MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Victoria Mills Developments Ltd
C/o Agent

Agent (if used)

Miss Nikki Sills
Zerum Consult Ltd
4 Jordan Street
Manchester
M15 4PY

Part 1 – Particulars of the application/development

Proposal: Variation of condition 3 of planning permission 100991/OO/2012/N2 relating to the provision of 10 car parking spaces.

Location: Milliners Wharf Phase 2 , Pollard Street / Munday Street, Bradford, Manchester, M4 7BD

Date of application: 26 June 2014

Application number: 106007/JO/2014/N2

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 31 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) attached to this decision

1) a) The development of the retail site must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

b) The development of Buildings A and B and the surrounding land as identified on drawing reference (20)400RevC, date stamped as received by the local planning authority on the 10th May 2013, must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2) Approval of the details of the access, appearance, landscaping, layout, and scale of the building (hereinafter called "the Reserved Matters") of the development of the retail unit site as identified on drawing reference (20)400RevC date stamped as received by the local planning authority on the 10th May 2013, and (where relevant) other matters as are required under condition numbered 3 to 32 inclusive shall be obtained from the local planning authority in writing before any development is commenced on the retail unit site.

Plans and particulars of the Reserved Matters shall be submitted in writing to the local planning authority and shall be carried out as approved in writing by the local planning authority.

Reason - To ensure the satisfactory development of the site and because this application is in outline only, and to ensure that the conditions attached to the consent are complied with for each Phase or Part Phase related to the implementation to which they are relevant.

3) The development hereby approved for the retail unit site as identified on drawing reference (20)300RevJ, date stamped as received by the local planning authority on 25 June 2014 shall not exceed the following parameters:
- Retail floor area maximum of 355 m2 in gross external area
- Maximum height of 7 metres in a single storey building from finished floor level to top of roof
- Maximum of 10 car parking spaces

Reason - To ensure the development does not exceed the parameters disclosed in the planning application.

4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The Supporting Planning Statement, the Crime Impact Statement, the Bett Associates Desk Study Report, the retail statement completed by ID Planning, the Bett Associates Flood Risk Assessment, the Ecological Assessment completed by RSK Environmental Ltd and the Transport Assessment, stamped as received by the Local Planning Authority on the 20th November 2013, the application form, the Design and Access Statement - Addendum, the accommodation schedules for Buildings A and B, the Cleaning and Maintenance Strategy Report, the Code for Sustainable Homes Pre-Assessment, the Pre-Assessment Part L1A (2010) Compliance Report, the drawings numbered (20)402RevE, (20)410RevA, (20)110RevE, (20)111RevD, (20)112RevE, (20)113RevF, (20)210RevE, (20)211RevE, (20)212RevF, (20)213RevE, (20)100RevE, (20)101RevE, (20)102RevC, (20)103RevC, (20)104RevC, (20)105RevG, (20)106RevG, (20)107RevD, (20)108RevB, (20)200RevE, (20)201RevF, (20)202RevC, (20)203RevC, (20)204RevC, (20)205RevG, (20)206RevG, (20)207RevD, (20)208RevB, (20)209, stamped as received by the Local Planning Authority on the 10th May 2013, the amended plan numbered (20)401RevI, the massing views document and the Sun Path Study, received by the Local Planning Authority by email on the 23rd May 2013. Drawing reference (20)300RevJ, date stamped as received by the local planning authority on 25 June 2014

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, EC5, H1, H2, H4, C9, T2, EN1, EN6, EN14, EN18 and DM1 of the Core Strategy, saved policies DC7, DC20 and DC26 of the Unitary Development Plan for the City of Manchester and the guidance outlined within

the National Planning Policy Framework document and the Guide to Development in Manchester SPD and Planning Guidance (2007).

5) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall then be constructed in accordance with these approval details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

6) Notwithstanding the approved plans, no development shall commence until a fully detailed hard and soft landscaping treatment scheme for the site and the proposed sky garden has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

7) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to any part of the site or the buildings hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policy DM1 and T2 of the Core Strategy.

