

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

7 April 2022

Application No:	SMD/2021/0441	
Location	Compton Mill Compton Leek Staffordshire ST13 5NJ	
Proposal	Erection of 57 no. over-65 retirement living apartments, together with external amenity space, parking and associated facilities	
Applicant	Constructing Growth and Housing 21	
Agent	Satplan Ltd	
Parish/ward	Leek	Date registered 2/8/2021
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffs Moorlands.gov.uk		

REFERRAL

This is a major application in a prominent site in Leek

1. SUMMARY OF RECOMMENDATION

Approve subject to conditions and the prior completion of a Section 106 Legal Agreement to secure 33% of the units as affordable homes

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This is the former Compton Mill site in the town centre of Leek. It is now a cleared site. With the exception of the stair tower all buildings on site were demolished in 2018 following discharge of the relevant conditions under SMD/2017/0083. This permission was implemented and remains extant.

2.2 The site lies within a mixed use area of the town centre. It extends to approximately 0.42 hectares (1.05 acres) and slopes appreciably in an east to west direction with a level change of 5-7 metres. The site is bound to the west by Compton and Prospect Place, to the north by Cornhill Street, to the south by Duke Street and to the east by London Mill.

2.3 This is a very sensitive site. It directly affects the setting of the Leek Conservation Area and St Mary's RC Church, a Grade II Listed building. The Heritage consultant acting for the Council describes the approach into Leek from Cheddleton as arguably one of the most architecturally significant in Leek with extremely high quality buildings including Norman Shaw's Church of All Saints on the right, followed by St Marys Church (Albert Vicars) on the left, before arriving at the lavish architectural composition of The Unicorn and Victoria Buildings, both designed by James Smith, framing the entrance to St. Edward Street, at the bottom of Compton, with its high concentration of listed buildings. She describes it as one of the most distinctive set pieces of townscape in the region.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application for the erection of 57, over- 65 retirement living apartments together with external amenity space and onsite parking for 31 vehicles, 3 of which are designated accessible spaces and are located closest to the building entrance. Vehicular access into the car park is directly off Duke Street via a new access. The car park area also includes a bicycle parking facility and bin store. The existing stair turret on Compton is incorporated within the scheme.

3.2 The accommodation will consists of 43 one bedroom apartments and 14 two bedroom apartments. It is said that all of the units will be available on affordable tenures. There are 12 flat types each of differing size and layout; all are NDSS compliant. The accommodation is as follows:-

Lower ground floor 6 apartments

Ground floor (with direct access from Compton and the car park to the rear)
13 apartments, small reception lobby, resident's lounge, offices, buggy store, stores, plant room

First floor 16 apartments

Second floor 14 apartments

Third floor 8 apartments

3.3 The proposals include two internal staircases, one towards each end of the building, and two lifts which are centrally located. The main entrance to the building is from the car park at the rear. There is pedestrian access from the lower ground floor on Compton via one of the stair tower.

3.4 The proposal is for a very substantial building. Although there are five floors the building works with the appreciable level change across the site so that most sections of the building read as 4 storey. The elevations are predominantly brick under tiled roofs. Windows are to be UPVC.

3.5 A boundary wall with railings is proposed around the entire site. To the rear there are areas of soft landscaping and sitting out areas.

3.6 The applicant has confirmed that one full time member of staff will be on site daily from 9-5 Monday – Friday. It is said that this is a management position with responsibility for day to day operations, repair queries, sign posting, wellness checks and safety/security on site. All apartments have 24 hour access to the Appellll call system where they can request a visit, assistance (emergency and non-emergency), allow visitors entry into the building and call/video chat with other residents.

3.7 The applicant says the apartments will be reserved for people aged 65 years old and over and that all will be available for affordable rent.

3.8 The scheme is said to being brought forward by Constructing Growth in association with joint applicant Housing 21, a leading not-for-profit provider of Retirement Housing and Extra Care for older people. The applicant states that Housing 21 is a leading not for profit provider of Retirement Housing and Extra Care for older people of modest means. They say that as a registered provider, they are one of the largest developers of specialist housing for

older people and the largest provider of Extra Care housing in England. Currently they operate in nearly 200 local authority areas, managing around 20,000 Retirement and Extra Care Living properties and providing over 42,000 hours of social care each week.

3.9 The application is accompanied by a Design and Access Statement, Heritage Statement, Transport Statement, Noise Impact Assessment, Ecological Appraisal, Flood Risk

Assessment and Drainage Strategy and a Stage 2 Geo- Environmental Report.

