

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

Date valid application received: 15/09/2017

Application No: P/2017/01110

Name and address of Applicant

Mrs Natalie Gotobed
Lioncourt House
3 Apex Park
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Warndon
WR4 9FN
Worcester

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

**Demolition of 78 and 80 Tatenhill Lane and erection of 55 dwellings including access/ highway infrastructure and all associated works
Land to the South of Tatenhill Lane, Burton upon Trent, Branston,**

in accordance with the submitted documents and plans, the completed Unilateral Undertaking 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:

BRTL_01_01 'Location Plan' dated as being received 29 August 2017
BRTL_01_02C 'Site Plan' dated as being received 14 November 2017
BRTL_01_03A 'Proposed Street Scenes' dated as being received 29 August 2017
17/438/02B 'Landscape proposals' dated as being received 21 November 2017
HLS-625 'Road lighting Plan' dated as being received 29 August 2017
BRTL_01_20B 'Materials Specification' dated as being received 23 February 2018
BRTL_01_97 'Single Garage' dated as being received 29 August 2017
BRTL_01_98 'Double Garage' dated as being received 29 August 2017
BRTL_01_99A 'Double Split Garage' dated as being received 08 September 2017
BRTL_01_53 'Plots 9, 10' dated as being received 08 September 2017
BRTL_01_54 'Plots 9, 10' dated as being received 08 September 2017
BRTL_01_101 'Plots 18,19' dated as being received 29 August 2017

BRTL_01_102 'Plots 18,19' dated as being received 29 August 2017
BRTL_01_103 'Plots 16,17' dated as being received 29 August 2017
BRTL_01_104 'Plots 16,17' dated as being received 29 August 2017
BRTL_01_105 'Plots 33,34' dated as being received 29 August 2017
BRTL_01_106 'Plots 33,34' dated as being received 29 August 2017
BRTL_01_107A 'Plot 39' dated as being received 29 August 2017
BRTL_01_108A 'Plot 39' dated as being received 29 August 2017
BRTL_01_109C 'Plot 41' dated as being received 21 November 2017
BRTL_01_110B 'Plot 41' dated as being received 14 November 2017
BRTL_01_111C 'Plots 5, 40' dated as being received 21 November 2017
BRTL_01_112B 'Plots 5, 40' dated as being received 14 November 2017
BRTL_01_113 'Plot 26' dated as being received 29 August 2017
BRTL_01_114 'Plot 26' dated as being received 29 August 2017
BRTL_01_115 'Plot 27' dated as being received 29 August 2017
BRTL_01_116 'Plot 27' dated as being received 29 August 2017
BRTL_01_117A 'Plots 48, 52' dated as being received 29 August 2017
BRTL_01_118A 'Plots 48, 52' dated as being received 29 August 2017
BRTL_01_119 'Plots 45, 49' dated as being received 08 September 2017
BRTL_01_120 'Plots 45, 49' dated as being received 08 September 2017
BRTL_01_121A 'Plots 35, 36, 37, 38' dated as being received 14 November 2017
BRTL_01_122B 'Plots 35, 36, 37, 38' dated as being received 23 February 2018
BRTL_01_123 'Plot 22' dated as being received 29 August 2017
BRTL_01_124 'Plot 22' dated as being received 29 August 2017
BRTL_01_125 'Plot 23' dated as being received 29 August 2017
BRTL_01_126 'Plot 23' dated as being received 29 August 2017
BRTL_01_127 'Plots 20, 24' dated as being received 29 August 2017
BRTL_01_128 'Plots 20, 24' dated as being received 29 August 2017
BRTL_01_129 'Plots 21, 25' dated as being received 29 August 2017
BRTL_01_130 'Plots 21, 25' dated as being received 29 August 2017
BRTL_01_131A 'Plots 34, 6, 7, 8,32' dated as being received 29 August 2017
BRTL_01_132A 'Plots 34, 6, 7, 8,32' dated as being received 29 August 2017
BRTL_01_133 'Plots 29, 30, 31' dated as being received 29 August 2017
BRTL_01_134 'Plots 29, 30, 31' dated as being received 29 August 2017
BRTL_01_135A 'Plot 1' dated as being received 29 August 2017
BRTL_01_136A 'Plot 1' dated as being received 29 August 2017
BRTL_01_137 'Plot 44' dated as being received 29 August 2017
BRTL_01_138 'Plot 44' dated as being received 29 August 2017
BRTL_01_139 'Plot 53' dated as being received 29 August 2017
BRTL_01_140 'Plot 53' dated as being received 29 August 2017
BRTL_01_141 'Plots 43, 46, 50, 55' dated as being received 29 August 2017
BRTL_01_142 'Plots 43, 46, 50, 55' dated as being received 29 August 2017
BRTL_01_143 'Plots 47, 54' dated as being received 29 August 2017
BRTL_01_144 'Plots 42, 47, 51, 54' dated as being received 29 August 2017
BRTL_01_145 'Plots 42, 51' dated as being received 29 August 2017
BRTL_01_147 'Plot 15' dated as being received 29 August 2017
BRTL_01_148 'Plot 15' dated as being received 29 August 2017
BRTL_01_149 'Plots 13,14' dated as being received 29 August 2017
BRTL_01_150 'Plots 13,14' dated as being received 29 August 2017
BRTL_01_151B 'Plot 28' dated as being received 22 November 2017
BRTL_01_152B 'Plot 28' dated as being received 22 November 2017
BRTL_01_153 'Plots 11, 12' dated as being received 29 August 2017
BRTL_01_154 'Plots 11, 12' dated as being received 29 August 2017

