

DATED 5th March 2014

EAST STAFFORDSHIRE BOROUGH COUNCIL

- and -

STAFFORDSHIRE COUNTY COUNCIL

- and -

PEVERIL HOMES LIMITED

- and -

GEORGE ERNEST SHAW

DEED OF VARIATION

In connection with a Section 106 Agreement given under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to land at Burton Road, Ludgate Street Farm, Tutbury
Staffordshire

WALKER MORRIS

Kings Court
12 King Street
LEEDS
LS1 2HL
Tel: 0113 2832500
Fax: 0113 2459412
Ref: CAS/PEV.6-4

THIS DEED is made the 5 day of March

2014

BETWEEN:

- (1) **EAST STAFFORDSHIRE BOROUGH COUNCIL** whose office is at The Maltsters Wetmore Road Burton upon Trent Staffordshire DE14 1LS ("**Council**") of the first part; and
- (2) **STAFFORDSHIRE COUNTY COUNCIL** whose principal office is at 2 Staffordshire Place C/O Wedgwood Building Tipping Street Stafford ST16 2DH ("**County**") of the second part; and
- (3) **PEVERIL HOMES LIMITED** of High Edge Court, Heage, Belper, Derbyshire DE56 2BW ("**Owner**") of the third part; and
- (4) **GEORGE ERNEST SHAW** of New Farm, Rolleston Lane, Tutbury, Burton-On-Trent DE13 9HE ("**Mortgagee**") of the fourth part.

1 DEFINITIONS

1.1 In this Deed these words and expressions shall have the following meanings: -

"Act"	shall have the same meaning as given to it in clause 2.1 of the Principal Agreement.
"Charge"	means the registered charge in favour of the Mortgagee dated 5 March 2013 and made between the Owner and the Mortgagee;
"Deed"	means this deed;
"Development"	shall have the same meaning as given to it in clause 2.5 of the Principal Agreement;
"First Deed of Variation"	means the Deed of Variation of the Principal Agreement dated 5 March 2014 made between Peveril Homes Limited (1) Miller Homes Limited (2) Royal Bank of Scotland (3) The Council (4) The County (5);

"Land"

shall have the same meaning as given to it in clause 2.9 of the Principal Agreement as varied by the First Deed of Variation;

" Principal Agreement"

means the Agreement pursuant to Section 106 of the Act dated 9 May 2012 between (1) George Ernest Shaw (2) the East Staffordshire Borough Council (3) Staffordshire County Council and (4) Peveril Homes Limited as varied by the First Deed of Variation.

1.2 Where the context so requires: -

- 1.2.1 References to the masculine, feminine and neuter genders shall include the other genders.
- 1.2.2 References to the singular include the plural and vice versa unless the contrary intention is expressed.
- 1.2.3 References to natural persons are to include corporations and vice versa.
- 1.2.4 Headings in this Deed are for reference purposes only and shall not be taken into account in its construction or interpretation.
- 1.2.5 The expressions "the Owner" and "the Mortgagee" shall include their respective successors in title and assigns and the expressions "the County" and "the Council" shall include their respective successor authority.
- 1.2.6 A reference to a Clause, Paragraph or Schedule is (unless the context otherwise requires) a reference to a Clause, Paragraph or Schedule of this Deed.
- 1.2.7 Words denoting an obligation on a party to do any act or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause, permit or suffer any infringement of such restriction.
- 1.2.8 Where in this Deed a party includes more than one person any obligations of that party shall be joint and several.

1.2.9 Any reference in this Deed to any statute, or to any section of a statute, includes any statutory re-enactment or modification of it and any reference to any statutory instrument includes any amendment or consolidation of it from time to time and for the time being in force.

