
Appeal Decisions

Hearing held on 9 November 2016

Site visit made on 9 November 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 December 2016

Appeal A: Ref: APP/X3025/W/16/3154291

Bath Mill, Bath Lane, Mansfield, Nottinghamshire NG18 2BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chaskel Rand against the decision of Mansfield District Council.
 - The application Ref 2015/0238/NT, dated 27 April 2015, was refused by notice dated 17 May 2016.
 - The development proposed is the refurbishment and conversion of existing structure to 2 no. houses and 2 no. apartments and construction of 17 no. new houses.
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Appeal B: Ref: APP/X3025/Y/16/3154297

Bath Mill, Bath Lane, Mansfield, Nottinghamshire NG18 2BZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Chaskel Rand against the decision of Mansfield District Council.
 - The application Ref 2015/0239/NT, dated 27 April 2015, was refused by notice dated 17 May 2016.
 - The works proposed are the refurbishment and conversion of existing structure to 2 no. houses and 2 no. apartments and construction of 17 no. new houses.
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Decisions

1. Appeal A is allowed and planning permission is granted for the refurbishment and conversion of existing structure to 2 no. houses and 2 no. apartments and construction of 14 no. new houses at Bath Mill, Bath Lane, Mansfield, Nottinghamshire NG18 2BZ in accordance with the terms of the application, Ref 2015/0238/NT, dated 27 April 2015, subject to the conditions set out at the end of my decisions.
2. Appeal B is allowed and listed building consent is granted for the refurbishment and conversion of existing structure to 2 no. houses and 2 no. apartments and construction of 14 no. new houses at Bath Mill, Bath Lane, Mansfield, Nottinghamshire NG18 2BZ in accordance with the terms of the application Ref 2015/0239/NT dated 27 April 2015, subject to the conditions set out at the end of my decisions.

Preliminary Matters

3. Three reports were submitted at the Hearing on 9 November 2016. These concerned matters of odour, noise, and landscape and visual impact. Following
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discussions at the Hearing, I accepted the information, as I considered it to be helpful to the case and relevant. However, considering the late submission and the technical content of the reports I considered it reasonable to allow the Council time to consider fully. The documents were therefore dealt with in writing following the closure of the Hearing.

4. During the application process the number of new build units proposed on site was altered from 17 to 14. I have considered the 14 unit scheme in my decisions, as this was the scheme that the Council made their conclusions upon. This is reflected in my formal decisions above.

Main Issue

5. Based on all that I have read, seen and heard, I consider the main issue in these cases to be:
 - Whether the benefits of the proposed development outweighs the disbenefits, having particular regard to the effect on the Maun Valley green wedge, the effect on the setting of the listed building, the living conditions of future residents with regards to noise and odour, and public benefits arising from the scheme.

Reasons

6. Bath Mill lies to the east of Mansfield town centre and is located off Bath Lane/Ravensdale Road. The road is characterised by open green spaces to its north and south on the banks and valley of the River Maun, giving way to residential development of varying ages to the east. The Mill is accessed off a track and is just to the north of the road. The site is reasonably close to the town centre and all the facilities and services that that entails, and regular bus stops are located along Ravensdale Road.
7. According to the listing, Bath Mill was a water powered textile mill, constructed around 1822-1831, which was converted and extended around 1880 when its use was changed to a hosiery mill. The listing and photographs submitted detail a 4 storey building with a 20 window range, with an interior containing a king post truss roof. Unfortunately however, the Mill fell out of use around 1984 and due to lack of maintenance and substantial vandalism issues a large part of the Mill has now been demolished.
8. At present the site contains a small section of the original Mill; attached to this are some cottages, which are at varying stages of dilapidation. The footings of the Mill remain on site, along with seemingly much of the coursed square rubble which constituted the Mill walls. A large free standing red brick chimney adjacent to the river also remains.
9. The proposal seeks to reconstruct a 'replica' mill containing 8 apartments, to refurbish and convert the Mill cottages into 2 houses and 2 apartments and construct 2 blocks, each containing 3 terraced houses. The replica mill would be sited on the footings of the previous Mill, adjacent to the river and chimney. The cottages lie just to the south east of the Mill, with the proposed new build houses located further to the east in a steeply rising area currently covered in scrub.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with

the development plan unless material considerations indicate otherwise. Paragraph 140 of the National Planning Policy Framework (the Framework) states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

11. A Historic England document on enabling development¹ sets out a policy for considering such development, containing various criteria, including that the public benefit of securing the future of a significant place should *decisively* outweigh the disbenefits of breaching other public policies, a more stringent test than that within the Framework. However, I note in this respect that the Framework postdates this document and is therefore a more recent material consideration in this case.

