

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

Date valid application received: 08/01/2015

Application No: P/2014/01663

Name and address of Agent

Name and address of Applicant

Gillespies
Minton Chambers
12 Heaton's Court
Leeds
LS1 4LJ

East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
Staffordshire
DE14 1LS

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS** subject to a **S106 Agreement**:

**Erection of 49 dwellings comprising 9 detached dwellings, 18 pairs of semi-detached dwellings and one block of 4 terraced dwellings
Uttoxeter Household Waste Site, Pennycroft Lane, Uttoxeter, Staffordshire, ST14 7BW**

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 approved plans subject to compliance with other conditions of this permission:

Drawing No.s:

14102/200 1:500 Longitudinal Sections sheet 2 of 2 dated as received 23rd December 2014
14102/201 1:500 Longitudinal Sections sheet 2 of 2 dated as received 23rd December 2014
14102/103 1:200 Carriageway Contours dated as received 23rd December 2014
14102/101A 1:200 Detailed Engineering Layout Sheet 1 or 2 dated as received 29th April 2015.
14102/102A 1:200 Detailed Engineering Layout Sheet 2 or 2 dated as received 29th April 2015
14102/102 1:500 Engineering Layout dated as received 23rd December 2014
14102/104 1:200 Kerbing and finishes layout dated as received 23rd December 2014
17438_OGL rev 0 1:500 Topographical survey dated as received 23rd December 2014
14102/300 Construction Details Adoptable Highway dated as received 23rd December 2014
14102/311 Construction Details Control Chambers dated as received 23rd December 2014
14102/313 Construction Details Cellar Storage dated as received 23rd December 2014
M5242-2101 Revision P00 1:50 Demolition Plan dated as received 23rd December 2014
M5242-2210 Revision P02 1:50 House Type 1 Elevations dated as received 23rd December 2014
M5242-2110 Revision P03 1:50 House Type 1 Floor Plans dated as received 6th January 2015

Page 1 of 7

Sai Khan CPFA, MSc
Head of Service (Section 151 Officer)
P.O. Box 8045, Burton upon Trent, Staffordshire DE14 9JG

www.eaststaffsbc.gov.uk

Helping Conservation – Printed on recycled paper

Decision Notice Com – PA Approve Conditions

M5242-2211 Revision P02 1:50 House type 2 Elevations dated as received 23rd December 2014
M5242-2111 Revision P02 1:50 House type 2 Floor Plans dated as received 23rd December 2014
M5242-2112 Revision P03 1:50 House type 3 Floor Plans dated as received 6th January 2015
M5242-2212 Revision 03 1:50 House type 3 Elevations dated as received 6th January 2015
M5242-2113 Revision 3 1:50 House type 4 Floor Plan dated as received 6th January 2015
M5242-2213 Revision P03 1:50 House type 4 Elevations dated as received 6th January 2015
M5242-2114 Revision P03 1:50 House Type 5 Floor Plans dated as received 6th January 2015
M5242-2214 Revision P03 1:50 House Type 5 Elevations dated as received 6th January 2015
M5242-2115 Revision P02 1:50 House type 6 Floor Plans dated as received 23rd December 2014
M5242-2216 Revision P03 1:50 House type Elevations dated as received 23rd December 2014
14102/312 Construction Details Headwalls dated as received 23rd December 2014
14102/30 Construction Details Adoptable Drainage dated as received 23rd December 2014
M5242-2216 Revision P03 1:50 House Type 7 Proposed Elevations, dated as received on 6th January 2015.
M5242-2216 Revision P03 1:50 House Type 7 Proposed Floor Plans and Roof Plan, dated as received on 6th January 2015.
M5242-2217 Revision P03 1:50 House Type 8 Proposed Elevations, dated as received on 6th January 2015.
M5242-2217 Revision P03 1:50 House Type 8 Proposed Floor Plans and Roof Plan, dated as received on 6th January 2015.
M5242-2218 Revision P03 1:50 House Type 9 Proposed Elevations, dated as received on 6th January 2015.
M5242-2218 Revision P03 1:50 House Type 9 Proposed Floor Plans and Roof Plan, dated as received on 6th January 2015.
M5242-2219 Revision P03 1:50 House Type 10 Proposed Elevations, dated as received on 6th January 2015.
M5242-2219 Revision P03 1:50 House Type 10 Proposed Floor Plans and Roof Plan, dated as received on 6th January 2015.
M5242-2220 Revision P03 1:50 House Type 11 Proposed Elevations, dated as received on 6th January 2015.
M5242-2220 Revision P03 1:50 House Type 11 Proposed Floor Plans and Roof Plan, dated as received on 6th January 2015
M5242-2122 Revision P03, 1:50 Proposed Floor Plans and Roof Plan - House Type 12, dated as received on 6th January 2015
M5242-2222 Revision P02, 1:50 Proposed Elevations - House Type 12, dated as received on 23rd December 2014
M5242-2123 Revision P03, 1:50 Proposed Floor Plans and Roof Plan - House Type 13, dated as received on 6th January 2015
M5242-2223 Revision P02, 1:50 Proposed Elevations - House Type 13, dated as received on 23rd December 2014
M5242-2124 Revision P03, 1:50 Proposed Floor Plans and Roof Plan - House Type 14, dated as received on 6th January 2015
M5242-2224 Revision P02, 1:50 Proposed Elevations - House Type 14, dated as received on 23rd December 2014
M5242-2125 Revision P00 1:50 Proposed Elevations, House type 15 dated as received on 6th January 2015
M5242-2225 Revision P00 Proposed Floor Plan, House type 15 dated as received on 6th January 2015
M5242-2126 Revision P00 Proposed Floor Plan, House type 16 dated as received on 6th January 2015
M5242-2126 Revision P00 Proposed Elevations, House type 16 dated as received on 6th January 2015

M5242-2209 Boundary Elevations dated as received 23rd December 2014
14102/100B Engineering Layout dated as received 29th April 2014

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 in accordance with East Staffordshire Local Plan Saved Policies BE1, H6 and T1, the East Staffordshire Design Guide, and the National Planning Policy Framework.

