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England

Date of Decision 27th October 2010

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Town and Country Planning (Development Management Procedure)
(England) Order 2010

In pursuance of its powers under the above mentioned Act and Order, Sunderland City Council, as local planning authority, has **GRANTED OUTLINE** planning permission for the following development namely:

Application ref: 08/03336/OUT

Proposal: Revised outline planning application received 5th August 2010, for erection of superstore (A1); retention and recladding of an existing unit; erection of four additional retail units; retention and recladding of the existing Farm foods/Blockbuster unit; new vehicular accesses; reopening of section of highway to emergency vehicles; resurfacing/landscaping and stopping up of a highway

At: Sunderland Retail Park, Monkwearmouth, Sunderland.

Subject to compliance with the conditions specified hereunder:

A) Implementation and Phasing

1. Application for approval of the following reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this permission: Appearance, Scale, Landscaping. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the last of the reserved matters to be approved.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLEASE QUOTE THE APPLICATION NUMBER IN ALL CORRESPONDENCE

Please note: All information will available via the Internet at www.sunderland.gov.uk

B) Design

2. The total net retail sales area of the entire Development hereby permitted shall not exceed 11,916 sqm including any mezzanine floorspace. This is to safeguard the vitality and viability of the City Centre and other local centres in accordance with Government policy.
3. The total net retail sales area of the Superstore hereby permitted shall not exceed 8,378 sqm including any mezzanine floorspace. This is to safeguard the vitality and viability of the City Centre and other local centres in accordance with Government policy.
4. The total net retail sales area of the Superstore hereby permitted shall not exceed 4,189 sqm net retail convenience floorspace and 4,189 sqm net retail comparison floorspace including any mezzanine floorspace. This is to safeguard the vitality and viability of the City Centre and other local centres in accordance with Government policy.
5. Before the development hereby permitted is commenced, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:- the siting, design and external appearance of the buildings and the landscaping of the site; and the development shall be carried out as approved. This is to ensure a satisfactory form of development as the details submitted as part of the application are incomplete and for illustrative purposes only.
6. The development hereby approved shall be carried out in accordance with the following approved plans unless otherwise agreed by the Local Planning Authority.
073023D 09 P2; 073023D 10 P3; 073023D 05 P3; 073023D 06 P3; 073023D 07 P3; 073023D 24 P4.
7. Before the development hereby permitted is commenced, a schedule and sample of all materials and finishes, including walls, roofs, doors, windows, rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, to secure a satisfactory form of external appearance to comply with policy B2 of the UDP.
8. Before the development hereby permitted is commenced, details of any floodlighting/ exterior lighting for the buildings shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved plans before the buildings within the relevant phase of the development to which the lighting relates are occupied, in order to ensure a satisfactory form of development and to comply with policies B2 and T8 of the UDP.
9. Before the development hereby permitted is commenced, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority. The

boundary treatment shall be completed in accordance with approved details before the buildings within the relevant phase of the development to which the boundary treatment relates are occupied or otherwise in accordance with an agreed timetable, in the interest of visual amenity and to comply with policy B2 of the UDP.

10. All planting, seeding or turfing included in the approved details of landscaping for the development shall be carried out in the first planting season following the first occupation of any of the buildings within the relevant phase of the development to which the landscaping relates 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 a similar size and species, in the interests of visual amenity and to comply with policies B2 and CN18 of the UDP.

C) Sustainability

11. Before the development of the Superstore hereby permitted is commenced, a schedule demonstrating the means incorporated within the design of the proposals by which the Superstore development addresses the aims of Sustainable Development in accordance with the City Council's Charter 2000, shall be submitted to the Local Planning Authority for written approval and the approved measures shall thereafter be incorporated in the Superstore development, in order to ensure a satisfactory form of development and to comply with policy R1 of the UDP.
12. Before the development of the Superstore hereby permitted is commenced, measures shall be submitted to and approved in writing by the Local Planning Authority to ensure that the Superstore is designed to achieve high energy efficiency and minimise water and energy consumption and achieves BREEAM "very good" rating. The details approved shall thereafter be incorporated in the Superstore development in order to ensure an environmentally sustainable development in accordance with policy R1 of the UDP.
13. Before the development of the Superstore hereby permitted is commenced, measures to ensure 10% *(or such other proportion as may be approved in writing by the Local Planning Authority)* of the Superstore's energy requirements are produced from embedded renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to the occupation of the Superstore and retained as operational thereafter unless otherwise agreed in writing by the Local Planning Authority in order to ensure an environmentally sustainable development in accordance with policy R1 of the UDP.