Green wedge

12. The appeal site lies outside the urban boundary for Mansfield, as defined in the Local Plan². Within such areas, policy H3 states that permission will not be granted for the development of permanent housing except where it constitutes housing for essential workers, which the proposal would not. The proposal would therefore be contrary to this policy. However, Policy NE1 also concerns development in the countryside. This policy allows for development outside the urban boundary only where they fall within various categories. One such category is the redevelopment of established commercial and institutional sites. At the Hearing the Council agreed that the proposal would fall within this category.
13. The site also lies within the Maun Valley green wedge. Within such areas policy NE5 of the Local Plan states that planning permission will not be granted for developments which would either detract from the openness and landscape quality of the Maun Valley or undermine its value as a recreational and wildlife resource. Supporting text to the policy notes that the valley provides a valuable green area in an otherwise predominantly urban area, bringing the countryside to ½ mile of the town centre.
14. The proposal would reduce the openness of the green wedge. At present, aside from the chimneys and the cottages, there is little that remains of the Mill in physical form. The construction of the replica Mill and the proposed 2 blocks of 3 houses would inevitably reduce openness. However, the visual impact of the proposal would be limited. The green wedge is relatively narrow and follows the Maun to the north. A considerable amount of the area is covered by sewage works on the west bank of the river, estimated by the appellant to cover 95% of the wedge. The remaining land is made up of land of varying degrees of steep heavily wooded areas and the site itself.
15. Public access to the wedge is very limited and views of the appeal site hard to come by. An ecological survey submitted³ concludes that the site has low ecological value. When considering the landscape quality of the site itself, I am also of the view that the site has a negative effect on the green wedge at present. The area overall is already dominated by the large expanse of the

¹ Enabling Development and the Conservation of Significant Places, English Heritage 2008

² Mansfield District Local Plan, November 1998

³ Bath Mill Mansfield, Updated Ecological Assessment, K R Stevenson March 2012

sewage works, and the condition of the former mill, the decaying and dilapidated nature of the site, with areas of rubble and partially damaged buildings, defaced by graffiti and areas of small scale fly tipping has an adverse effect on the landscape quality of the area. The redevelopment of the site has the potential to improve this aspect of the green wedge.

16. I therefore consider that although the proposal would inevitably detract from the openness of the green wedge, landscape quality would not be harmed; due to the lack of public access and low ecological value of the site, nor would the scheme undermine the value of the area as a recreational and wildlife resource. There would therefore be limited conflict with Policy NE5 of the Local Plan.

Listed Building

17. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through development within its setting.
18. The Council have taken a pragmatic approach to their assessment of the significance of the listed building, considering that limited significance can be ascribed to the remnants of the Mill considering the extent of demolition that has been undertaken, but that significance is retained by the setting of the remaining Mill buildings within the wider semi-rural and former industrial setting. I agree that the setting of the building still contributes to its significance. The remains of the Mill and its cottages, adjacent to the river and the functional and historical link to the river contribute to the setting of the heritage asset that remains. However, I also consider that the sewage works denudes the wider aspects of this setting.
19. The construction of the replica mill would not adversely affect the heritage asset, subject to conditions concerning materials and construction. However, the proposed new blocks of terraced properties and the car parking areas would have the potential to adversely affect the significance of the heritage asset; originally the Mill and their cottages would have been located on their own within the setting of the riverbank and the steeply wooded slopes surrounding the river. The development of the proposed new build, particularly block 4, and the car parking areas close to the Mill cottages and within the setting of the heritage asset would cause harm to this significance.
20. With regard to paragraphs 133-134 of the Framework, I agree with the Council in this respect that less than substantial harm would be caused. The proposal would not sever the physical link between the Mill and the river, and the development would be concentrated in one part of the setting of the heritage asset, in a block to the east of the listed buildings, reducing the harm caused. Nevertheless, the proposal in this sense would be contrary to Policy BE4 of the Local Plan, which seeks to protect the setting of listed buildings.