2 RECITALS

- 2.1 The Council is the local planning authority for the purpose of Section 106 of the Act for the area within which the Land is situated and is the authority by whom the obligations hereby created are enforceable.
- 2.2 This Deed is supplemental to the Principal Agreement and the First Deed of Variation and varies the Principal Agreement only to the extent set out in this Deed.
- 2.3 The Owner is the successor in title to George Ernest Shaw in relation to the Land and is the owner registered with HM Land Registry under title registration number SF587675. On 20th January 2014, the Owner transferred part of the Land registered under title registration number SF587675 to Miller Homes Limited as is referred to in the First Deed of Variation.
- 2.4 The Mortgagee has the benefit of the Charge.
- 2.5 The Section 73 Application (as hereinafter defined) has been submitted to the Council on behalf of the Owner. A draft of the planning permission to be granted by the Council pursuant to the Section 73 Application is substantially in the form of the draft annexed to this Deed as Annex.
- 2.6 The Council and the Owner have agreed under Section 106A of the Act that the Principal Agreement shall be varied as set out in clause 3.3 of this Deed.
- 2.7 The Owner and the agreement of the Council intends the Principal Agreement as varied by this Deed to apply to development carried out under the Planning Permission.
- 2.8 The County has agreed to be party to this Deed being a party to the Principal Agreement and to confirm acceptance of the variations made to that agreement.
- 2.9 The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the part of the Land in which the Mortgagee has an interest shall be bound by the obligations contained in this Deed and that the security of the Charge over the part of the Land in which the Mortgagee has an interest shall take effect subject to this Deed

PROVIDED THAT the Mortgagee shall have no liability under this Deed unless it takes possession of the part of the Land in which the Mortgagee has an interest in which case the Mortgagee will be bound by the obligations in this Deed as if it were a person deriving title from the Owner.

3 OPERATIVE PROVISIONS

3.1 This Deed is made under section 106 and section 106A of the Act and all other powers so enabling and is a planning obligation for the purposes thereof with the intent that it shall bind the Owner and its successors in title to each and every part of the Land and its assigns as provided in these clauses and in the clauses of the Principal Agreement.

3.2 The planning obligations comprised in this Deed shall become effective in accordance with clause 7 of the Principal Agreement.

3.3 The parties hereto hereby mutually agree to vary and supplement the terms of the Principal Agreement so that the Principal Agreement shall from and including the date of this Deed be read and construed as follows: -

3.3.1 The following new definition be inserted as a new clause 2.19 to the Principal Agreement: -

"Section 73 Application" means planning application P/2013/00424 submitted to the Council under section 73 of the Act and made valid on 18 June 2013 for a minor material amendment for the erection of 212 dwellings and associated garages, erection of 14 commercial units and a community building and the provision of public open space, allotments and a sports pitch, including the formation of two vehicular accesses without complying with Condition 2 of planning permission P/2011/00546 dated 10/05/12 relating to amendments to the approved plans by way of house type changes of 42 plots and elevation changes to 18 plots within the initial phase of the development;"

3.3.2 The definition of "Applications" in clause 2.2 of the Principal Agreement shall be deleted and replaced with the following definition: -

"the Applications" means: -

1. planning application number P/2011/00546/CEH/PO and planning application number P/2011/00547/CEH both of which were made valid on 2

June 2011; and

2. the Section 73 Application; and
3. planning application number P/2013/00984 which was made valid on 3 September 2013 as referred to in the First Deed of Variation ("**Application P/2013/00984**")

and reference to "**Applications**" shall be construed accordingly;"

3.3.3 The definition of "Planning Permission" in clause 2.16 of the Principal Agreement shall be deleted and replaced with the following definition: -

"Planning Permission" means: -

1. the planning permission granted by the Council dated 10 May 2012 pursuant to application number P/2011/00546/CEH/PO and planning application number P/2011/00547/CEH; and
2. a planning permission to be granted by the Council pursuant to the Section 73 Application; and
3. a planning permission to be granted by the Council pursuant Application P/2013/00984;".

4 IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:

- 4.1 This Deed shall be construed as one with the Principal Agreement.
- 4.2 The provisions of the Principal Agreement continue to be enforceable by the Council and the County and to bind the Land in all respects save for as varied by the First Deed of Variation and this Deed, but for the avoidance of doubt the alterations and amendments hereby made shall to the extent only that they are material supersede specific provisions to the contrary in the Principal Agreement and the First Deed of Variation and this Deed and the Principal Agreement as varied by the First Deed of Variation and this Deed shall always be read together (changing only those things which need to be changed) with the latter to that extent predominating.
- 4.3 The parties agree and declare that the County shall not be liable for the Owner's obligations under the Principal Agreement (or any subsequent variations including the First Deed of

Variation and this Deed) notwithstanding that the plan annexed to the Principal Agreement at Annex 1 and referred to as Plan Number 1 included (in error) highway land and also land within the freehold title of the County.