D) Storage of Refuse

14. Before the development hereby permitted is commenced, a plan showing the provision of adequate facilities for the storage and collection of refuse including provision for onsite separation of items for recycling collection within the site shall be submitted to and approved in writing by the Local Planning Authority, and shall be so installed prior to occupation of any of the new buildings and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.

E) Highways and Transport

15. Notwithstanding the plans hereby approved, details of the design of all roads, footways, footpaths and cycleways and a scheme for external lighting and street furniture (litter bins, seating, planters etc) shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site, in the interests of highway safety and to comply with policy T14 of the UDP. Thereafter, no part of the development hereby permitted shall be carried out or implemented other than in accordance with such agreed details.

16. The following highway improvements, in accordance with detailed designs to be submitted to and approved in writing by the Local Planning Authority shall be completed as part of the development. The Superstore shall not be occupied until the said highway improvements have been completed in accordance with these approved details:-

- (i) major improvements to the junction of Newcastle Road/Roker Avenue/Southwick Road
- (ii) improvements to Roker Avenue east of its junction with George Street to its junction with Fulwell Road.
- (iii) implementation of a signal controlled pedestrian crossing at Roker Avenue or full traffic lights incorporating pedestrian phases in the vicinity of Shore Street/George Street North.
- (iv) ramped access from the site to the Stadium of Light Metro Station
- (v) notwithstanding the presently submitted details, bus stops, bus shelters and bus laybys adjacent to the site at Newcastle Rd and Roker Avenue
- (vi) notwithstanding the presently submitted details, pedestrian routes from Newcastle Rd, Roker Avenue and Portobello Rd, including from any bus stops and pedestrian crossings located on these roads.
- (vii) notwithstanding the presently submitted details, provision of on-site vehicular circulation.
- (viii) A scheme for the management of on site car parking.

Reason: In the interests of highway safety and in accordance with policy T14 of the UDP.

17. The Superstore shall not be occupied until the pedestrian way linking the site with the Stadium of Light Metro Station as shown on the approved plans has been completed and made available to members of the public and shall remain available thereafter for public use, in accordance with policy T14 of the UDP.
18. Before the Superstore hereby permitted is occupied, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented, in the interests of highway safety and in accordance with policies T2 and T14 of the UDP.

F) Parking and Servicing

19. The Superstore shall not be occupied until the off street parking provision for the area of the application site located north of the site access from Newcastle Road has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles, to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T14 and T22 of the UDP.
20. All other new buildings (excluding the Superstore) shall not be occupied until the off street parking provision for the area of the application site located south of the site access from Newcastle Road has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles, to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T14 and T22 of the UDP.
21. Before the Superstore development hereby permitted is commenced, details of the space and facilities for bicycle and motor cycle parking for the entire development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be laid out in accordance with the approved details before the Superstore is occupied and subsequently retained, in order to ensure that adequate provision is made for cycle and motor cycle parking and to comply with policies T14 and T22 of the UDP.
22. Before the Superstore development hereby permitted is commenced, details of the facilities to enable servicing of the Superstore shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details before the Superstore is occupied and such facilities shall be retained and kept unobstructed at all times, in the interests of highway safety and to comply with policy T14 of the UDP.

23. Before development of the other new buildings (excluding the Superstore) hereby permitted is commenced, details of the facilities to enable servicing of those buildings shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details before those buildings are occupied and such facilities shall be retained and kept unobstructed at all times, in the interests of highway safety and to comply with policy T14 of the UDP.
24. Before the development of the Superstore hereby permitted is commenced, details of the siting and design of and signage for four reserved parking bays equipped with two double charging points, to enable battery powered cars to be recharged, shall be submitted to and approved by the Local Planning Authority. The approved equipment, signage and reserved parking bays shall thereafter be installed in the approved location as part of the car parking provision at the development prior to the occupation of the Superstore and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority, in order to meet the requirements of UDP policy R4.

G) Scheme of Working

25. Before the development hereby permitted is commenced a scheme of working shall be submitted to and agreed in writing by the Local Planning Authority; such scheme shall include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and thereafter be so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies EN1 and T14 of the UDP.
26. Before the development hereby permitted is commenced, details of the method of containing the construction dirt and debris within the site and ensuring that no dirt or debris spreads on to the surrounding road network shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the installation and maintenance of a wheel cleaning facility on the site. All works and practices shall be implemented in accordance with the agreed details and shall be maintained throughout the construction period, in the interests of the amenities of the area and highway safety and to comply with policies EN1 and T14 of the UDP.
27. Before the development hereby permitted is commenced, arrangements for setting up appropriate systems for monitoring and controlling dust emission arising from construction work shall be submitted to and agreed in writing by the Local Planning Authority and

implemented thereafter, in the interest of amenity in accordance with policy EN1 of the UDP.