Living Conditions

21. The proposed development would be located in relatively close proximity to the sewage works located on the other side of the River Maun. The Council note that the elements of the works closest to the Mill are the discharge pipes into the river, which it is estimated are around 10m away and which discharge raw sewage into the river if six times the normal capacity of water enters the works. They also state that storm surge tanks, around 30m from the mill are open holding tanks which fill with untreated sewage if four times the normal capacity of water enters the works.
22. It can be ascertained from this that under very wet conditions raw sewage is likely to be closer to the Mill, and that this would have the potential to hinder the living conditions of the future residents. The appellants consider that the risk of odour exposure at the proposed Mill would be medium, and that the likely magnitude of odour effect would be 'moderate adverse'⁴.
23. The Council have not provided any evidence of how often the discharge pipes or the storm surge tanks are used, other than noting that the surge tanks can be used as much as once a fortnight during wet winters. Given that the pipes are used under more extreme conditions (at 6 times normal capacity, as opposed to 4 times), it can be reasonably assumed that these are used less than this. At such very wet times there would be a considerable flow of water heading down the Maun towards the north west and the River Trent. The storm surge tanks would be likely to retain sewage for longer, but are located slightly further away.
24. Furthermore, during such times of inclement weather when the pipes and tanks are likely to be in operation, noted by the Council to be in the winter, future residents would be likely to have their windows shut, reducing adverse odour effects. I also note that the prevailing wind close to the site, in common with much of the UK is towards the north east, potentially reducing the effect of odour on the proposed properties to the south of the sewage works.
25. The Council also haven't provided any information relating to complaints from any existing residential properties located to the north of the appeal site and closer to the northern end of the linear sewage works. However, given the proximity of the sewage works it seems likely to me that odour issues may arise from time to time. It is difficult to predict the frequency of such issues occurring on the evidence provided, but given the times of year that such events may occur and noting the prevailing wind direction it appears to me that such events would not be frequent.
26. Concern is raised over the noise effects of a nearby plant room at the sewage works, and the effect that this could have on the living conditions of future residents. At the site visit a dull hum was audible emanating from the plant. The Council also raise concerns over the noise effects of sewage tankers loading and unloading and the use of their reversing alarms adjacent to this building.
27. The appellant considers that the site could be suitable for residential occupation⁵ following an assessment of noise based on the Framework, BS 8233:2014 and World Health Organisation guidelines. This assessment shows

⁴ 'Odour Constraints Review for Proposed Residential Development' Enzygo, November 2016

⁵ 'Noise Assessment for Proposed Residential Development', Enzygo November 2016

noise levels at the nearest proposed property to the sewage works as being 49.3dB $L_{Aeq,T}$ in the daytime and 44.9dB $L_{Aeq,T}$ at night time. This would effectively be the noise levels in the closest garden to the sewage works, which would comply with the guidance contained within the British Standard from outside sources of noise, which is 50 dB $L_{Aeq,T}$. Internally, 15dB has been removed to allow for the partial noise reduction effect of a window left slightly open for ventilation periods⁶, resulting in daytime levels of 34dB $L_{Aeq,T}$ and nighttime levels of 30db $L_{Aeq,T}$ (when rounded). Both levels would again comply with the British Standard which is 35db $L_{Aeq,T}$ in resting areas and 35db $L_{Aeq,T}$ in bedrooms (30db $L_{Aeq,T}$ at night), as well as with World Health Organisation guidelines of 30 db $L_{Aeq,T}$.

28. The proposal would therefore meet the internal noise values contained within the British Standard with the windows partially open for ventilation. With windows closed fully noise levels would be lower.
29. I therefore consider that the proposal would provide acceptable living conditions for future residents in terms of noise, but consider that from time to time there may be a limited adverse impact upon the living conditions of future residents of the proposal in terms of odour.

Benefits

30. The proposal would renovate and restore the listed Mill cottages, as well as reconstruct the Mill building from the remnants of the existing. The re-use of the cottages would comply with Policy BE5 of the Local Plan which supports developments which would involve the beneficial re-use of listed buildings and would be in accordance with Policy BE3, which seeks to protect the character, architectural merit and historical interest of listed buildings. The design of the replica mill is proposed to effectively recreate a mill style building. The building would occupy a similar footprint to the original mill and would tie in well visually with the Mill cottages and the chimney.
31. At the Hearing the appellant proposed that, should permission be granted, a condition was imposed to ensure that the existing substantial coursed rubble on the site was recorded, assessed and where possible re-used in the construction of the new building in areas similar to the original mill building. Whilst the Mill would inevitably be a modern new build, this proposal would help the scheme to retain some authenticity and would provide a significant link to the past original Mill. In such a way some heritage value would be retained by the proposed replica Mill.
32. The Council are of the view that the significance of the heritage asset has been reduced substantially by the demolition of the majority of the Mill and that the cottages were a relatively minor part of the original complex, with their significance lost due to the removal of the link with the former Mill. However, the linear nature of the site, from the cottages, the remnants of the Mill down to the edge of the river and the chimney on the river bank retain a clear sense of architectural symbolism and the former grandeur of the site, giving a clear impression of what would have been its important role in the history of the town. Whilst the significance of the heritage asset has inevitably been reduced by the demolition on the site and by other aspects such as the sewage works in the buildings setting, the site still retains significance. The proposal offers an