BRTL_01_155 'Plot 2' dated as being received 29 August 2017
BRTL_01_156 'Plot 2' dated as being received 29 August 2017
P_ENG_100 'Drainage and levels plan' dated as being received 08 September 2017
ENG_1000 'Finished floor levels' dated as being received 08 September 2017
ENG_1001 'Finished floor levels-2' dated as being received 08 September 2017
ENG_1001 'Finished floor levels-3' dated as being received 08 September 2017
ENG_1003 'Finished floor levels' dated as being received 08 September 2017
ENG_1004 'Finished floor levels' dated as being received 08 September 2017
ENG_1005 'Finished floor levels' dated as being received 08 September 2017
ENG_1006 'Finished floor levels' dated as being received 08 September 2017
ENG_1007 'Finished floor levels' dated as being received 08 September 2017
ENG_1008 'Finished floor levels' dated as being received 08 September 2017
ENG_1009 'Finished floor levels' dated as being received 08 September 2017
ENG_1010 'Finished floor levels' dated as being received 08 September 2017
Transport Route Plan dated as being received 27 February 2018
ENG_100A 'Engineering Layout Plan' dated as being received 01 March 2018

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality or heritage assets, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP4, SP16, SP17, SP23, SP24, SP25, SP26, SP27, SP28, SP29, SP32, SP34, SP35, DP1, DP2, DP3 and DP5, the East Staffordshire Design Guide, the Branston Neighbourhood Plan and the National Planning Policy Framework.

- 3 All external materials used in the development shall be in accordance with the schedule of materials indicated on drawing no. BRTL_01_20B dated as being received 23 February 2018 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7 and Paragraph 17).

- 4 No new build construction works shall take place until a detailed drainage strategy has been submitted and approved by the Local Planning Authority. The drainage strategy will include details of hydraulic calculations to show how the drainage system will work and treatment train components, along with details of how the sustainable drainage system is to be maintained, and by whom, for the lifetime of the development. The development shall be completed and thereafter maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem as recommended by the Lead Local Flood Authority in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

- 5 Before the first occupation of any dwelling the necessary foul and surface water drainage system/scheme to serve that dwelling shall be provided in accordance with the details indicated on drawing number ENG_100 A dated as being received 01 March 2018.

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.

- 6 Unless otherwise first agreed in writing by the Local Planning Authority the Bat (and bird) Enhancement Strategy referred to in the letter ref RT-MME-127728 Rev A and shown on drawing number C127728-01 (both dated as being received 15 March 2018) shall be implemented in accordance with the approved details prior to the first occupation of the dwelling(s) on the relevant part of the development. Once provided the approved bat and bird boxes shall be retained at all times during the life of the development

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework (particularly Paragraph 17 and Section 11).