3.10 The applicant did not engage with the Council in pre application discussions. The application can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=150504>

4. RELEVANT PLANNING HISTORY

10/00124/FUL-MJ Residential accommodation (C2 USE CLASS) Comprising 66 apartments with communal facilities, parking and associated private amenity space. Approved

SMD/2014/0702 Renewal of application 10/00124/FUL-MJ. Approved

SMD/2017/0083 Proposed residential accommodation with care, (use Class C2) comprising 57 apartments for persons aged 55 and over with communal areas, associated landscaping, access roads, car parking, bin stores and services. Approved and implemented

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS 5 Leek Strategy
- SS12 Planning obligations
- DC1 Design Considerations
- DC2 Heritage
- E1 Employment
- E3 Existing employment areas
- C1 Creating Sustainable Communities
- C2 Sport, recreation and open space
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland
- H1 New housing development
- H3 Affordable housing
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice: Expired

Site Notice: Expired

Local residents have been notified by letter. 12 letters of representation received raising the following matters:-

Objections (8)

- Already limited parking for the area, two local churches vying for parking for services, weddings and funerals as they have limited car parking themselves
- Proposed double yellow lines down Duke Street reduces parking for residents
- Over spill from Compton Mill parking for visitors and residents is a concern
- Access for Compton Mill from Duke Street would cause more traffic movement on a narrow street
- No consideration for local residents for parking at all, residents already fighting for spaces
- St Mary's Catholic Church is a Listed building and a four-storey structure would overpower it
- A four-storey building would have light implications on all properties in Duke Street, Cornhill Street and Compton
- . In general the Mill would cast a shadow over all residents houses and cause immense parking issues and increased traffic movements
- A pedestrian crossing is necessary to cross over the Compton road
- Weekend work on the site would be problematic/disruptive.
- Loss of view of St Marys church
- States in the planning that there has been no accidents in Duke street , but this is not true there have been quite a few including one where the car ended up on its roof on the 9th of May 2021 .
- A construction management plan must be required
- The pedestrian access to has not been properly considered. The proposal includes pedestrian access to Compton at the point where it is level and there is an access footway adjacent to the carriageway. However, to get from that point to most places requires people, visitors and elderly residents alike, to cross the road. The road is a busy main road with a high volume of traffic and it is considered essential to provide a crossing at this point to ensure safe use
- I note the comment regarding residents leaving the site by minibus, but the development is aimed for the over-65s in an accessible location. We should not plan a development that compels people to use vehicles when a safe alternative can easily be provided.
- Parking should be off the A520
- In my opinion it would be a better option to build at the back of the site with parking to the front with access via Cornhill Street.
- Access to my own garage on Albion Street is already compromised and I dread further car parking issues.
- Loss of light

Neither (4)

- Moorlands climate action provide comment on national and local action on climate change. In respect of this application they request clarification from the applicant as to how the application addresses Policies SD1 and SD3. They suggest that this might best be achieved by requiring a detailed Energy and Sustainability Statement from the developer to explain amongst other matters which energy sources and systems will be used for space heating, lighting, and hot water, what insulation standards will

be used, whether mechanical ventilation, heat recovery or will solar PV will be incorporated into the design and details of sourcing of construction material.

Town Council

Not unneighbourly. Recommendation to include swift bricks and electric vehicle charging points to future proof development.

Regeneration Officer

Residential development will impact on the local economy in terms of jobs and purchasing of supplies and services. In order to assess the economic impact of this development, we have relied upon the data supplied by the applicant and used the Council's approved multipliers to prepare these comments.

The proposal for 57 dwellings at Compton Mill, Leek will provide the following outputs:

- a) The new householders occupying each new house will spend some of their income locally through shopping and use of local services. National research has identified that 34% of all household expenditure is spent at district level or below. For this development of 57 units this is calculated at £524,540 per year.
- b) Each new house will generate direct jobs within the construction industry or associated supply chain, of which 25% are likely to be locally based. Indirect Jobs are also generated by local spend in shops and services. This is calculated at an additional local job for every seven new homes. Using these multipliers the development will generate 61 direct jobs and 8 indirect jobs.
- c) The development will also generate approximately £10,471 council tax for the area per annum

Housing Officer

The proposal is to deliver 57 units of rented accommodation to older households 65 year+. 33% (19 units) would be secured through a S106 agreement. Although this is not in line with policy H3 part 2 which specifies that ' unless circumstances dictate otherwise and in agreement with the Council, 60% of all affordable dwellings provided on each site will be social/affordable rented housing with the remaining 40% being intermediate/starter homes' I'm of the view that the proposal to provide all rented accommodation would be acceptable.

The Strategic Housing Market Assessment suggests that there is a high need for accommodation for older people given that we have an ageing population, more recent data from our housing register doesn't seem to reflect this though. The table below would suggest that only 33 households over 55+ are seeking 1 bed affordable accommodation in Leek. Whilst data from Home Options gives us a snap short view of demand, many factors can influence this, such as the amount, quality and location of existing sheltered provision. As an aging population it is important that provision of additional older persons accommodation is made to meet the emerging demand identified in the SHMA. On reflection, given the excellent location of the site and its close location to shops and amenities it is a good opportunity to expand the range of affordable older person accommodation available in Leek.