⁶ Taken from both BS8233:2014 and World Health Organisation guidelines.

opportunity to restore and repair the Mill cottages, and construct a replica Mill, which due to the reuse of the former materials would retain some heritage value.

33. The site has suffered, and appears to continue to suffer from, severe anti-social behaviour. Evidence states that the primary reason the Mill has been substantially demolished results from vandalism on the building. The cottages have also been attacked substantially and in time would also likely need demolishing. These attacks have appeared to have taken place despite the best efforts of the appellant to protect the site through substantial fencing and other security measures. As well as repairing and reconstructing the heritage asset, the proposal would also offer a significant benefit in reducing anti-social behaviour on the site and bringing back into life a long standing derelict and disused site.
34. The proposed scheme would provide 18 new dwellings in a sustainable location. Whilst I note that there is no dispute that the Council are able to demonstrate a five-year supply of deliverable housing supply, the Framework seeks to boost significantly the supply of housing. There is still therefore a benefit to the new proposed properties, which would provide economic and social benefits through the construction and occupation of the new units.

Other Matters

35. A detailed financial appraisal was submitted with the application. Both parties are fully in agreement that the appraisal demonstrates that the amount of enabling development provided by the scheme is the minimum necessary to secure the restoration of the Mill cottages, and that financial contributions for matters such as education, transport improvements and public open space would not be possible whilst ensuring the scheme remained viable. Based on all that I have read, seen, and heard, I have no reason to disagree with this jointly held view of the parties.
36. The Environment Agency objected to the scheme in the absence of a Flood Risk Assessment (FRA). Within my evidence I have provided with an FRA⁷ which refers to Environment Agency records. The proposed replica Mill would have a 'dummy' floor at ground level with the ground floor of the new proposed units proposed at first floor level, thereby raising the habitable floors of the new units above the 1 in 100 or 1 in 1000 year flood event. The proposal would however increase the amount of impermeable area and surfacing on the site, and the FRA recommends sustainable urban drainage techniques are utilised to reduce the risk of surface water flooding occurring downstream as a result of the scheme. Such matters could be conditioned.

The Balancing Exercise

37. Through the development of the site for open market housing outside of the urban area of Mansfield, and within the Maun Valley Green Wedge, I consider that the proposal would cause harm to the openness of this area, and would be contrary to Policies H3 and NE5 of the Local Plan. However, I do not consider that the proposal would cause harm to the landscape quality of the area or undermine the value of the site as a recreational and wildlife resource. Future residents of the proposal may also from time to time in periods of severe

⁷ Flood Risk Assessment, Morgan Tucker March 2012

- adverse weather, experience some harm to their living conditions in terms of odour from the nearby sewage works. I place moderate weight on the combined harm from these issues.
38. Furthermore, through the construction of the two blocks of 3 houses, the proposal would cause less than substantial harm to the setting of the heritage asset, and would be contrary to Local Plan policy BE4. Less than substantial harm does not equate to a less than substantial objection, and I place significant weight on this harm.
39. On the other hand, the proposal would involve the beneficial restoration and re-use of the Mill cottages and the construction of a replica Mill, which although a modern structure would, subject to conditions, sensitively reuse material from the original Mill. In this respect the proposal would comply with the Act which requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. The proposal would allow the historic disused and derelict site to be brought back to life, securing the long term future of the place for a sympathetic purpose. The scheme has been shown to be the minimum necessary to ensure the restoration of the cottages and also provides additional heritage value in the construction of the Mill. I am also mindful that were development not to take place the heritage asset would likely continue to degrade and deteriorate. I place substantial weight on these benefits.
40. The proposal would also provide 18 new dwellings in a sustainable location, and would serve to remove a site of anti-social behaviour in the town which appears to have been ongoing for many years. The scheme would bring the site to life and in this respect would significantly improve the quality of the area, enhancing the Maun Valley. I place considerable weight on these benefits.
41. When taken in the whole I consider that, for the reasons given above, the proposal would comply with virtually all of the criteria of the Historic England policy referred to in paragraph 11. However, given that I have concluded that it would cause less than substantial harm to the setting of the place, it would not meet criteria (a) of the policy. However, in this respect I consider that the proposal would create significant public benefits, including securing the optimum viable use of the site and would thus comply with paragraph 134 of the Framework. I also note in this context that Historic England fully support the repair and restoration of the Mill cottages and have no objection to the principal of the proposed new build on the site.
42. The Council consider that the quantum of proposed development amplifies the harm caused by the proposal. However, other than the renovation of the cottages, the proposal seeks to build 3 blocks of houses – the two blocks of 3 units and the replica Mill. I am of the view that only the 3 unit blocks would cause harm to the setting of the cottages given that the other block is the construction of a replica mill. Furthermore, as stated above the Council agree that the scheme provides the minimum amount of enabling development necessary to secure the restoration of the Mill cottages
43. I have considered the scheme carefully and have fully appraised the various competing aspects of the proposal. Given the above, I conclude that the substantial and considerable benefits of the proposed development outweigh