- 4.4 A person who is not a party to this Deed has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term hereof provided that this Clause shall not affect any right of action of any person to whom this Deed is lawfully assigned or in whom it becomes vested in law.
- 4.5 This Deed shall be registered as a Local Land Charge.

5 COSTS

The Owner shall pay to the Council and the County upon the signing of this Deed their proper and reasonable legal costs incurred in connection with the preparation and completion of this Deed.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

THE COMMON SEAL of EAST)
STAFFORDSHIRE BOROUGH)
COUNCIL was affixed to this)
deed in the presence of:)



Authorised Signatory

THE COMMON SEAL of)
STAFFORDSHIRE COUNTY)
COUNCIL was affixed to this)
deed in the presence of:)



Authorised Signatory

EXECUTED AS A DEED by)
PEVERIL HOMES LIMITED)
acting by a director)
in the presence of:-)

Director

Signature of witness.. ..1

Name (in BLOCK CAPITALS).

Address....

.....

**EXECUTED AS A DEED BY
GEORGE ERNEST SHAW**

in the presence of:

Signature

Name of witness

Address

Occupation

Annex
Draft Decision Notice



**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

Date valid application received: 18/06/2013

Application No: P/2013/00424

Name and address of Agent

Name and address of Applicant

Signet Planning
Strelley Hall
Main Street
Strelley Village
Nottingham
NG8 6PE

Peveril Homes
c/o agent

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS** subject to a Section 106 agreement.

Application under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment for the erection of 212 dwellings and associated garages, erection of 14 commercial units and a community building and the provision of public open space, allotments and a sports pitch, including the formation of two vehicular accesses without complying with Condition 2 of planning permission P/2011/00546 dated 10/05/12 relating to amendments to the approved plans by way of house type changes of 42 plots and elevation changes to 18 plots within the Initial phase of the development.

Land at Burton Road, Tutbury, Staffordshire

in accordance with the submitted documents and plans and subject to the condition(s) specified hereunder:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2

The development hereby permitted shall be carried out in accordance with the following plans approved under planning application P/2011/00546 dated 10th May 2012 subject to compliance with other conditions of this permission:

Drawing No.s:

6640/P/OS1 Site Location Plan A dated as received on 19th May 2011
SP/(90) 01G Overall Site Plan dated as received 03/06/2013.
6640/P/02H Residential Site Plan dated as received 24th August 2011
6640/P/03B Road Layout dated as received 19th May 2011
6640/P/04 House Type Mix dated as received 19th May 2011
6640/P/05A Open Spaces Areas dated as received 19th May 2011
6640/P/06 Phasing Plan dated as received 19th May 2011

6640/P/07 Site Areas dated as received 19th May 2011
6640/P/08 Site Survey dated as received 19th May 2011
6640/P/10D Type A House dated as received 19th May 2011
6640/P/12E Atlow House Type dated as received 19th May 2011
6640/P/13E Type B House Type dated as received 19th May 2011
6640/P/14H Wessington Special Floor Plans dated as received 19th May 2011
6640/P/15H Wessington Special Elevations dated as received 19th May 2011
6640/P/16A Type C Special dated as received 19th May 2011
6640/P/17E Atlow Special House Type dated as received 19th May 2011
6640/P/18C Broadwater House Type dated as received 19th May 2011
6640/P/19D Bungalow Type A House Type dated as received 19th May 2011
6640/P/20E Bungalow Type B dated as received 19th May 2011
6640/P/21D Type C House Type dated as received 19th May 2011
6640/P/22F Claremont A House Type dated as received 19th May 2011
6640/P/23D Type D House Type dated as received 19th May 2011
6640/P/28D Lichfield A House Type dated as received 19th May 2011
6640/P/30B Lichfield C House Type dated as received 19th May 2011
6640/P/35E Taunton House Type dated as received 19th May 2011
6640/P/38D Wessington Floor Plans dated as received 19th May 2011
6640/P/39D Wessington Elevations dated as received 19th May 2011
6640/P/40B Wessington Extra Floor Plans dated as received 19th May 2011
6640/P/41B Wessington Extra Elevations dated as received 19th May 2011
6640/P/42A Garage Plans and Elevations dated as received 19th May 2011
6640/P/45 Indicative Streetscenes dated as received 19th May 2011
6640/P/46 Indicative Streetscenes dated as received 19th May 2011
6640/P/51 Units 1-6 and Community Plans dated as received 19th May 2011
6640/P/52 Unit 7-14 Floor Plans dated as received 19th May 2011
6640/P/53 Commercial Units Roof Plan dated as received 19th May 2011
6640/P/054 Commercial Light Industrial Units dated as received 19th May 2011
6640/P/055 Commercial Units dated as received 19th May 2011

