

Cundall
Mr Ian Cansfield
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Regent Centre
Gosforth
Newcastle Upon Tyne
Northumberland
NE3 3LU

Date of Decision 21st December 2016

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004
TOWN AND COUNTRY PLANNING (Development Management Procedure)
(England) (Order) 2015**

In pursuance of its powers under the above mentioned Acts and Orders, Sunderland City Council, as local planning authority, has, subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, **APPROVED** the following namely:-

Application ref: 16/00388/HY4

Proposal Hybrid planning application - Outline planning application for up to 750no residential units, public open space and internal road network along with up to 1000sqm of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes (A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.

All Matters apart from access to be reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.

At Chapelgarth South Of Weymouth Road Sunderland

PLEASE QUOTE THE APPLICATION NUMBER IN ALL CORRESPONDENCE

Please note: This information will also be available via the Internet at www.sunderland.gov.uk

Conditions:

- 1 The development of the first phase of infrastructure hereby permitted shall begin no later than three years from the date of this permission and shall be fully operational prior to the occupation of any residential properties. Reason : To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure the development is carried out within a reasonable period of time.
- 2 Applications for reserved matters shall be made to the Local Planning Authority before the expiry of ten years from the date of the permission and the development hereby permitted shall be begun before the expiration of three years from the date of approval of the final reserved matters. Reason : To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 , as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is commenced within a reasonable period.
- 3 The development hereby approved shall be in accordance with the following approved plans, unless otherwise agreed in writing with the Local Planning Authority: Chapelgarth Site Location Plan, received 02.03.2016. Drawing No. SK-002 Phase 1 Infrastructure Logistics Outline, received 28.07.2016. Drawing No. CLXX(95)1001 Phase 1 Infrastructure Highway Details, received 02.03.2016. Drawing No. CLXX(52)1002 Phase 1 Infrastructure Proposed Drainage, received 02.03.2016. Drawing No. CLXX(40)1002 Site Boundary Plan, received 02.03.2016. Drawing No. CLXX(90)1003 Section Marks Plan, received 02.03.2016. Drawing No. CLXX(52)1003 SUDS Basin Details Basin 1, received 02.03.2016. Drawing No. CLXX(52)1004 SUDS Basin Details Basin 2, received 02.03.2016. Drawing No. CLXX(52)1005 Outline SUDS Strategy, received 07.04.2016. Drawing No. CLXX(40)1006 Phase 1 Infrastructure Boundary, received 02.03.2016. Drawing No. CLXX(90)5001 Existing Ground Levels Long Sections, received 02.03.2016. Drawing No. L-1515-GAS-001 Detail Design of Weymouth Road Frontage, Site Sections, received 02.03.2016. Drawing No. L-1515-GAP-002 Detail Design of Weymouth Road Frontage, Overview, received 02.03.2016. Drawing No. L-1515-GAP-003 Detail Design of Weymouth Road Frontage, West, received 02.03.2016. Drawing No. L-1515-GAP-004 Detail Design of Weymouth Road Frontage, Central, received 02.03.2016. Drawing No. L-1515-GAP-005 Detail Design of Weymouth Road Frontage, East, received 02.03.2016. Drawing No. L-1515-GAP-006 Detail design of Weymouth Road Frontage, Planting Strategy, received 02.03.2016. Drawing No. L-1515-PRP-024 SANG Area Comparison and Circular Walk Example, received 27.05.2016. Existing Trees Shown on Existing Layout received 02.03.2016. Regulatory Plan 944 Reg 01 Rev 0 - Redline received 27.05.2016. Regulatory Plan 944 Reg 02 Rev A - Access, Movement and Streets received 27.05.2016. Regulatory Plan 944 Reg 03 Rev 0 - Neighbourhood Character Areas received 27.05.2016. Regulatory Plan 944 Reg 07 Rev 0 - Development Area and land Use received 27.05.2016. Regulatory Plan 944 Reg 12 Rev A - Open Space Strategy received 27.05.2016. Regulatory Plan 944 Reg 13 Rev 0 - Recreational Routes received 27.05.2016. Reason : For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and to comply with policy B2 of the saved adopted Unitary Development Plan.