- 7 Before new build construction works of any kind are commenced on site the wheel cleaning regime contained within the Construction Management Plan Revision 2 (March 2018) dated as being received on 01 March 2018 shall be first provided on site and thereafter retained for the duration of the construction phase. The development shall be carried out in accordance with these details at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

- 8 During all site clearance/construction works the primary delivery route as indicated on the Transport Route Plan dated as being received on 27 February 2018 shall be used at all times, unless in the event of emergency situations or road closures whereby the alternative route as indicated on the aforementioned approved Transport Route Plan shall be used. The development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

- 9 Before the first occupation of any dwelling the private road associated with that dwelling shall be built with surface water drainage interceptors which shall be sited across the access immediately to the rear of the highway boundary and connected to a surface water outfall.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

- 10 Any dwelling hereby permitted without access to a garage shall not be occupied until a secure weatherproof cycle storage facility for that dwelling has been provided in accordance with details indicated on the site plan (ref BRTL_01_02 rev C). The cycle storage shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of sustainability in accordance with East Staffordshire Local Plan Policy SP35.

- 11 All existing trees and hedges shown as being retained on the tree plan dated as being

received 6th September 2017 hereby approved shall be protected in line with the tree protection measures set out in the Arboricultural Report written by Marlow Consulting dated 8 February 2017 received on 6 September 2017 . Any protective fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework (particularly Section 11).

- 12 The approved 1.8m high close board fencing boundary treatments indicated on the site plan (drawing no.BRTL_01_02 rev C) dated as being received on 14 November 2017 shall be completed in accordance with the approved scheme before each dwelling served by the fencing is first occupied and thereafter maintained for the lifetime of the development.

Reason: In the interests of the residential amenities of the future occupiers of the dwellings in accordance with East Staffordshire Local Plan Policies SP24, DP7 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7).

- 13 The development shall be carried out in accordance with the mitigation measures set out in the landscape and ecological management plan dated February 2017 received on 29 August 2017 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework (particularly Paragraph 17 and Section 11).

- 14 The development shall be carried out in accordance with the recommendations of the Arboricultural report dated 8 February 2017 received on 6 September 2017 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework (particularly Paragraph 17 and Section 11).

- 15 If during the course of development, contamination is found to be present at the site, then no further development shall be carried out until the developer has submitted a method statement to the Local Planning Authority (LPA) for approval in writing, detailing how the contamination is to be dealt with. The development shall be undertaken in accordance with the approved scheme.

Upon completion of the approved remediation, a signed declaration outlining the works that have been carried out shall be submitted to the LPA, including confirmation that remedial targets have been achieved. This shall be submitted to and approved in writing by the Local Planning Authority prior to any occupation of any of the dwellings on site unless otherwise agreed in writing by the LPA.

Reason: In order to safeguard human health 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.

- 16 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 dwellings and in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework (particularly Section 7).

Informative(s):

- 1 The condition identified below requires details to be approved before commencement of the new build development.

Condition No.4

This means that the approved development may not be deemed to be lawful until the particular requirements of this conditions have been met.

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. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. If you wish to pay by credit or debit card (1.6% administration charge for credit cards) please telephone 01283 508606.

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.

- 2 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.
- 3 The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
- 4 This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire

County Council to ensure that approvals and agreements are secured before commencement of works.

- 5 The new junction with Tatenhill Lane shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Agreement Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

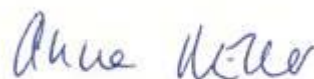
- 6 It should be noted that the eastern edge of the development proposal is approximately 200m from a historic licensed landfill site. Records held by the Environmental Protection Department indicate that the landfill accepted pulverised fuel ash, sewage sludge and excavated materials from between 1977 and 1989. Therefore, this may represent a potential risk from landfill gas and leachate migration.

It is the developer's responsibility to ensure that the application site is free from landfill gas. Consideration should be given to protection measures within the building construction, to prevent ground gas ingress.

- 7 The applicant is advised that condition No.4 requires a drainage strategy to be submitted and approved before any new build construction works take place. The demolition and remedial works to the site as outlined in the application can therefore be undertaken prior to the submission of a drainage strategy.

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 28 March 2018

Signed

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,



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- (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.”