the disbenefits of the scheme. Such material considerations also outweigh the conflict with the Local Plan policies that I have found.

Conditions – Appeal A

44. I have imposed standard conditions relating to implementation and construction in accordance with plans, for the avoidance of doubt and in the interests of the proper planning of the area. For similar reasons, and in the interests of the living conditions of nearby residents I have also imposed a condition requiring a construction method statement to be agreed, and a condition restricting hours of construction on the site. As stated above, I have also imposed conditions relating to the recording and reuse of the existing rubble on site, as well as to the drainage of the site. In the interests of the character and appearance of the area, conditions requiring materials and boundary treatments, and landscaping, hard and soft, and their management to be agreed are also required. For the same reason I have also imposed a condition concerning the design of bin stores.
45. Given the size of the site and the issues involved with differing aspects of the site I agree with the Council that a condition requiring phasing of the development is necessary, and given the former and present uses of the site, I also agree that conditions requiring site investigation and remediation are also necessary, in the interests of the water environment.
46. The Council have recommended a condition be imposed regarding an FRA. However, since one has already been submitted I have altered the condition to require adherence to the mitigation measures included in the already submitted document. A condition is also proposed to ensure access is provided to the River for riparian owners and for biodiversity reasons. However, in this respect no access can currently be made from the site to the river due to the levels of the site, which are significantly higher than the watercourse. Access can be made more simply from the other side and I do not consider that such a condition is reasonable or necessary. A condition is also recommended regarding trapped gullies; however this is not necessary due to the condition already imposed requiring full details of drainage.
47. In the interests of the water environment, I have imposed a condition requiring details of foul sewage to be agreed, and conditions are also imposed concerning highway matters in terms of the site access, and a pedestrian access along the proposed driveway in the interests of highway safety. Given the age of the ecology survey submitted, and the lack of substantive use of the site in the meantime, a condition is also imposed concerning protected species. Finally I have imposed a condition to ensure that no more than 50% of the new build properties are occupied until the cottages are fully repaired and restored. Such a condition will ensure that the standing listed structure is repaired in good time, yet allow the appellant to raise some funds from sales to carry out such repairs.
48. At the Hearing the appellant suggested a condition requiring an archaeological watching brief could be imposed. Such a condition has not been considered necessary by the Council and I am of the view that given the condition of the site and the extent and footprint of the proposed scheme, such a condition is not on this occasion necessary over and above what would be provided by the condition concerning the recording and reuse of the coursed rubble on the site.

Conditions – Appeal B

49. For the listed building consent, I have imposed conditions relating to timing and plans for the avoidance of doubt. Conditions are also imposed concerning materials, the pointing and re-pointing of brickwork and section details of proposed windows and doors. Such conditions are necessary to ensure the listed building is preserved and enhanced.

Conclusion

50. Following careful consideration, I am of the view that the benefits of the proposal outweigh the disbenefits of the scheme. The proposal complies with the Framework and the material benefits of the scheme outweigh the conflict with the Local Plan policies that I have found.

51. For the reasons given above I therefore conclude that the appeals should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 22 CONDITIONS FOR APPEAL A.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 995 LO 1, SCP/12074/001, 995 105 Rev A, 995 106, 995 108 Rev A, 995 107, Rev A, 995 109 Rev A.
- 3) Prior to the commencement of development, details of a phasing programme for the delivery of the development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be developed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- 4) No development shall commence until full details of the proposed external facing materials and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.
- 5) No development shall commence until a plan indicating the positions, design, materials and type of walls, fences and other means of enclosure to be erected within and along the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details before the buildings are occupied.