- 4 The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment for Siglion Developments LLP dated 01.03.2016 - Cundall, unless otherwise first agreed in writing by the Local Planning Authority. Reason : In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.
- 5 No properties shall be occupied until such time as a Framework Travel Plan covering the entire development has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details to be agreed shall include a Travel Plan Coordinator, how a site-wide Travel Plan will be implemented and the timescales of its monitoring and review. Reason : The implementation, monitoring and review of the Site-Wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with policies T1 and T2 of the UDP.
- 6 The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016 and British Standard 5837 (2012): Trees in relation to design, demolition and construction, no development shall commence within a phase of the development until all tree protection measures required for that phase of development as set out by this assessment have been fully installed and all tree protection measures shall remain in place until the development is complete. Reason : in order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the adopted Unitary Development Plan.
- 7 All vegetation clearance works shall be undertaken outside of the bird nesting season of mid March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season , the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active nests are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected. Reason : In order to ensure a satisfactory form of development and to comply with policy CN18 of the saved adopted Unitary Development Plan.
- 8 Unless otherwise agreed by the Local Planning Authority, no development within the phase 1 Initial Infrastructure (other than that required to be carried out as part of an approved scheme of remediation) must not commence until conditions number 9 to number 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 12 has been complied with in relation to that contamination. Reason : To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 9 No development in the phase 1 Initial Infrastructure area shall take place until a Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by 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. 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 building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological 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, CLR11.' Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

10 No development in the phase 1 Initial Infrastructure area shall take place until a detailed Remediation Scheme to bring that specific area of 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 has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation 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. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

11 No occupation of any part of the permitted development in the phase 1 Initial Infrastructure Area shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site 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. The long-term monitoring and maintenance plan shall be implemented as approved. Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 12 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 13 Radiocarbon dates will be sought for the gullies found in the preliminary archaeological trenches (report by Archaeological Services Durham University, March 2016) within six months of planning permission being granted. Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14. The gullies are potentially prehistoric.
- 14 Notwithstanding the submitted Phase 1 Infrastructure Proposed Drainage drawing, and prior to the commencement of works on site, a detailed timetable for the implementation of the Phase 1 Infrastructure works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved works shall be implemented, operated and maintained in full accordance with the submitted maintenance schedule (4.2.3 Operation and Maintenance Plan (Phase 1 Infrastructure only) contained with the Drainage Strategy (Cundall dated 01.03.2016) unless otherwise agreed in writing by the Local Planning Authority. Reason : In order to prevent the development from causing increased flood risk off site over the lifetime of the development and to accord with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.
- 15 No construction work shall take place in Phase 1 including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to :
1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Public Protection and Regulatory Services Section.
3. Mitigation measures as defined in BS 5528 : Parts 1 and 2 : Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of the site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors;
13. Location and containment of redistributed earth mounds. Reason : In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

- 16 Notwithstanding the submitted plans, no above ground construction shall take place within the Phase 1 Infrastructure area, until full details of both the hard and soft landscaping works for that area have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details. The hard landscaping works shall include but not be limited to details of estate railings and gates; gabions, seating, steps and handrails and all surfacing materials. Reason : In the interests of visual amenity, nature conservation and mobility and to comply with the National Planning Policy Framework and policies B2, T14, CN18 and CN22 of the saved UDP.
- 17 Notwithstanding the submitted Phase 1 Infrastructure Detailed Design of Weymouth Road Frontage Drawings, and prior to the commencement of works on site, a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. Reason : In the interest of highway safety and to comply with policy T14 of the saved UDP.
- 18 No construction work shall take place in phase 1 until a detailed scheme of highway improvements to Weymouth Road and Moorside Road, including bus stop infrastructure and traffic management proposals have been submitted to and approved in writing by the Local Planning Authority and implemented under a Section 278 Agreement under the Highways Act to enable funding and implementation prior or occupation of any dwellings. Reason : In the interest of residential amenity and highways safety and to comply with policies B2 and T14 of the saved UDP.
- 19 No development shall commence on any specific reserved matters site (excluding site clearance, site investigations for assessing ground conditions, ground remediation work in respect of any contamination or other adverse ground conditions, until details of the following reserved matters have been submitted to and approved in writing by the local planning authority for that specific plot. o Layout o Scale o Appearance o Landscaping Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out in accordance with the approved details. Reason : To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the further details are necessary to ensure a satisfactory form of development.
- 20 Each application for reserved matters shall be accompanied by a compliance statement which explains how the reserved matters application meets the principles, parameters and rules provided in the Chapelgarth, Sunderland, Design Code dated July 2016. Reason : In order to define the consent and ensure consistency with the Design Code and to comply with Policy B2 of the saved UDP.
- 21 No groundworks or development within each Reserved Matters Area shall commence until a second phase of archaeological fieldwork (to include evaluation trenching and mitigation strip and record excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be

preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

- 22 The building(s) within each Reserved Matters Area shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in relation to that reserved matters area and in pursuance of condition 21 has been submitted to and approved in writing by the Local Planning Authority. Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.
- 23 The buildings within each Reserved Matters Area shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken in relation to that Reserved Matters Area has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.
- 24 All planting, seeding or turfing within each reserved matters area that are not subject to the Section 106 maintenance regime pursuant to this planning permission and comprised in the approved details of landscaping within the reserved matters area shall be carried out in the first planting season following the occupation of the specific reserved matters area or the completion of that reserved matters area, whichever is the sooner, which within a period of 5 years from the completion of the reserved matters area 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, unless the Local Planning Authority gives written consent to any variation. Reason : In the interest of visual amenity and nature conservation and to comply with policies B2, T14, CN18 and CN22 of the saved UDP.
- 25 No construction work shall take place in any phase of the development, including any remediation works or civil engineering works, until details of the routing of construction traffic vehicles arriving and leaving the site have been submitted to and approved in writing by the Local Planning Authority and implemented as such thereafter. Reason : In interest of residential amenity and highway safety and to comply with policies B2 and T14 of the saved UDP.
- 26 Notwithstanding the details provided within the Arboricultural Tree Constraints Assessment issued 08.01.2016 by AllAboutTrees, each application for reserved matters shall be accompanied by an Arboricultural Impact Assessment to establish site specific arboricultural management for the proposed layout. Reasons: In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the saved UDP.

- 27 Development shall not commence within each reserved matters phase until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. Reason : In order to prevent the increased risk of flooding from any source in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.
- 28 No development shall commence within areas 4 and 5 contained within the submitted Drainage Strategy (Cundall dated 01.03.2016) until full details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within each of these phases and retained in perpetuity. In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site and to protect Blakeney Woods Local Wildlife Site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.
- 29 Notwithstanding the details provided in condition 28 Full Surface Water Drainage Details, no development shall take place within land indicated as areas 4 and 5 contained within the submitted Drainage Strategy (Cundall dated 1.03.2016), until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i) A timetable for its implementation, and ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Reason : In order to prevent the development from causing increased flood risk off site over the lifetime of the development and to accord with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.
- 30 Unless otherwise agreed by the Local Planning Authority, no development (within each reserved matters submission) other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 31 to number 33 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 34 has been complied with in relation to that contamination. Reason : To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 31 No development (within each reserved matters submission) shall take place until a Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by 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. 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 building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological 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, CLR11.'

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

32 No development shall take place (within each reserved matters submission) until a detailed Remediation Scheme to bring that specific area of 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 has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation 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. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

33 No occupation of any part of the permitted development (with each reserved matters submission) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

34 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)(within each reserved matters submission) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

35 No construction work shall take place in each reserved matters submission including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to : 1.Procedures for maintaining good public relations including complaint management, public consultation and liaison; 2.Arrangements for liaison with the Council's Pollution Prevention and Regulatory Services; 3. Mitigation measures as defined in BS 5528: parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works; 4. Hours of construction, including deliveries; 5. Control measures for dust and other air-borne pollutants; 6. Siting and set up/establishment of site compound area; 7. Measures for controlling the use of site lighting whether required for safe working or for security purposes; 8. Erection and maintenance of security hoarding; 9. Operation, loading and unloading of plant and materials; 10. Storage of plant and materials used in constructing the development; 11. Wheel washing facilities; 12. Parking of vehicles of site operatives, delivery vehicles and visitors. 13. Location and containment of redistributed earth mounds. 14. Location of site sales office. Reasons : In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

36 No development within each reserved matters area shall be undertaken until a detailed construction noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the assessment shall identify construction methodologies likely to generate the highest levels of vibration (e.g.piling). Reasons : In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5 and EN6.

37 Prior to the occupation of any retail, financial and professional services, restaurant and cafes, offices, non residential institutions and assembly and leisure use units (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) the uses proposed opening shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate within the hours approved, unless otherwise agreed in writing by the Local Planning Authority. Reasons : In the interest of the residential amenity and to comply with policies B2 and EN5 of the saved UDP.