28. Before the development hereby permitted is commenced, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to ensure that smoke, dust or litter shall not be allowed to drift across the adjoining railway; that no crane jib shall swing suspended loads over the adjoining railway, without the prior approval in writing of the Local Planning Authority, and no illumination shall cast a glare over the adjoining railway and such a scheme shall be implemented thereafter during construction, in the interests of railway safety in compliance with policies EN1 and T14 of the UDP.

H) Archaeology

29. Before the construction of the development hereby permitted is commenced, a second phase of archaeological investigation shall take place in accordance with a programme of work to be agreed with the County Archaeologist, to permit the recording of any archaeological features exposed in accordance with policy B11 and B14 of the UDP.
30. Before any works are commenced on site, the County Archaeologist must be informed, in order that arrangements can be made for an archaeologist with a watching brief, to be present on site while foundation trenches are dug and overburden removed, in order that potential archaeological information can be recovered and to comply with policy B11 and B14 of the UDP.
31. The Superstore shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 29 has been submitted to and approved in writing by the Local Planning Authority to ensure that archaeological remains on site can be preserved wherever possible and recorded in accordance with PPS5 and UDP policy B14.

I) Drainage

32. Before the Superstore development hereby permitted is commenced, details of the foul and surface water drainage for the entire development shall be submitted to and approved in writing by the Local Planning Authority and the Superstore shall not be occupied until these facilities have been provided and installed in accordance with the approved details, to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
33. Prior to being discharged into any watercourse, surface water sewer or soakway systems, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in

accordance with a scheme submitted to and approved in writing by the Local Planning Authority before the relevant phase of the development to which the surface water drainage relates is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the UDP.

34. The Superstore shall not be occupied until any existing sewers which are to be abandoned have been grouted up or removed, in order to prevent drainage problems in the future in accordance with policy EN12 of the UDP.

J Land Contamination

35. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on the desk top study submitted to support the application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved prior to the commencement of any development works on site (other than any contamination remediation works required for the purpose of this condition),

Reason: The information provided with the planning application indicates that the site has been subject to multiple potentially contaminative land- uses. The environmental setting of the site is sensitive as it lies on the magnesian limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

36. Prior to commencement of the development works (other than any contamination remediation works), a verification report demonstrating completion of the remediation works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to multiple potentially contaminative landuses. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

37. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

38. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

E) Noise from Mechanical Plant

39. Prior to the installation of any fixed mechanical plant at the site a detailed acoustic assessment of such plant must be submitted to and approved by the Local Planning Authority. The assessment shall examine noise levels generated by the plant, how these would affect adjacent residential amenity and specify, if shown to be necessary, details of noise reduction measures to ensure appropriate noise levels are achieved at adjacent dwellings. Any necessary noise reduction measures shall be installed, only in accordance with the approved details and prior to the occupation of any of the new buildings.

Reason: For the protection of residential amenity of dwellings adjacent to the site in accordance with Policy EN5 of the UDP.

INFORMATIVES

NOTE 1

Interpretation

For the purpose of this Planning Permission:-

“the Superstore” means that part of the development comprising a food superstore of 16,140 sqm gross external area and 8,378 sqm net retail sales area.

“net retail sales area” means the sales area within a building (i.e. all internal areas accessible to the customer) but excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts.

“comparison floorspace” means those parts of the net retail sales area used for the sale and display for sale of comparison goods.

“convenience floorspace” means those parts of the net retail sales area used for the sale and display for sale of convenience goods.

“comparison goods” means those categories of comparison goods as identified in Appendix A to the PPS4 Practice Guidance (December 2009)

“convenience goods” means those categories of convenience goods as identified in Appendix A to the PPS4 Practice Guidance (December 2009).

NOTE 2

The Council has granted outline planning permission for the development for the following reasons:-

- The proposed development accords with UDP policy and in particular strategic retail policy S1 and site specific policy N44.(having satisfied the sequential test and there being no clear evidence of a significant adverse impact on the vitality and viability of other centres); policies EC1 and EC3 (being in an area of economic and social deprivation and re-using already developed land); policies R1 and R2 (being environmentally sustainable and using existing infrastructure) and accords with the supporting text to emerging Core Strategy CS6 (which provides for out of centre retail provision where there is a lack of such facilities and there are no sequentially preferable sites available).
- The proposed development satisfies the requirements of the sequential approach set out in Policy EC15 of PPS4 and there being no sequentially preferable sites for the development. Further there is also no clear evidence that the proposal will

have any significant adverse impacts in terms of any of the impacts referred to in Policies EC10.2 and 16 of PPS4.