- 6) Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. Such a scheme shall include as appropriate: details of proposed and existing trees, shrubs and hedgerows including details of those to be retained and any to be removed, planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants noting species sizes and proposed numbers/densities where appropriate and a programme of implementation. All planting, seeding or turfing indicated in the approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed, or become in the opinion of the Local Planning Authority seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The development thereafter shall be undertaken in accordance with the approved details.
- 7) No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials for all car parking layouts and other vehicular and pedestrian access and circulation areas. The development thereafter shall be undertaken in accordance with the approved details.
- 8) No development shall commence until precise details of the proposed bin stores, including design, exact position and external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.
- 9) A management plan, including management responsibilities and maintenance schedules for all landscape areas inclusive of the listed chimney, access drive and parking area, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The management plan shall thereafter be carried out as approved.
- 10) No development shall take place, 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 washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 11) The hours of work during construction and the delivery of materials on to the site shall be restricted to 08.00-18.00 hours Monday-Friday, 08.00-13.00 hours Saturdays and no working shall take place on Sundays and Bank Holidays.
- 12) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

- 13) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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 verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 14) The mitigation measures detailed within the Flood Risk Assessment (Morgan Tucker, March 2012) shall be fully implemented prior to occupation of any of the units hereby permitted and in accordance with the timing/phasing arrangements embodied within the phasing scheme required under condition 3.
- 15) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, with a maintenance scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 16) Development shall not begin until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 17) The development hereby permitted shall not commence until details of the drainage works for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.
- 18) The site access shall be constructed and surfaced in a bound material in accordance with approved plan 995 105 Rev A and none of the hereby approved residential units shall be occupied until the access has been completed in accordance with the approved plan.
- 19) A 900mm service strip shall be constructed in bound material and delineated to provide a pedestrian access route from the highway boundary along one side of the shared private driveway for its entire length to the residential units, in accordance with details to be submitted and approved in writing by the LPA prior to the commencement of development. The pedestrian access route shall be constructed prior to the first occupation of any of the hereby approved residential units.
- 20) No development shall take place, including demolition, until a protected species has been undertaken and the findings, including any mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.
- 21) No more than 50% of the residential units within the new-build development shall be occupied until the standing listed building has been fully repaired and restored in accordance with a Structural Appraisal and Repair Specification, to be first submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.
- 22) Development shall not begin until a scheme for the assessment and reuse of the former Mill rubble on site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a consideration of the amount and condition of rubble currently remaining on site, and details of the proposed redeployment of the rubble where possible in the proposed construction of Block 2 on plan 995 105 Rev A. The scheme shall be carried out in accordance with the approved details.

SCHEDULE OF 5 CONDITIONS FOR APPEAL B.

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 995 LO 1, SCP/12074/001, 995 105 Rev A, 995 106, 995 108 Rev A, 995 107, Rev A, 995 109 Rev A.
- 3) No development shall commence until full details of the proposed external facing materials and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details
- 4) The mortar to be used for pointing and re-pointing of stonework shall be lime based. Details of the exact mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development thereafter shall be undertaken in accordance with the approved details.
- 5) Prior to the commencement of development, section details of the proposed windows and doors providing full details of the proposed materials, treatment and finish shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Ian Pleasant	Jay Ashall Partnership
Paula Sinnott	Jay Ashall Partnership
Darren Lafon-Anthony	Enzygo Limited
Paul Beckmann	Agathoclis Beckmann Limited

FOR THE LOCAL PLANNING AUTHORITY

Peters Mansbridge MRTPI	Mansfield District Council
Denise Varley BA(Hons)	Mansfield District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter of Notification of Appeal, Mansfield District Council 29/09/16.
2. Odour Constraints Review for Proposed Residential Development, Enzygo Ltd November 2016.
3. Noise Assessment for Proposed Residential Development, Enzygo Ltd November 2016.
4. Visual Impact Assessment and Landscape Assessment, Agathoclis Beckmann Limited, October 2016.
5. Historical Photographs of the Site. © North East Midland Photographic Record.
6. Current photographs of site, Mansfield District Council.

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Comments in response to Visual Impact Assessment and Landscape Assessment, Odour Constraints Review, and Noise Assessment, Mansfield District Council 28/11/16.
2. Final comments of the appellant, 01/12/16.