Heritage consultant

The redevelopment and regeneration of this site is very important in Leek, but the site is extremely sensitive. The RC Church of St. Mary's is a very significant landmark, located on the rising ground towards the top of Compton, at around 185 metres. The church was designed by Albert Vicars and was opened on Thursday 12th May 1887. The south east corner tower, which is off-set and which incorporates a broach spire, four corner turrets and corner buttresses, is very high indeed. Refers to the some of the key sequential views from St. Edward Street and from Compton in which the site is seen and refers to these as really very special parts of the Leek townscape, highlighted in the Conservation Area Appraisal

Raised an objection to the initial plans due to the negative impact on the setting of the Grade II St Marys Church and Conservation Area as a result of the massing and scale of the roofs, which were considered to be top heavy, overbearing and awkward, particularly in views along Compton from the north and south including from Cornhill Street

A number of recommendations were made to reduce the roof height using a mix of parapets and flat roofs. It was also recommended that stair tower should be properly expressed, that the retained stair turret needed to be better integrated into the development, that a strong plinth was needed to the Compton elevation, that high quality materials would be key to the success of the scheme, that lintels should be expressed and windows and doors recessed by at least 100mm to articulate the elevations and finally that attention was needed to boundary treatments including around the retained turret where some realignment was required.

Operations Manager -Waste

No issues raised

Environmental Health Officer

Initially objected due to lack of an Air quality assessment. This has subsequently been received and accepted and resulted in 'No objection' to the application subject to conditions to secure a Construction and environmental management plan, sound insulation in the building, attenuation of plant and equipment, a detailed remediation strategy and electric charging infrastructure

General comments as follows:-

Noise and Sound insulation: a Noise assessment is submitted with the application. Section 5 outlines the mitigation required to ensure a good standard of amenity is achieved inside the apartments. A pre-completion condition is recommended to ensure the required sound levels are achieved prior to first occupation.

Site Construction Noise Nuisance: The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties. All construction activities should pay due care to the advice set out in BS 5228:1 and 2 in order that noise and vibration impacts are minimised during site preparation and construction phases. A condition to secure a Construction and Environmental Management plan (CEMP) is recommended

Air Quality: An Air quality assessment was submitted in support of the application (SLR Ref: 410.12602.00001). The assessment covered current AQ conditions (location of AQMA), construction impacts and operational impacts. To determine site suitability (and baseline) the site assessment uses 2019 as the opening year. This is considered to be appropriate (and conservative). Residential receptors were modelled at 7m from the Compton Road.

The model set up and verification was considered acceptable with an initial verification giving a Root Mean Square Error RMSE $\pm 25\%$ initially (> than this an one would anticipate the model inputs are reviewed prior to applying a correction factor). The RMSE improved to around 12% with the application of a correction factor, which is slightly above the ideal of 10% but acceptable.

The assessment of construction dust classifies the site as medium risk and identifies measures to be implemented to control this potential risk. These are accepted and should be included in the required CEMP.

To mitigate the impact on local air pollution and in order to promote the use of low emission vehicles, a condition is recommended to secure electric vehicle charging points and infrastructure. The applicant should refer to guidance produced by IET 'Code of Practice for

EV Charging Equipment Installation' for details of charging points and plugs specifications; for both exterior and garage situations. An example of potential provision rates is given below:

EV Charging Provision Rates:

Provision Rate

- 1 charging point per unit (house with dedicated parking)
- 1 charging point per 10 spaces (unallocated parking)**

**To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the local authority.

Contamination: The application was submitted with a Stage 2 geo-environmental report by ARP consultants (REF: NW/151/01r1). This report builds on 2 previous site investigations (desktop & preliminary investigation) and some previous remediation.

The report is considered a good appraisal of the current site conditions. Some contamination is noted, predominately asbestos (and PAH & Lead**). The adopted screening values are for residential with no home grown produce. If produce was to be grown at the site then the levels of PAH's and Lead would require remediation.

The report concludes with a preliminary remediation strategy. The principles of the remediation strategy are considered appropriate but require refining so that site workers etc understand exactly what they need to undertake (e.g references to excavation around trial pits should be converted to areas) and the methodology on how the site will be validated specified, rather than guidance referenced. Condition recommended.

Trees and Woodland Officer

Awaited

Local Highway Authority

No objection subject to conditions

Local Lead Flood Authority

Initially objected to the application. Comments awaited on revised information

Staffordshire Wildlife Trust

No objection subject to conditions

Biodiversity Net Gain – advises that given there will be an increase in green areas, a gain for biodiversity should occur – the landscaping should include native and wildlife-friendly planting, such as herbs, hedging and climbers.

Drainage - The proposed surface drainage system will reduce run-off from the current situation, using underground storage and oversized pipes, but will outfall to a combined sewer. Given the nature of the proposal and the likely high water usage at the facility, consideration should be given to a rainwater harvesting system for flushing toilets and also washing. This would reduce ongoing running costs as well as reduce run-off further. Water butts should also be installed for landscape watering.

Species - Bats and nesting birds have been adequately covered – secure the proposed enhancements in the ecology report via condition.