- 38 The 1000 square metres of commercial floor space hereby approved and outlined on Regulatory Plan 07 Development Area and Landuse - drawing no. 944/REG07 rev 0 dated 29.03.2016 shall be occupied exclusively by uses falling within Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), D1 (Non-Residential Institutions) or D2 (Assembly and Leisure as set out in the Town and Country Planning (Use Classes) Order, or the equivalent of any of these classes set out in any subsequent Statutory Instrument revoking or amending that order either in whole or in part, for the lifetime of the development and shall operate for no other use unless otherwise first agreed in writing with the Local Planning Authority. Once operating within one of the aforementioned use classes, the commercial unit, or subdivided units if applicable, shall benefit only from the permitted changes of use applicable to the initial use class within which the unit(s) operates, as set out in the Town and Country Planning (Use Classes) Order or any subsequent Statutory Instrument revoking or amending that order either in whole or in part and no other change of use shall be permitted without the prior written consent of the Local Planning Authority. Reasons : In order to achieve a satisfactory form of development and to accord with policies B2, EN5 and T14 of the saved UDP.
- 39 No construction work shall take place on any unit where the preparation and serving of food on a commercial basis will be carried out, until details of a scheme for the extraction of cooking fumes and odours and for the prevention of odour penetration through that building has been submitted to and approved in writing by the Local Planning Authority for that unit. Thereafter, these schemes shall be implemented in full accordance with the approved details prior to the development being brought into use and thereafter shall be retained at all times. Reasons : In the interest of the amenity of the occupiers of premises and neighbouring premises, in accordance with policy EN1 of the saved UDP.
- 40 Prior to the occupation of any retail, financial and professional services, restaurant and cafes, offices, non residential institutions and assembly and leisure use units (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) the uses proposed opening shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate within the hours approved, unless otherwise agreed in writing by the Local Planning Authority. Reason : In the interest of the residential amenity and to comply with policies B2 and EN5 of the saved UDP.
- 41 Development shall not commence within each reserved matters phase until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason : In the interest of visual amenity and to comply with policy B2 of the saved UDP.
- 42 Development shall not commence within each reserved matters phase until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason : In the interest of visual amenity and to comply with policy B2 of the saved UDP.
- 43 The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished

slab levels of each property. Reason : In order to achieve a satisfactory form of development and to comply with policy B2 of the saved UDP.

Informatives:

NOTE 1 :DEVELOPMENT LOW RISK AREA STANDING ADVICE The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

NOTE 2 : The Local Planning Authority can only provide you with a formal written response to your request to discharge your condition(s) once a fee of £97.00 (commercial applications) or £28.00 (householder applications) (current rate subject to increase) per request has been paid to the Council as Local Planning Authority, together with any supporting information. A single request may cover the discharge of one or more conditions but each subsequent request attracts its own fee. Subject to the required details or actions being satisfactory, a written confirmation of the discharge of conditions(s) will be issued. The Council endeavours to discharge simple conditions within 21 days of the receipt of the request and complex ones within 8 weeks.

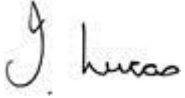
NOTE 3 : COMPLIANCE WITH CONDITIONS PRECEDENT This planning permission is subject to conditions which, in order to discharge them, require the submission of additional details and written approval of those details before the commencement of the development. This type of condition is called a condition precedent and failure to discharge such a condition prior to commencement of the development on site will make the development unlawful and liable to enforcement action.

NOTE 4 : In dealing with the application the Council has worked with the applicant in a positive and proactive manner and has implemented the requirement detailed in paragraph 187 of the National Planning Policy Framework.

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: In view of the close proximity of the proposed development to residential properties the applicant should make an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to the Council's Public Protection & Regulatory Services.

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 'Irene Lucas'. The signature is written in a cursive style with a large initial 'I'.

Ms. Irene Lucas CBE
Chief Executive

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

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.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice REF: [], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 0000) or online at www.planningportal.gov.uk/planning/appeals/online/makeanappeal.
- 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 to the Secretary of State 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.
- In practice, the Secretary of State does not refuse to consider appeals solely based on their decision on direction given by the Secretary of State.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, National Park authority for that Park, or in other cases the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated) This Notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Discharge of conditions

Town and Country Planning (Fee for Applications and Deemed Applications, Requests and Site visits) (England) (Amendment) No. 2 Regulations 2014 and in accordance with article 27 of the General Development Procedure Order 2015, 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 £28.00 (conditions on householder applications); or £97.00 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.