L3125/05 Detailed Planting Plan 3 of 13 dated as received 19th May 2011
L3125/06 Detailed Planting Plan 4 of 13 dated as received 19th May 2011
L3125/07 Detailed Planting Plan 5 of 13 dated as received 19th May 2011
L3125/08 Detailed Planting Plan 6 of 13 dated as received 19th May 2011
L3125/09 Detailed Planting Plan 7 of 13 dated as received 19th May 2011
L3125/010 Detailed Planting Plan 8 of 13 dated as received 19th May 2011
L3125/011 Detailed Planting Plan 9 of 13 dated as received 19th May 2011
L3125/012 Detailed Planting Plan 10 of 13 dated as received 19th May 2011
L3125/013 Detailed Planting Plan 11 of 13 dated as received 19th May 2011
L3125/014 Detailed Planting Plan 12 of 13 dated as received 19th May 2011
L3125/015 Detailed Planting Plan 13 of 13 dated as received 19th May 2011
6288_PL(20)08 Revision B Housetype 08 dated as received 3rd June 2013.
6288_PL(20)09 Revision E Housetype 09 dated as received 3rd June 2013.
6288_EL(20)09 Revision F Housetype 09 dated as received 3rd June 2013.
6288_PL(20)010 Revision F Housetype 10 dated as received 3rd June 2013.
6288_EL(20)10A Revision A Housetype 10A dated as received 3rd June 2013.
6288_PL(20)10A Revision A Housetype 10A dated as received 3rd June 2013.
6288_EL(20)19 Revision F Housetype 19 dated as received 3rd June 2013.
6288_PL(20)19 Revision F Housetype 19 dated as received 3rd June 2013.
6288_EL(20)19A Revision C Housetype 19 dated as received 3rd June 2013.

6288_PL(20)19A Revision C Housetype 19 dated as received 3rd June 2013.
6288_PL(20)23 Revision E Housetype 23 dated as received 3rd June 2013.
6288_EL(20)23 Revision E Housetype 23 dated as received 3rd June 2013.
6288_PL(20)24 Revision C Housetype 24 dated as received 3rd June 2013.
6288_PL(20)26 Revision J Housetype 26 dated as received 3rd June 2013.
6288_EL(20)26 Revision H Housetype 26 dated as received 3rd June 2013.
6288_PL(20)27 Revision D Housetype 27 dated as received 3rd June 2013.
6288_EL(20)27 Revision E Housetype 27 dated as received 3rd June 2013.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway, will not create or exacerbate the risk of flooding in the locality, and will make adequate provision for affordable housing and public open space in accordance with East Staffordshire Local Plan Saved Policies BE1, H6, H12 and T1, the East Staffordshire Design Guide, the Open Spaces, Parking Standards and Housing Choice Supplementary Planning Documents and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 3 Prior to the commencement of development of the commercial units details of weather-proof, secure cycle storage facilities for use by the commercial element of the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to first use of the commercial units and thereafter be made available at all times for their designated purpose.

Reason: As recommended by the Highway Authority in the interests of encouraging the use of sustainable modes of transport in accordance with East Staffordshire Saved Policy T1.

- 4 The development hereby permitted shall be constructed in accordance with the details of materials approved under Discharge of Condition application P/2012/01093 dated the 14th February 2013 in relation to Condition 3 of Planning Permission P/2011/00546/CEH/PO the development shall only be carried out using the agreed materials and finishes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 5 The development hereby permitted shall be implemented in accordance with the landscaping details for the land adjacent to the spine road shall be in accordance with the details approved under Discharge of Condition application P/2012/01093 dated the 14th February 2013 in relation to Condition 4 of Planning Permission P/2011/00546/CEH/PO.

Reason: To ensure the landscaping scheme enhances the development and in the interests of highway safety as recommended by the Highway Authority in accordance with East Staffordshire Local Plan Saved Policies BE1 and T1 and the East Staffordshire Design Guide.

