150-B 9, 09/14/150-B 10, 09/14/150-B 11, 09/14/150-B 12, 09/14/150-B 13, 09/14/150 14, 09/14/150 15, 09/14/150 16, 09/14/150 17.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. No development shall commence until samples of the materials to be used in the construction of external walls including the render finish and roofs of the building and





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hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. Notwithstanding any information shown on the approved plans no works shall commence until full details of the external doors and windows at a scale of not less than 1:10 including materials and colour finishes have been submitted to and agreed in writing by the Local Planning Authority. The work shall be completed in strict accordance with the agreed details.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

5. 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 in accordance with the approved details before the building(s) are occupied.

Reason:- In the interest of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan and the National Planning Policy Framework.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: (a) indications of all existing trees and hedgerows on the land; (b) details of any to be retained, together with measures for their protection in the course of development; (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works; (d) finished levels and contours; (e) means of enclosure; (f) car park layouts; (g) other vehicle and pedestrian access and circulation areas; (h) hard surfacing materials; (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); (k) retained historic landscape features and proposed restoration, where relevant.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.



7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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 otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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 in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

9. No development shall commence on site until details of the works for the provision of water for domestic use have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved water supply details have been fully implemented in accordance with the approved plans.

Should water for domestic use be provided by a private water supply (i.e. not provided by a statutory water undertaker) no dwelling shall be first occupied until a risk assessment of the supply has been submitted to and approved in writing by the LPA, to determine its suitability and sufficiency.

Reason:- To prevent pollution of the water environment, in accordance with Policy EQ6 and EQ10 of the High Peak Local Plan Policies 2016

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Betts Hydro Consulting Engineers (Ref HYD118-THEFORMERBANKWOODMILL-FRA dated 6th June 2016) and the following mitigation measures detailed within the FRA:
1. The finished floor levels are set at least at 116.64 mAOD as per section 7.1.
 2. External ground levels are set to provide an overland flood flow route as per



section 7.3.

Reason:- To reduce the impact of flooding on the proposed development and future occupants in accordance with High Peak Local Plan Policies EQ6, EQ10, EQ11 and the National Planning Policy Framework.

11. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

12. No development shall commence until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations is submitted to and approved in writing by the Local Planning Authority.

The AMS shall include full details of the following:

- a) Detailed tree survey undertaken in accordance with recommendations of BS5837 (2012).
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details



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f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.

g) Details of any vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012). The design and construction must in accordance with the recommendations of BS5837:2012. Include details of existing ground levels, proposed levels and depth of excavation.

h) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

The development shall be carried out in accordance with the approved details.

Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

13. a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.
- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c) No fires shall be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.

Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

14. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The development shall be carried out strictly in accordance with the approved scheme.



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Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

15. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

16. The development shall be carried out in strict accordance with the submitted mitigation scheme and method and ecological statements, (Baseline Ecological Assessment, Mitigation Licence Application for Bats, Arbtech Consilting Ltd dated September 2013 and the associated Mitigation Licence from Natural England number 2015-17859-EPS-MIT).

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

17. The dwellings, 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 of residents/ visitors, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

18. No development shall commence, including any works of demolition, 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. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel cleaning and/or washing facilities
 - vi. measures to control the emission of dust, dirt, noise, vibration and light during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works



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- viii. hours of construction/demolition
- ix. details of any piling
- x. details of temporary highway vehicle and pedestrian routings
- xi. details of off-highway parking for construction related vehicles

Reason:- In the interests of highway safety and amenity, in accordance with Policy CF6 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

19. No construction/demolition work at the site shall take place outside the following hours:-

(i) 07:00 hours to 19:00 hours Mondays to Fridays.

(ii) 08:00 hours to 16:00 hours on Saturdays.

(iii) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

(iv) All deliveries to the site shall be limited to within the above hours. Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed in writing with the Local Planning Authority.

Reason:- In order that the amenities enjoyed by the occupants of the nearby dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016.

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A-G shall take place on the dwelling house(s) hereby permitted or within their curtilages unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework

Informative

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





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1. **Flood Risk Activity Permit**
Under the Environmental Permitting Regulations, a flood risk activity permit from the Environment Agency may be required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Etherow which, is designated a 'main river'. Please check online at: End 2
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
The Environment Agency has discretionary powers to carry out maintenance works on the channels of ""main river"" watercourses to remove blockages and ensure the free flow of water. The responsibility for the repair and condition of the River Etherow, its channel, banks and adjacent structures, lies ultimately with the riparian owner.
2. **Please Note:** the NPPG stipulates that where a non-mains sewerage system is proposed, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works.
Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated under a new appointment or variation. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency.

Septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability).
3. **Derbyshire County Council Flood Risk Management Team** would advise that the developer should refer to the parameters as set out within their Standing Advice, provided as part of the planning application consultation.

X *B.J. Haywood*

Signed by: Haywood, Ben

On behalf of High Peak Borough 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 Derbyshire 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.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.
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



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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 <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. 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.