

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

Date valid application received: 20/03/2019

Application No: P/2019/00129

Name and address of Agent

Name and address of Applicant

JVH Town Planning Consultants Ltd
Houndhill Courtyard
Houndhill
Marchington
ST14 8LN

Mr R Major
Mercer Major Partners LLP
Blakenhall Park
Barton Under Needwood
Burton On Trent
DE13 8AJ

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS**:

**Outline application for B1, B2, & B8 uses including means of access
Land at Fauld Industrial Estate,, Fauld Lane, Fauld, DE13 9HS**

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

1	<p>The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.</p> <p>Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No development shall take place until plans and particulars of the layout, scale and appearance of the building(s) to be erected (which shall include slab levels and details of any retaining or retaining structures), and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.</p> <p>Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.</p>
3	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p>Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.</p>
4	<p>The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:</p> <p>Drawing No.2968/100, Location Plan, As received dated 30/01/2019 Drawing No.3199, Topographical Survey, As received dated 30/01/2019</p>

	<p>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(s) in accordance with East Staffordshire Local Plan Policies, the East Staffordshire Design Guide, and the National Planning Policy Framework.</p>
5	<p>No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.</p> <p>Reason: As recommended by the Highway Authority in the interests of highway safety,</p>
6	<p>No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> - Provision of parking, turning and servicing within the site curtilage; - Means of surface water drainage - Surfacing materials <p>The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.</p> <p>Reason: As recommended by the Highway Authority in the interests of highway safety,</p>
7	<p>No development approved by this permission shall be commenced prior to submission (and subsequent approval in writing) of documents 1) and 2) to the Local Planning Authority (LPA), together with a timetable of works. Works can only proceed once written approval of the submissions has been obtained from the LPA.</p> <p>The developer will need to satisfy conditions 1 to 4 in full before first use of the development and before any properties can be occupied.</p> <p>Any contaminated land assessment must be carried out in accordance with current UK guidance and should include a conceptual site model.</p> <p>In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration, I request the following:</p> <p>(1) Site Investigation</p> <p>An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.</p>

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

(4) Validation

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

(5) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

	<p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.</p> <p>Phase Developments</p> <p>If works are intended to complete on a phased basis, then it is acceptable to submit details, and subsequent validation reports on a phased basis also, provided that plans showing the relevant area are also submitted alongside the other details for each phase.</p> <p>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 East Staffordshire Local Plan Policy DP7 and Paragraphs 120 and 121 of the National Planning Policy Framework.</p>
8	<p>A construction dust mitigation scheme shall be submitted to and agreed by the local planning authority department prior to commencement of site works. The scheme shall include mitigation measures appropriate "low risk" site as identified in the air quality assessment undertaken by WYG (ref: A112616).</p> <p>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 East Staffordshire Local Plan Policy DP7 and Paragraphs 120 and 121 of the National Planning Policy Framework.</p>
9	<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy OCTOBER 2018 / A49-R01 / NEOFLOOD LTD and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> • Limiting the surface water run-off generated by the 100yr + 20%CC critical storm so that it will not exceed 10.00 l/s and not increase the risk of flooding off-site. • Provision of an adequate volume of attenuation flood storage on the site to a 100yr + 20% Standard • The routing of potential surface water flow routes, should the capacity of the proposed system be exceeded, to be built into the layout of the site such that the residual risk of flooding from this element can be easily mitigated. • Provision of a petrol interceptor for treatment of surface water run-off collected from trafficked areas with the addition of permeable paving and other SuDS treatment systems where possible. • Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable. <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p>
10	<p>No development shall take place until a scheme for the disposal of foul and surface waters 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.</p> <p>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 East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.</p>

11	<p>Prior to first occupation details of ecological enhancement measures (including bird nesting and bat roosting facilities) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation/use of any of part of the development and thereafter made available at all times for their designated purposes.</p> <p>Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.</p>
12	<p>An updated bat activity survey shall be submitted and agreed in writing with the Local Planning Authority with the reserved matters application or prior to any demolition work whichever is the sooner, due to the age of the original surveys and the delay between this permission and a reserved matters submission.</p> <p>If bat activity or roosting is identified mitigation shall be identified in the subsequent report and work shall only be undertaken in accordance with the mitigation strategy identified.</p> <p>Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.</p>

Informative(s):

1	<p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which 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 secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p>
2	<p>The conditions identified below require details to be approved before commencement of the development/works.</p> <p>Condition No(s) 2, 6, 7, 8, 10 and 12.</p> <p>This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.</p> <p>As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). The fee must be paid when the request is made. Any number of conditions can be included for each request.</p> <p>Payment can be made by cheque or card only. Please telephone 01283 508606.</p> <p>Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.</p>

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.

Signed

A handwritten signature in blue ink, appearing to read "Anne Kelly".

Dated 17/06/2019

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 <https://www.gov.uk/appeal-planning-inspectorate>.
- 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,

Sal 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 Del – OU Approve Conditions

- (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.”