Staffordshire Police: Crime Prevention Design Advisor

Consider that there is good potential to provide a quality, safe and secure environment for residents. Recommend a number of measures are incorporated including the following :-

a)It will be very important for the residents, who all be over-65 that every effort is made to reduce the likelihood of any unwanted negative interaction with the site. Site boundaries will need to discourage easy approach by outsiders to the relevant lower ground and ground floor apartment windows to aid privacy, security and deter nuisance behaviour.

b)One significant way of deterring negative interaction is to control the amount of access to the site. The main combined Duke Street vehicle/pedestrian entrance will be open and overlooked by housing opposite as well as from some apartments allowing access for all. Providing unrestricted site access clearly comes with some inherent vulnerability attached and degree of risk acceptance. However, of particular concern is the pedestrian access at the quieter opposite end of the site (Cornhill Street), which as it stands will provide an uncontrolled through route and opportunity for anti-social behaviour within the grounds. Will the pergolas close by in the north-east corner have seating, which might attract gathering? The proposed nature of the Cornhill Street boundary is a little vague, but it needs to be of a design and height which deters casual intrusion. Defensive planting could be also used to supplement this and reinforce this boundary line.

c)In addition to this, Staffordshire Police strongly recommend that a robust access controlled pedestrian gate comprising an anti-climb design and of a suitable height is incorporated at the boundary for the Cornhill Street link, which would enable residents to come and go to the town centre (via the steps down to Broad Street), but prevent casual intrusion into the site by outsiders and the undesirable through route .

d)The Compton/Prospect Place site boundaries will need to provide a suitable level of defensible space for the lower ground/ground floor apartments located there. Again planting could help in this regard. Even providing an unlocked gate (with an automatic closer) at the Compton site boundary for the path leading to the communal entrance to the Compton stairwell towards the south-west corner of the building would define the space beyond as semi-private and as such should be considered. Signage could assist also.

e) Controllable, directional column-mounted LED lighting aided by building-mounted lighting should be used to aid natural surveillance of the car park, the main pedestrian routes, building entrances etc and deter negative interaction with the site. Bollard lighting is of very limited security benefit and aside from route marking is best avoided.

f)To complement natural surveillance that will exist, the applicant should consider a professionally designed and installed CCTV camera surveillance system for the site to act as a deterrent to offending/unwanted attention, to capture images of any incidents/suspicious activity that might arise and also to provide added peace of mind for the residents (and staff).

g)What seems questionable is the positioning of the vertical circulation arrangements from the main building entrance. To access these all visitors will need to enter the residential corridors rather than them being located within a 'front of house' semi-public communal area housing communal facilities with access to the private residential corridors restricted beyond this. Consideration should be given to some reworking of the proposals to better control the level of access throughout the building by non-residents – a progressive privacy arrangement should exist with clear distinction between areas where staff, residents and visitors can access. This could aid privacy and security for residents.

Severn Trent Water

No objection subject to a standard drainage condition

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material considerations which indicate otherwise.

Principle

7.2 This cleared brownfield site lies in the town centre of Leek. It is in a sustainable location. The principle of some form of retirement accommodation has been established in a number of previous applications, the most recent being in 2017 under SMD/2017/0083. This application has been implemented through the discharge of relevant pre commencement conditions and demolition of the buildings. It represents a realistic fall-back position.

7.3 Policy SS5 the Leek Area Strategy seeks to consolidate the role of Leek as the principal service centre and a market town and support its regeneration. It seeks to do this in a number of ways including through the provision of housing and increasing the range of available and affordable house types including for first time buyers and older people.

7.4 The principle of development is acceptable

Access

7.5 Access to the site would be from a new access on Duke Street leading into the car park which provides 31 spaces. All other existing vehicular access points would be closed. The access arrangement proposed is almost identical to that put forward in the 2017 application which was approved.

7.6 The application is accompanied by a Transport Assessment prepared by Ashley Helme which has been carefully reviewed by the Local Highway Authority (LHA). They agree with its conclusion; that the proposed development will not have a material impact on the existing highway network.

7.7 In terms of accessibility by non-car modes, the site is in a sustainable location within the town centre with services and facilities close by. It offers good a opportunity for residents and visitors to undertake trips via foot, cycle and public transport.

7.8The LHA comment that the TA has not really considered walking for the targeted age group i.e. over 65's or the matter of pedestrian crossing. However in not raising an objection and in order to facilitate pedestrian access across Compton to the Church, bus stops, shops etc a condition is recommended to secure a scheme for an improved pedestrian crossing facility (to include motor scooters) across this road. The LHA's advice is that it is unlikely that pedestrian flows would be high enough to require a controlled crossing of Compton but that dropped crossings with tactile surfacing would be appropriate and indeed necessary to facilitate walking as a mode of travel.

7.9 In terms of other modes of travel the plans show that a buggy store is provided within the building next to the main entrance and provision of cycle hoops/stands in the car park. The bus station is a short walk from the site and there are bus stops outside the site giving access to regular services. Electric charging points are to be installed in the car park – see further discussion below

7.10 In terms of parking, 31 on site spaces are provided. The Council's Parking Guidance (Appendix 2 of the Local Plan) says that for elderly persons housing 1 space should be provided per 4 dwellings where not owner occupied as in this case. In addition 2 spaces per resident staff plus 1 space per non resident staff. The parking standards are therefore comfortably met.