- The proposed development has been assessed taking account of the positive and negative impacts of the proposal and other material considerations and the positive impacts in terms of employment and physical and social regeneration more than offset any potential negative trade diversions.

NOTE 3

The following policies and proposals in the development plan were taken into account in the decision to grant planning permission:-

- R1 which seeks environmentally sustainable development by making the most efficient use of land, energy and other resources and reducing reliance on the private car.
- R2 which seeks to make use of existing resources of infrastructure, land etc.
- R4 which encourages energy saving measures.
- EC1 (iv) which encourages proposals targeted at areas of economic and social deprivation.
- EC3 (iv) which encourages the re-use of land and premises
- S1 which seeks to enhance the City's shopping service by encouraging a wide range of well distributed facilities to meet future shopping and related needs generally based on existing centres. Development elsewhere should result from the appliance of the sequential test.
- S2 which encourages proposals which sustain and enhance the vitality, viability and appropriate diversification of centres including the City Centre (this policy does not apply to retail parks as they are not classed as shopping centres).
- S7 which requires a high standard of design for new retail development.
- SA54 which directs major new commercial and retail developments to specific sites within the City Centre.
- SA69 which refers to the Principal Shopping Area as defined on the proposals map supports shopping development within that area and encourages major retail developments to locate on the sites mentioned in SA54.
- EN5 which requires applicants to carry out noise and vibration assessments where a development is likely to generate significant increases of noise or vibration in sensitive areas.
- EN10 which states that, where the UDP does not indicate any proposals for change, development will need to be compatible with the principal use of the neighbourhood.
- EN12 which seeks to ensure that proposals will not increase the likelihood of flooding

- B2 which requires the scale, massing, layout or setting of new developments to respect and enhance the best qualities of nearby properties and the locality.
- B11 protecting the City's archaeological heritage
- B14 which requires the submission of an archaeological assessment where development proposals affect sites of known archaeological importance.
- B16 which provides for the recording or preservation of historic sites
- B19 which seeks to achieve a 'user-friendly' environment in all developments to which the public, including those with impaired mobility, have access.
- B20 which encourages the provision of works of art in association with major developments.
- CN14 which requires developments prominent from main transport routes to be designed to enhance the image of the City.
- T1 which gives priority to measures that promote walking, cycling and public transport, stimulate economic development and regeneration, improve road safety and protect and improve the environment.
- T2 which seeks to promote the role of public transport.
- T8 giving a high priority to the needs of pedestrians in planning new development.
- T9 (iv) which encourages the provision of secure cycle parking facilities.
- T14 which states that new development should, amongst other things, be readily accessible by pedestrians and cyclists and not cause congestion or safety problems on existing roads.
- T21 which requires parking provision to take into account the need to maintain safe road conditions; to reduce travel demand; to ensure the economic viability of existing centres and to promote more environmentally sensitive modes of transport.
- NA44 which allocates a number of small areas around the retail units at Sunderland Retail Park for a variety of purposes, including retail, providing there are no alternative locations in or on the edge of the City centre and this does not detract from the vitality and viability of other centres.
- NA48 which seeks environmental improvements in the commercial and industrial buildings in the area north of Roker Avenue.
- EC10A (Alteration No. 2) Which seeks to support of the regeneration of Central Sunderland and to resist developments which detract from efforts to encourage regeneration within the area or have a negative impact upon vitality and viability of the city centre.
- S2A (Alteration No. 2) Which seeks to direct new retail development to the city centre retail core. Retail developments outside the retail core will need to demonstrate proven need, that proposal is of a scale appropriate to the site, there are no suitable sites within the retail core, there would be no unacceptable impacts on the vitality and viability of the retail core or the Grove local centre and will need to show accessibility by a choice of means of transport and no adverse impact on the development plan strategy or LDF strategy.

- T23A (Alteration No. 2) Which covers maximum parking standards for residential and business (B1) uses.

The reasons for the decision are set out in the committee report. Copies of the reasons for the decision are held on the application file and can be obtained from the City Council.

NOTE 4

The development must be carried out in complete accordance with these approved plans.