- 3 No development shall take place until details of the phasing of the site have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be completed in accordance with the approved phasing plan unless otherwise first agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure the development is completed in an acceptable structure in accordance with East Staffordshire Local Plan Saved Policies BE1 and H6, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 4 Notwithstanding the submitted details, no phase of development shall take place until samples and details of all materials to be used externally for that phase of the development has been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

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

- 5 No phase of development shall take place until a scheme for the disposal of foul and surface waters for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with the National Planning Policy Framework.

- 6 No phase of development shall take place, and no site works related to the development hereby approved shall be carried out, until details of all slab levels and any regrading proposed to the site for that phase of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

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 Policy BE1, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 7 No phase of development shall take place until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required for that phase of the development. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Saved Policy BE1 and the National Planning Policy Framework (particularly Section 11 and Paragraph 17).

- 8 No phase of development shall take place until details of the scheme of improvements to the section of the Uttoxeter Brook which crosses the site, including a schedule of ongoing maintenance, has been submitted to and approved in writing by the Local Planning Authority for that phase of the development. The development shall only be implemented in accordance with the approved details, and shall thereafter be maintained in accordance with the approved maintenance schedule.

Reason: As recommended by the Environment Agency to enhance the amenity and ecological value of the watercourse whilst minimising flood risk in accordance with the National Planning Policy Framework (in particular Sections 7, 10 and 11).

- 9 No phase of development shall take place until details of road construction including longitudinal sections, streetlighting and drainage details for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

- 10 No phase of development shall take place until a Construction Management Plan, including details of parking provision for vehicles of site visitors and operatives, hours of operation, an assessment of noise during construction and associated mitigation, dust suppression measures, provision of storage and unloading of plant and materials, and measures to prevent deleterious material being carried onto the highway for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Construction Management Plan.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to safeguard the amenities enjoyed by the occupiers of nearby dwellings in accordance with East Staffordshire Local Plan Saved Policy T1 and paragraph 17 of the National Planning Policy Framework.

- 11 No phase of development shall take place until a detailed scheme for the investigation and recording of ground gases (including soil vapour), which shall include any necessary measures for mitigation of any identified risk for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved mitigation measures, and a declaration that remedial targets have been achieved shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings on site unless otherwise first agreed in writing by the Local Planning Authority.

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 Paragraphs 120 and 121 of the National Planning Policy Framework.

- 12 No phase of development shall take place until a scheme of landscaping, fencing and walling, and measures for the protection of trees and hedges to be retained during the course of development for that phase of development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Saved Policy BE1, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7).

- 13 Prior to the first occupation of the dwellings hereby granted permission the access, parking and turning areas shown on the approved plan shall be provided in a bound material in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be made available at all times for their designated purposes.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Saved Policy T1 and the National Planning Policy Framework (particularly Section 10).

- 14 The development hereby approved shall only be carried out in accordance with the mitigation measures recommended by the approved Preliminary Ecological Appraisal and Nocturnal Bat Survey prepared by SES Ltd and dated 25th September 2012.

Reason: To safeguard protected species and their habitats in accordance with Paragraphs 118 and 119 of the National Planning Policy Framework.

- 15 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the 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 occupiers of adjacent buildings - where appropriate) and in accordance with East Staffordshire Local Plan Saved Policy BE1, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7).

- 16 The development hereby approved shall only be carried out in accordance with the recommendations of the approved Flood Risk Assessment (prepared by EWE Associates Limited and dated September 2012) unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of flooding in accordance with Section 10 of the National Planning Policy Framework.

- 17 The development hereby approved shall only be carried out in accordance with the recommendations and conclusions of the approved Phase IIA Environmental Assessment, and the approved Remediation Method Statement. The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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 Paragraphs 120 and 121 of the National Planning Policy Framework.

- 18 Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

Reason: In order to safeguard human health and the water environment in accordance with the National Planning Policy Framework (particularly Section 11)

- 19 Notwithstanding the provisions of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended unless planning permission has first been granted by the Local Planning Authority.

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

- 20 The development shall be implemented in accordance with the undertaking provided in writing by the Head of Service dated as received 31st July 2015 setting out a commitment to provide other contributions as set out in 10.11 of the Committee Report unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the variety of mitigation measures and development agreements which form an integral part of the development of the site in accordance with the East Staffordshire Local Plan Saved Policy IMR2, and the National Planning Policy Framework.

Informative(s)

- 1 During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

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 25th February 2016

Signed

Sai Khan CPFA, MSc
Head of Service (Section 151 Officer)
P.O. Box 8045, Burton upon Trent, Staffordshire DE14 9JG
www.eaststaffsbc.gov.uk

Page 7 of 7

Helping Conservation – Printed on recycled paper

Decision Notice Com – PA Approve Conditions

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Minor Commercial Development Uses

Shops

1. Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,

- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet, where the sale, display or service is to visiting members of the public.

Financial and professional services

2. Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Restaurants and cafes

3. Use for the sale of food and drink for consumption on the premises.

Drinking establishments

4. Use as a public house, wine-bar or other drinking establishment.

Hot food takeaways

5. Use for the sale of hot food for consumption off the premises.”