7.11 The LHA request that the historic name plate 'Cornhill Street' formerly affixed to the now demolished building is reaffixed an appropriate location close to its existing location. If it has been disposed of, a new street name plate may be required. A condition can secure this.

7.11 With conditions in place therefore to secure amongst other matters visibility splays, on-site parking and a scheme to improve pedestrian crossing facilities across Compton the proposal complies with relevant parts of Policies DC1, T1 and T2

Design / Heritage

7.12 This is a very sensitive site. It is prominently positioned on one of the main gateways into Leek and affects the setting of the Listed St Mary's RC Church and the Leek Conservation Area. The RC Church of St. Mary's is a very significant landmark. It is located on rising ground towards the top of Compton and is opposite the proposed development.

7.13 The application site sits within the experience of some of the key sequential views when travelling from St. Edwards Street and from Compton. The heritage consultant advising the Council describes the approach into Leek from Cheddleton as arguably one of the most architecturally significant in Leek, with extremely high quality buildings, including Norman Shaw's Church of All Saints on the right, followed by St Marys (Albert Vicars) on the left, before arriving at the lavish architectural composition of The Unicorn and Victoria Buildings, both designed by James Smith, framing the entrance to St. Edward Street, at the bottom of Compton, with its high concentration of listed buildings, one of the most distinctive set pieces of townscape in the region.

7.14 A Heritage Statement is provided with the application, together with a Design and Access Statement (DAS).

7.15 There have been extensive negotiations on design as the initial submission was not considered to be acceptable for this sensitive site. The Council has been advised by Mel Morris in relation to heritage and design matters. She has carefully considered the submitted documents. Her initial objection to the application primarily related to the massing and scale of the roofs, which she felt to be overbearing with the resulting appearance awkward, particularly in long views looking along Compton from the north. In her view this would have led to an adverse impact on the setting of the Listed Church and Conservation Area. Other areas of concern included the historic stair turret which did not integrate visually with the new build, the overall detailing which was very poor/absent and the proposed boundary treatment which was potentially oppressive and had an awkward alignment along Compton.

7.16 The applicants have engaged constructively to address these concerns and there have been several iterations of the plans. The final plans before Members today are considerably improved and now acceptable. The stair tower at the Duke Street end of the Compton has been properly expressed with a raised parapet roof. It is no longer used to dictate the overall height of the Compton elevation. This parapet feature has been mirrored at the Cornhill Street end but at lower height to 'book end' the building. The parapets are well articulated with a projecting coping and cornice to Compton with returns into the side street elevations of Cornhill Street and Duke Street. Gable slopes on Cornhill Street and Duke Street are supported with stone kneelers. The intervening pitched roof on the Compton elevation has been lowered in height. This elevation now includes expressed stone lintel banding to visually relate to the historic stair turret and provide appropriate detailing to this primary elevation. There are stone heads and cills on the three projecting bays of this elevation; elsewhere on the building all windows now have brick soldier course headers and chamfered brick cills. Windows are recessed by 75mm to articulate the elevations. The plinth to Compton is now defined by a strong lintel band rather than alternate coloured bands of brickwork. The boundary treatment has been reduced in height and is now less oppressive

with a 600mm brick wall with 600mm railings on top. Full details will need to be conditioned. The treatment of the boundaries will be critical to the success of the scheme. Simple, clean lines are required avoiding too many steps. A condition is also recommended to secure a final landscaping scheme.

7.17 In terms of materials, the intention is to use uPVC windows and this is acceptable given the revised recess depth and cill detailing (see 1:20 drawing). Windows need to mimic traditional flush windows. There are several available on the market that do this successfully; the actual detail can be conditioned. The applicant has put forward a concrete roof tile which Officers have resisted on grounds that it would create an unrelieved mass and block with no variation and would not be appropriate for this sensitive location with expansive roofs. In light of this the applicant is agreeable to a condition for the roofing material. Conditions will also be required for the facing brick (including head and cills) and the stone to be used for the parapets, copings, cornice, lintel bands, heads and cills. Balconies are recessed and shown with glass screens. Full details of these will need to be conditioned.

7.18 The many amendments secured are very positive. The primary Compton elevation appears unified, well-articulated and detailed and the roof a more appropriate scale. The returns into Duke Street and Cornhill Street are also much improved and reflect their secondary nature but again with appropriate detailing and articulation. The proposal is now considered to be acceptable in terms of its impact on the setting of the Listed church and the Conservation Area and with conditions in place to secure good quality window details, eaves detail, facing materials, roofing materials, boundary and landscaping detail the proposal will not harm heritage assets. It is in accordance with Policy DC2 which seeks to protect heritage assets, the NPPF and Sections 66 and 78 of the 1990 Act which place a statutory duty on decision makers to consider Listed buildings, Conservation Areas and their settings when assessing planning applications.

Amenity

7.19 There are a number of residential properties in close proximity to the site whose amenity is a material consideration in the assessment of the scheme. Those most affected are the terraced properties on Cornhill Street and those on Duke Street including the pair of semi-detached properties numbers 25 and 27 Duke Street.

