

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

Date valid application received: 08/03/2018

Application No: P/2017/01652

Name and address of Agent

Name and address of Applicant

Urban Designs Ltd
Suite 6
Anson Court
Horninglow Street
Burton upon Trent
DE14 1NG

Mr Shaun Cruise
Fitzpatrick Cruise
Anelehrof
Victoria Road
Yoxall
DE13 8NG

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

**DEMOLISH EXISTING BUILDING AND CONSTRUCT SCHEME OF
26 NEW DWELLINGS WITH ASSOCIATED ACCESS
AT
FORMER BURTON ADULT TRAINING CENTRE, SHOBNALL STREET,
BURTON UPON TRENT, DE14 2HE**

in accordance with the submitted documents and plans and **subject to the Section 106 Agreement dated 24th September, 2018** and to the conditions 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:

Site Location Plan Drawing No: 2017_510_01 1:1250 dated as received on 22/12/17
Amended Site Layout Drawing No: 2017_510_02H dated as received on 18/05/18
Facing Materials Drawing No: 2017_510_21 dated as received on 19/06/18
Amended Proposed Plans Plots 22-26 Drawing No: 2017_510_19 1:100 dated as received on 19/06/18
Amended Proposed Plans Plots 11-14 Drawing No: 2017_510_17 1:100 dated as received on 19/06/18
Amended Proposed Plans Plots 17-19 Drawing No: 2017_510_18 1:100 dated as received on 19/06/18
Amended Proposed Plans Plots 7, 8, 15, 16, 20 & 21 Drawing No: 2017_510_16 1:100 dated as received on 19/06/18
Amended Proposed Plans Plots 5, 6, 9 & 10 Drawing No: 2017_510_20 1:100 dated as

received on 19/06/18

Amended Proposed Plans Plots 1-4 Drawing No: 2017_510_03B 1:100 dated as received on 19/06/18

Amended Proposed Street Scenes Drawing No: 2017_510_10B 1:150 dated as received on 19/06/18

Wall Enclosure Plan Drawing No: 2017_510_11 dated as received on 22/12/17

Fence Enclosure Plan Drawing No: 2017_510_12 dated as received on 22/12/17

Proposed Drainage Strategy Drawing No: MA10811/200 A dated as received on 08/03/18

Reason: For the avoidance of doubt to ensure the development achieves an acceptable layout and standard of design in accordance with policies from the East Staffordshire Local Plan, the Shobnall Neighbourhood Plan, the East Staffordshire Design Guide, and the National Planning Policy Framework 2018.

- 3 All external facing materials to be used on the development shall be in accordance with the details shown on the approved plans listed at Condition 2 above unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the development achieves a good standard of appearance in built form and to safeguard the character of the locality in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework 2018.

- 4 (a) No development shall commence on any part of the site until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment.

The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

- (b) No dwelling shall be first occupied until:-

(i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and

(ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.

Reason: Failing to deal adequately with contamination could cause harm to human health, property and the wider environment. This condition accords with the aims of East Staffordshire Local Plan Policy DP7 and Paragraph 118 and Section 15 of the National Planning Policy Framework 2018.

- 5 In the event that previously unidentified contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be carried out and where remediation is

necessary a remediation scheme must be prepared which is subject to the approval in writing by the Local Planning Authority. Following completion of any measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority prior to bringing the development into first use.

Reason: Failing to deal adequately with contamination could cause harm to human health, property and the wider environment. This condition accords with the aims of East Staffordshire Local Plan Policy DP7 and Paragraph 118 and Section 15 of the National Planning Policy Framework 2018.

- 6 The development shall be completed in full accordance with the Noise Assessment Ref: 2234 including the glazing and ventilation requirements as set out under Section 8.8 and the noise mitigation measures listed at Section 9 unless other equivalent measures are first agreed in writing with the Local Planning Authority. The approved mitigation measures shall thereafter be retained as such for the life of the development.

Reason: To ensure future occupiers have appropriate internal and external noise conditions and are not exposed to unacceptable levels of noise pollution in accordance with East Staffordshire Local Plan Policy DP7 and Section 15 of the National Planning Policy Framework 2018.

- 7 The development shall be constructed in accordance with the tree works/protection measures and method statement as outlined in the submitted Arboricultural Survey & Report Ref: ShobnallStreet_Burton/01/rev1 unless other protection measures have been first agreed in writing with the Local Planning Authority.

Reason: To ensure that trees to be retained are suitably protected during the construction phase and in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework 2018.

- 8 Prior to the first occupation of any dwelling, the driveways, parking spaces and turning areas associated with that respective plot shall be provided in a bound material in accordance with the approved plans. The parking and turning areas shall thereafter be made available at all times for their designated purposes.

Reason: In the interests of highway safety and in accordance with the aims of Policy T5 from the Shobnall Neighbourhood Plan, East Staffordshire Local Plan Policies SP24 and SP35 and the National Planning Policy Framework 2018.

- 9 Prior to the first occupation of any dwelling hereby approved, the boundary treatments for that respective plot shall be erected in accordance with the approved plans and thereafter shall be retained/replaced as such for the life of the development.

Reason: To safeguard the visual amenities of the area and the privacy of occupiers of new dwellings and in accordance with the aims of East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework 2018.

- 10 Prior to the first occupation of any dwelling, the approved landscaping/planting for that respective plot shall be carried out in accordance with the approved plans. 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 an efficient and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP8, the East Staffordshire Design Guide and the National Planning Policy Framework.

- 11 Prior to the first occupation of any dwelling the scheme for sustainable drainage of surface water shall be implemented in accordance with the Drainage Strategy Drawing No: MA10811/200 A and the following principles:

- Surface water to be discharged to soakaway
- Ensure finished floor levels are set no lower than 150mm above local ground level

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with East Staffordshire Local Plan Policies SP1 and SP27 and Section 14 of the National Planning Policy Framework 2018.

- 12 Prior to the commencement of the Council's refuse collection operation to serve any dwelling hereby approved, all refuse container types shall be provided within respective plots that are occupied by new residents. The refuse containers to be provided shall be in accordance with the Council's Environment Section specification.

Reason: To support the principles of sustainable waste management in accordance with the Council's Waste Storage and Collection Guidance for New Developments and the National Planning Policy Framework 2018.

Informatives:

- 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 Paragraph 38 of the National Planning Policy Framework 2018.


- 2 In relation to Condition No.4 the Council requires that any contaminated land assessment must be carried out in accordance with current UK guidance and should include a conceptual site model. The developer will need to satisfy parts (a) and (b) (i) in full before first use of the development and before any properties can be occupied. A remedial method statement should also be produced as a separate report. The onus is on the developer to safeguard risks to human health and the environment and identify potential contamination on-site and the potential for off-site migration.
- 3 In relation to Condition No.5 the Council requires that any investigation and risk assessment must be undertaken by a competent person in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and the natural environment. 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.
- 4 The developer is reminded that each dwelling will require appropriate external storage containers for refuse and recycling collection. More information can be found by visiting:
<http://www.eaststaffsbc.gov.uk/sites/default/files/docs/bins/WasteStorageandCollectionGuidance.pdf>
or contact Mr Paul Farrer, Environment Manager on tel: 01283 508 599
- 5 The developer 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.

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 24th September, 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.”