Plan Title	Plan Number	Date Received
Location Plan	07023-D01 P2	29 th June 2010
Demolition Plan	07023-D02 P2	29 th June 2010
Block Plan	07023-D03 P3	29 th June 2010
Proposed Maximum and Minimum Block Heights/Existing Site Levels	07023-D04 P6	29 th June 2010
Vehicle routes and access	07023-D05 P3	29 th June 2010
Public Transport and Cycle Routes	07023-D06 P3	29 th June 2010
Pedestrian access	07023-D07 P3	29 th June 2010
Proposed Soft Landscape Zones	07023-D08 P3	29 th June 2010
Proposed Maximum/Minimum Siting Plan	07023-D09 P2	29 th June 2010
Ground Floor Block Plan	07023-D10 P3	29 th June 2010
Existing and proposed Sections A-A and B-B	07023-D24 P4	29 th June 2010

Failure to do so will render the development unauthorised. Should you wish to alter the development proposals you may need to re-apply for planning permission

NOTE 5

It should be noted that this permission follows the completion of a related legal agreement by the applicant under Section 106 of the Town and Country Planning Act 1990.

NOTE 6

The applicant is advised that this development will also require a Sections 38/ 278 Highways Act 1980 Agreements. The applicant is advised to contact the Local Highway Authority for further advice on this matter.

NOTE 7

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

**PLEASE NOTE THAT THIS IS NOT BUILDING REGULATION
APPROVAL**

BUILDING CONTROL CAN BE CONTACTED ON 0191 561 1550 FOR FURTHER
ADVICE

A handwritten signature in black ink, appearing to read 'Janet Johnson', written in a cursive style.

Janet Johnson
Deputy Chief Executive

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision overleaf you can appeal to the Secretary of State under s78 of the Town and Country Planning Act 1990. You must do so within the following time scales:

twelve weeks of the date of this notice - if this is a decision to refuse planning permission for a householder application(see definition below). This is an expedited process for householder appeals only which proceed by means of written representations operative from 6th April 2009, however where there is also an associated Listed Building or Conservation Area appeal on the same sight the expedited procedure may not be appropriate;

six months of the date of this notice - if this is a decision :

- to refuse a householder application which is associated with an application/decision for Listed Building Consent or Conservation Area Consent (under section 20 of the Planning (Listed buildings and Conservation Areas) Act 1990)
- to grant planning permission subject to conditions
- to grant (with conditions) or refuse Listed Building or Conservation Area Consent
- in respect of a Lawful Development Certificate application
- in respect of an enforcement notice

In addition if the local planning authority has failed to determine your application within the statutory period you may submit an appeal at the end of that period.

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 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 that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State refuses permission, refuses consent or grants subject to conditions, you may claim that you can neither put the land to a reasonably beneficial use in its existing state nor can you render the land capable of a reasonably beneficial use by the carrying out of any development or works which has been or would be permitted. In these circumstance the owner may serve a purchase notice on the Council, which will require it to purchase his/her interest in the land in accordance with the provisions of Part IV of the Town and

Country Planning Act 1990 and/or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990

COMPENSATION

In certain circumstances a claim for compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. (see sections 114 of the Town and Country Planning Act 1990 and or section 27 of the Planning (Listed buildings and Conservation Areas) Act 1990).

OTHER USEFUL ADVICE

A range of helpful planning related guidance and services which are useful at both application and appeal stage are available from the Planning Portal on their website; www.planningportal.gov.uk

DISCHARGE OF CONDITIONS

With effect from 6th April 2008, under the Town and Country Planning (Fee for Applications and Deemed Applications) (Amendments) (England) Regulations 2008 and in accordance with article 21 of the General Development Procedure Order 1995, **a formal written response** to a request to discharge the condition(s) can only be provided by the Local Planning Authority on receipt of the following:

1. A written request or alternatively a completed Standard Application form clearly identifying the planning permission by reference number and the conditions you presently wish to discharge by condition number. The form is available at:
<http://www.planningportal.gov.uk/uploads/appPDF/J4525Form027.pdf>
2. Information submitted to discharge the condition(s), with a clear indication of the information which has been submitted in relation to each specific condition.
3. A fee of £25.00 (conditions on householder applications); or £85.00 in all other cases. **Please note this cannot be paid retrospectively.**

IMPORTANT

This decision refers only to that required under the Town and Country Planning Acts and **does not include approval under the Building Regulations** (including their application by Section 24(1) of the Tyne and Wear Act 1980 in respect of Fire Brigade Access) or any other appropriate regulation, enactment, byelaw or order.