- 6 The Play Area shown on Drawing no. 6640/P/06 shall be constructed in accordance with the details of design, materials and finishes approved under Discharge of Condition application P/2013/00078 dated the 10th April 2013 in relation to Condition 5 of Planning Permission P/2011/00546/CEH/PO the development shall only be carried using the agreed materials and finishes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the play equipment/area is fit for purpose and to safeguard the character and appearance of the locality in accordance with East Staffordshire Local Plan Saved Policy BE1, the Open Spaces Supplementary Planning Document, and the East Staffordshire Design Guide.

- 7 The development hereby permitted shall be constructed in accordance with details of all materials for hard-surfaced areas (including accesses, roads, parking, servicing and turning areas, pavements and any hard-surfaced areas in the public open space and around buildings) approved under Discharge of Condition application P/2013/00022 dated the 3rd May 2013 in relation to Condition 6 of Planning Permission P/2011/00546/CEH/PO. The development shall only be carried out using the agreed materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 8 The development hereby permitted shall be constructed in accordance with the details of the boundary treatment, including materials, finishes, heights and sections approved under Discharge of Condition application P/2012/01093 dated the 14th February 2013 in relation to Condition 7 of Planning Permission P/2011/00546/CEH/PO. The boundary treatment shall be provided in accordance with the approved details prior to the first occupation/use of the part of the development to which it relates.

Reason: To safeguard the character and appearance of the development and wider surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6 and the East Staffordshire Design Guide and the National Planning Policy Framework.

- 9 The development hereby permitted shall be constructed in accordance with the details of all verges and eaves of buildings (including those for any proposed porches and dormer windows) approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 8 of Planning Permission P/2011/00546/CEH/PO the development shall only be carried out using the agreed materials and finishes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 10 The development hereby permitted shall be constructed in accordance with details of all proposed external joinery, including materials, finishes and cill and lintel details approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 9 of Planning Permission P/2011/00546/CEH/PO. The development shall only be carried out using the agreed materials and finishes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and

Paragraph 17).

- 11 The development hereby permitted shall be constructed in accordance with the details of the garage doors, including materials, finish and setback from outer walls approved under Discharge of Condition application P/2012/01093 dated the 14th February 2013 in relation to Condition 10 of Planning Permission P/2011/00546/CEH/PO. The development shall only be carried out using the agreed materials and finishes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 12 The development hereby permitted shall be constructed in accordance with the details of the type, size, materials and finish of rooflights approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 11 of Planning Permission P/2011/00546/CEH/PO. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof unless otherwise first agreed in writing with the Local Planning Authority. Once installed the rooflights shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 13 The development hereby permitted shall be constructed in accordance with the details of slab levels approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 13 of Planning Permission P/2011/00546/CEH/PO. The development shall only be carried out using the agreed levels unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not adversely affect the amenities of adjoining properties and the character or appearance of the area in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, and the East Staffordshire Design Guide.

- 14 The development hereby permitted shall be constructed in accordance with the details of drainage approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 14 of Planning Permission P/2011/00546/CEH/PO. The development shall only be carried out and the drainage scheme subsequently managed, in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding, in the interests of highway safety and to prevent pollution of the water environment as recommended by Severn Trent Water Limited, the Highway Authority and the Environment Agency in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Saved Policy T1.

- 15 The development hereby permitted shall be constructed in accordance with the programme of

archaeological work approved under Discharge of Condition application P/2013/00022 dated the 3rd May 2013 in relation to Condition 15 of Planning Permission P/2011/00546/CEH/PO. The development shall only be carried out and the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with the National Planning Policy Framework.

- 16 The development hereby permitted shall be constructed in accordance with the details of off-site highway works (including details of construction, surface water drainage and street lighting) approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 16 of Planning Permission P/2011/00546/CEH/PO. The off-site highway works shall be constructed in accordance with the approved details and programme of phased implementation.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Saved Policy T1.

- 17 The development hereby permitted shall be constructed in accordance with details of all road construction, street lighting and drainage approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 17 of Planning Permission P/2011/00546/CEH/PO unless otherwise approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Saved Policy T1.