7.20 The former mill buildings were substantial and covered the extent of the site coming to back edge of footpath on all boundaries. As a result of this the properties on Duke Street will, in the main, enjoy improved levels of amenity from that which previously existed. Some will overlook the open area of parking and amenity space. Others (Nos 8-14) will face the double gabled side elevation which is of more domestic scale being two storey, approx. 8.7m to the ridge. The four windows on this elevation are to bathrooms and will not therefore lead to any issue of overlooking/loss of privacy. The separation distance between these properties and the former mill buildings was already below the Local Plan requirement of 14.0m (it was approximately 9.5m). This close relationship of buildings is an integral part of the character of the area. The current proposal has an interface distance of approximately 10m.

7.21 On Cornhill Street, again the relationship is improved from that which previously existed and is also marginally improved on the extant 2017 permission. This is because the terraced dwellings (nos 17-25) now directly overlook the amenity area (car parking beyond). Nos 17 and 19 are close to the 4 storey section beyond but there is a separation distance of at least 25 metres.

7.22 The site lies within the heart of the town centre where a degree of overlooking is inevitable and indeed the close relationship of buildings forms an integral part of its character. Notwithstanding this and for the reasons above the proposal is considered to be

acceptable in terms of amenity and therefore compliant with relevant parts of Policy DC1 and the NPPF.

Affordable housing

7.23 The proposal is to deliver 57 units of rented accommodation to those age 65 years and older. The applicant says that all units would be available for affordable rent. In order to secure 33% of the apartments as affordable units in line with Policy H2, a Section 106 Agreement will be required if permission is granted in accordance with normal practice.

7.24 Policy H1 requires all development to provide a mix of units. It also says that unless circumstances dictate otherwise and in agreement with the Council, 60% of all affordable dwellings provided on each site will be social/affordable rented housing with the remaining 40% being intermediate/starter homes. However the Housing/Regeneration Officer is supportive of this scheme and considers the proposal to provide all rented accommodation to be acceptable. She points to the Strategic Housing Market Assessment which suggests that there is a high need for accommodation for older people given that we have an ageing population, although she notes that more recent data from our housing register doesn't seem to reflect this. However she says that whilst data from Home Options gives us a snap short view of demand, many factors can influence this, such as the amount, quality and location of existing sheltered provision. She says that as an aging population it is important that provision of additional older persons accommodation is made to meet the emerging demand identified in the SHMA. Given the excellent location of the site and its close location to shops and amenities she fully supports the scheme as it is a good opportunity to expand the range of affordable older person accommodation available in Leek. Given these circumstances and with a Section 106 Agreement in place to secure 33% as affordable units, there is compliance with Policies H2 and H3

Housing Land Supply

7.25 The recently published 5 year Housing Land Supply Statement for the District concludes that there is currently a deliverable supply of 4.21 years. The implications for this in terms of decision making and applying the presumption in favour of sustainable development, para 11 of the NPPF are discussed in the planning balance below

Environmental health Matters (construction impacts, sound insulation, plant and machinery, contamination, air quality and lighting)

7.26 A Noise Assessment and Air Quality Assessment are provided with the application. Both conclude that with mitigation the application can be made acceptable.

7.27 The Environmental Health Officer has considered the application and the submitted reports. He accepts the conclusions of the reports and has raised no objection. He recommends conditions to protect the amenity of existing residents during construction via a Construction and Environmental Management plan (CEMO). He also recommends conditions to secure an external lighting scheme and provision of adequate attenuation of any plant and equipment. He also advises a remediation scheme, the insulation of the building internally to protect the amenity of future occupiers and finally provision of electric vehicle charging points and associated electrical infrastructure for future expansion to promote the use of low emission vehicles and help mitigate the impact of any additional vehicles on local air pollution.

7.28 With these conditions in place the proposal is considered to be acceptable in terms of relevant parts of Policy SD4 and DC1 concerning the protection of the environment and the amenity of existing residents and future occupiers of the building from pollution

Biodiversity

7.29 The application is accompanied by a Preliminary Ecological Appraisal prepared by FPCR Ltd. which has been reviewed by Staffordshire Wildlife Trust (SWT) on behalf of the Council. It confirms that there is very limited biodiversity value on the site. The scheme will as such increase green areas (the site is brownfield) and a gain for biodiversity should occur. SWT advise that the landscaping should include native and wildlife-friendly planting, such as herbs, hedging and climbers. They further comment that given the nature of the proposal and the likely high water usage at the facility, consideration should be given to a rainwater harvesting system for flushing toilets and also washing. This would reduce ongoing running costs as well as reduce run-off further. Water butts should also be installed for landscape watering.

7.30 With conditions in place to secure an acceptable landscaping scheme, a water harvesting scheme and to secure the bat and breeding bird enhancements there is compliance with Policy NE1 and the NPPF.

Sustainable use of resources/climate change

7.31 Policy SD1 requires all development to make sustainable use of resources and adapt to climate change. The applicant, Housing 21, has provided their specification for new build schemes which sets out how they will achieve lower energy usage and reduce carbon emissions during construction and once operational. It includes measures such as fabric efficiency to reduce heat loss, heat recovery via MVHR (Mechanical ventilation heat recovery system), heating and hot water strategy which does not involve gas and provision of electric charging points. A condition to ensure that these measure are incorporated within the scheme is recommended

Drainage

7.32 A Drainage Strategy is provided with the application. Whilst Severn Trent Water raise no objection, the Local Lead Floor Authority initially raised an objection on insufficient information to demonstrate that an acceptable drainage strategy is proposed. The most recent revised plans have been sent to the LLFA with the further information requested. It is expected that they will lift their objection; Members will be updated at the meeting.

Planning Balance

Planning law requires this application to be determined in accordance with the Development plan unless material considerations indicate otherwise. As discussed above there is compliance with the polices in the Development Plan.

The NPPF is a material consideration. It says that in circumstances where a 5 year deliverable supply of housing land cannot be demonstrated, as is the case in Staffordshire Moorlands where there is currently a 4.21 year supply, that for decision making the presumption in favour of sustainable development means granting planning permission unless the application of polices in the NPPF that protect assets of particular importance such as heritage assets provide a clear reason for refusing the development OR the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the polices in the Framework taken as a whole (para 11 d).

In this case significant benefits to the economy would be derived from this development as set out by the Regeneration Officer above. The provision of affordable rented accommodation for the elderly particularly in circumstances of a housing undersupply and identified need for elderly persons accommodation is a significant social benefit. Following extensive negotiations the design is now considered to be acceptable and there will be no harm to heritage assets. The impact on the highway network and amenity is acceptable. The proposal will deliver a small net gain in biodiversity. The matter of drainage is

outstanding at the time of writing this report but is expected to be resolved before Members determine the application.

Subject to this there is no reason to withhold permission and a recommendation of conditional permission is recommended.

8. RECOMMENDATION

That planning permission be granted subject to the prior completion of a Section 106 Agreement to secure 33% of the units as affordable units and the following conditions:-

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

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

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

Age restriction

3. The apartments hereby permitted shall only be occupied by persons aged 65 years and older, other than a spouse or partner of such persons being over the age of 55

Reason:- To define the permission, to meet an identified need for elderly persons accommodation and in the interests of highway safety

Design

4. Notwithstanding detail shown on the submitted plans in respect of the matters below and prior to the commencement of development the following detail shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently proceed strictly in accordance with the approved details:-

- a) **Samples of facing brick (walls, heads and cills)**
- b) **Samples of stone to be used in the parapet, cornice, lintel band, kneelers, heads and cills**
- c) **Samples of roof tiles**
- d) **Full details of proposed windows and doors to include style, material, finish/colour, opening mechanism, glazing bar sub division**
- e) **Eaves detail**
- f) **Balcony detail including glass screen**
- g) **Boundary treatment to include height, design, external appearance, finish**
- h) **Full Landscaping scheme**

Reason:-To ensure that the external appearance of the development is satisfactory and to protect the setting of the adjacent Listed Building and Conservation Area.

5. Prior to the commencement of development a full Schedule of Repair for the stair tower (including its internal features and stairs) which is to be retained as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be carried out before the building is first brought into use.

Reason:- To protect the integrity of this heritage feature

Biodiversity

6. The bird and bat enhancement measures shown on Figure 1 of the Ecological Appraisal prepared by FPCR Ltd dated June 2021 shall be installed prior to first occupation of the development hereby approved.

Reason:- To safeguard protected species

7. A 'Scheme' for rain water harvesting shall be submitted to and approved by the Local Planning Authority before development commences. The approved 'Scheme' shall subsequently be implemented, made fully available before first occupation of the development hereby approved and maintained for the life of the development

Reason:- To aid water conservation and the sustainable use of resources and adapt to climate change

Severn Trent Water

8. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Highways

9. The development hereby permitted shall not be brought into use until the visibility splays of 2.4mx25m shown on Ashley Helme drawing ref. 1220/03 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the access to the site has been completed.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety.

11. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided and parking bays delineated in accordance with the approved plan 526/29(02)010 B. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety.

12. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority

- structural designs and calculations for the retaining wall supporting Duke Street;
- refixing of existing historic 'Cornhill Street' name plate, formerly affixed to the now demolished building, in an appropriate location, if street name plate is available;

OR

- replacement of street name plate;

The highway works shall thereafter be constructed in accordance with the approved details prior to the development commencing.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety and to ensure continued structural support for the public highway, Duke Street and to retain a historic feature.

13. Before the proposed development is brought into use the existing accesses made redundant as a consequence of the development hereby permitted by this consent, and as referred to in paragraph 3.1.2 of the Transport Statement dated June 2021, shall be permanently closed and the access crossings reinstated as footway with full height kerbs in accordance with details to be first submitted to and approved in writing by the local planning authority. Details to include realignment of double yellow lines at redundant Prospect Place access under existing TRO.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety and to avoid a proliferation of over long and redundant access crossings.