- 18 The development hereby permitted shall be constructed in accordance with the sustainability measures approved under Discharge of Condition application P/2012/01093 dated the 14th February 2013 in relation to Condition 18 of Planning Permission P/2011/00546/CEH/PO unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is sustainable and does not contribute unduly to climate change in accordance with the National Planning Policy Framework and the East Staffordshire Design Guide

- 19 The development hereby permitted shall be implemented in accordance with details of the public transport facilities within the site approved under Discharge of Condition application P/2012/01555 dated the 22nd May 2013 in relation to Condition 20 of Planning Permission P/2011/00546/CEH/PO unless otherwise approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety and to encourage the use of sustainable modes of transport in accordance with East Staffordshire Local Plan Saved Policy T1 and Staffordshire Structure Plan Saved Policies D2, T1A and T13.

- 20 The development hereby permitted shall be constructed in accordance with the details dust mitigation measures approved under Discharge of Condition application P/2012/01093 dated the 14th February 2013 in relation to Condition 21 of Planning Permission P/2011/00546/CEH/PO unless otherwise agreed in writing by the Local Planning Authority.

To safeguard the amenities of occupiers/users of properties within the vicinity of the site in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6.

- 21 Prior to the first occupation of any of the dwellings in Phases 2, 3, or 4 as defined on Phasing Plan (Drawing No. 6640/P/06), the spine road between the Burton Road and A511 site accesses shall be completed to binder course level as approved under Planning Application P/2011/00546 dated 10th May 2011.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Saved Policy T1 and Staffordshire Structure Plan Saved Policy T13.

- 22 Prior to the first use of the dwellings or commercial unit to which it relates, the approved parking, turning and servicing areas shall be provided and thereafter be made available at all times for their designated purposes.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Saved Policies T1, T6 and T7.

- 23 All guttering and downpipes shall have a black finish unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and wider surroundings in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6 and the East Staffordshire Design Guide.

- 24 All planting, seeding or turfing comprised in the details of landscaping approved under Planning Permission P/2011/00546 dated 10th May 2012 shall be carried out in the first planting and seeding season following the first occupation/use of the part of the development to which they relate as defined on Phasing 1, 2, 3 and 4 Layouts (Drawing Nos 6640/P/80, 6640/P/81, 6640/P/82 and 6640/P/83 dated as received on 19th April 2012) or the completion of that part of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become 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.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and highway safety in accordance with East Staffordshire Local Plan Saved Policies BE1 and T1, and the East Staffordshire Design Guide.

- 25 If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with the National Planning Policy Framework.

- 26 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated April 2011 Ref. P119 Tutbury FRA 3 undertaken by Armstrong Stokes and Clayton Limited and the following mitigation measures detailed within the FRA approved under Planning Permission P/2011/00546 dated 10th May 2012.

Limiting the surface water run-off generated by all events up to the 100 year plus 20% commercial (for climate change), 30% residential (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site, and not increase the risk of flooding off-site.

Reason: As recommended by the Environment Agency to ensure that there is sufficient storage and disposal of surface water from the site to reduce the risk of flooding in accordance with the National Planning Policy Framework.

- 27 No operations authorised or required under this permission in respect of the commercial units, including deliveries, unless otherwise agreed in writing by the Local Planning Authority, shall be carried on outside the following times:

Monday to Friday: 0800hrs to 1800hrs

Saturday: 0900hrs to 1400hrs

There shall be no working on Sundays or Bank Holidays.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6 and the National Planning Policy Framework.

- 28 There shall be no outside storage or working in respect of the commercial units unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the area and the amenity of neighbouring properties in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6 and the National Planning Policy Framework.

Informative(s):

- 1 The applicants are advised to note and act upon as necessary the comments of the Environment Agency as set out in the attached letter dated 28th June 2011, particularly with regard to the agency's requirements in respect of complying with Condition 14 above.
- 2 The applicants are advised to note and act upon as necessary the comments of the Architectural Liaison Officer as set out in the attached letter dated 8th June 2011. Where this advice conflicts with the terms of this planning permission the latter take precedence.
- 3 The applicants are advised to note and act upon as necessary the comments of the Highway

Authority as set out in the Form X dated 15th September 2011.

This permission is granted by the under signed under powers delegated by the Borough Council in accordance with the provisions of Section 101 of the Local Government Act 1972.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the Council is required.

Dated

Signed