14. No development (excluding demolition and site clearance) shall commence until such time that a scheme to improve pedestrian crossing facilities (to include motor scooters) to and from the application site across the road known as Compton have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented before first occupation of the development hereby approved.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety and to improve pedestrian facilities and pedestrian safety; to comply with SMDC Local plan policy T1 and T2;

15. The development hereby permitted shall not be brought into use until the access rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the site boundary.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety

16. The development hereby permitted shall not be brought into use until details of means of preventing surface water from flowing from the site onto the public highway have been submitted to and approved in writing by the local planning authority. Means of preventing surface water flowing from the site onto public highway shall thereafter be provided and retained and maintained for the life of the development.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan policy DC1; in the interests of highway safety

Construction and Environmental Management Plan:

17. The development hereby permitted shall not take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. the method and duration of any pile driving operations (including expected starting date and completion date);
- III. 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;

- IV. the arrangements for prior notification to the occupiers of potentially affected properties;
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression and mitigation measures and be in accordance with the approved AQ assessment (SLR Ref: 410.12602.00001)
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;
- X. the storage of plant and materials used in constructing the development;
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;
- XIV. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

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

Reason: To protect the amenities of the area.

Plant and Machinery Noise

18. The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated such that the noise generated by the operation of the machinery, plant or equipment shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014 or the British standard prevailing at the time. The details and location of any plant, equipment or machinery to be installed under this permission should be submitted to and approved of in writing by the Local Planning Authority.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

Sound Insulation

19. No dwelling hereby permitted shall be occupied until such time that pre-completion sound tests have been carried out to verify compliance with the Noise impact Assessment Ref. 50-329-R1- 2 E3P submitted with this application. A report of the pre completion tests shall be produced containing all raw data and showing how calculations have been made. It shall be submitted to and approved in writing by the Local Planning Authority and no dwelling hereby permitted shall be occupied until the approved works to that dwelling have been completed in accordance with the approved details.

Reason:- To safeguard the amenity of future residents.

Lighting Condition

20. The development hereby permitted shall not be occupied until such time that an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details

Reason: To protect the local amenities of the local residents by reason of excess of illuminance and to protect the setting of the Listed St Marys church and the Leek Conservation Area

Remediation Strategy

21. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

- a. A remediation strategy based on the submitted phase 2 site investigation report (ARP consultant, REF: NW/151/01r1) giving full details of remediation objectives and remediation criteria**
- b. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

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.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks

Validation

22. Prior to the occupation of any units hereby permitted a Validation report demonstrating completion of the works set out in the approved Remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation 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 validation plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with

via remediation and or management of those risks

Unexpected Contamination

23. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence any further until an initial investigation and risk assessment has been completed in accordance with a scheme to be first agreed in writing by the Local Planning Authority, which shall assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence further until 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 has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved remediation scheme which shall be completed prior to the first occupation of the dwelling. Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks

Importation of soil/fill

24. No top soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Electric charging points and infrastructure

25. No development, except for site clearance shall commence until a scheme for the provision of a minimum of three active electric vehicle charging points and associated electrical infrastructure for future expansion has been submitted to and agreed in writing by the Local Planning Authority. An active electric vehicle charging point shall be provided adjacent to each agreed parking space allocated for EVC prior to any part of the development being occupied and shall be designated for the sole use of electric vehicles. The charging point shall be supplied by an independent 32-amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to EN61296-2.

Reason: To promote the use of low emission vehicles and help mitigate the impact of any additional vehicles on local air pollution

Sustainable use of resources

26. The measures set out in the Housing 21 Briefing Note on Proposed Changes to Housing 21 Specification for New Build Schemes submitted with the application shall be incorporated as a minimum within the development hereby permitted prior to first occupation

Reason:- To ensure the sustainable use of resources and adapt to climate change

INFORMATIVES

1.A sustainable form of development has been negotiated which conforms with the provisions of the NPPF

2. The existing dropped crossing to the site shall be reinstated to footway with full height kerbs in accordance with drawings to be submitted. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH.
(or email to nmu@staffordshire.gov.uk)

3.The conditions requiring highway works (pedestrian facilities at Compton; retaining wall supporting Duke Street; bellmouth access) shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
Highways Agreements - Staffordshire County Council

4.Should any lighting columns require adjustment, the lighting column will need to be relocated by SCC PFI contractor Eon. It may be that adjacent columns will also need to be relocated or lanterns replaced to provide adequate street lighting coverage. This will be at the developers expense and extent of works should be established at an early stage. Please contact lightingforstaffordshire@eonenergy.com or highways@staffordshire.gov.uk or 0300 111 8000.

5. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- All lighting details should be provided with predicted LUX levels at the cartilage of the nearest residential receptors. This should be undertaken in line with the Institute of Lighting Engineers Guidance on intrusive lighting.
- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved noise scheme and measurements should pay due regard to British Standard BS8233:2014 Sound insulation and noise reduction for buildings (Code of Practice),and the Building Regulations 2010 Document E or other appropriate

guidance.

- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
 - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
 - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
 - The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
 - Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
 - During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
 - The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
 - Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to

final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.**