8) Prior to the commencement of the development hereby approved, a Car Park Management Strategy shall be submitted to in writing and approved in writing by the Local Planning Authority, which would include details of the role of a concierge in terms of controlling access, parking and deliveries, the control over delivery times, the regulation of when large removal vans can access the site, and details/plans of where delivery vans can park within the site and where they are restricted. The development shall then be constructed and operated in accordance with this management strategy as long as the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied and in the interests of highway and pedestrian safety in order to comply with Policy DM1 and T2 of the Core Strategy

9) Prior to the first occupation of the development hereby approved, the provision of space and facilities for bicycle parking at the development shall be completed and made available in accordance with the details within the Design and Access Statement and as shown on the Ground Floor Plan numbered (20)401RevI, stamped as received by the

Local Planning Authority on the 10th May 2013. Prior to the installation of the facilities outlined within this strategy within each phase on site, elevations/specification details of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies SP1, T1, T2, EN6 and DM1 of the Core Strategy and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

10) Deliveries, servicing and collections, including waste collections for the commercial premises hereby approved shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

11) The retail premises hereby approved shall not be open outside the following hours:-

Monday to Friday - 06:00 to 23:00
Saturdays - 06:00 to 23:00
Sundays - 07:00 to 23:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

12) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Pollard Street, the Metrolink, the service road and nearby industrial uses shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied and shall remain in perpetuity for as long as the building is operational.

Reason - To secure a reduction in noise from Pollard Street, the Metrolink, the service road and nearby industrial uses in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

13) Before the retail building hereby approved is first occupied it shall be insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the property. The development shall then be constructed in accordance with this approved scheme as long as the building is operational.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

14) Before first occupation of the retail development hereby approved, any externally mounted ancillary equipment shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning

authority in order to secure a reduction in the level of noise emanating from the equipment. The development shall then be completed in accordance with this approved scheme as long as the building is operational.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

15) The development of the residential scheme hereby approved shall not commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse for the residential accommodation has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the development is occupied.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

16) The development of the retail scheme hereby approved shall not commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse for the retail unit has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the development is occupied.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

17) A site strategy for the facilities for keeping roads clear of mud and debris shall be submitted to and approved in writing by the City Council as local planning authority prior to the development of each phase commencing. The approved facilities shall be retained on site during the construction period and shall be positioned to allow use throughout each phase of construction.

Reason - To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policies SP1 and DM1 of the Core Strategy.

18) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

19) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

20) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policies ER13 and DP3 of Regional Spatial Strategy for the North West (RSS13) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

21) The retail unit development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least a 'very good' rating. Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The

Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

22) No development shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works to be undertaken and a report submitted in accordance with a Written Scheme of Investigation (WSI) approved in writing by the local planning authority. The WSI shall cover the following:

1. A phased programme and methodology of site investigation and recording to include:
- desk-based archaeological study
- targeted archaeological evaluation trenching
- targeted open-area excavation and recording(informed by te evaluation)
2. A programme for assessment to include:
- analysis of the site investigation records and finds
- post fieldwork production of a final report on the significance of the archaeological and historical interest represented.
3. Provision for publication and dissemination of the analysis and report on the site investigation to include:
- a bound hardcopy and digital copy of the final assessment report with the Historic Environment Record
- (dependent upon the investigation results) a volume in the series 'Greater Manchester's Past Revealed'.
4. Provision for archive deposition of the report, finds and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In order to record and advance understanding of heritage assets to be lost and to make information about the archaeological heritage interest publicly accessible in order to comply with saved Policy DC20 of the Unitary Development Plan for the City of Manchester.

23) Prior to the commencement of any works on site, a survey for breeding birds should be undertaken by a suitably qualified ecologist, shall be completed and submitted in writing and approved in writing by the Local Planning Authority. Should any breeding birds be found an appropriate mitigation scheme should be submitted to and be agreed by the Local Planning Authority and then be implemented in full.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy

24) Prior to the commencement of any works on site, full details of ecological enhancement measures for the site should be submitted to and be agreed in writing by the Local Planning Authority. The development shall then be completed in accordance with these approved details and retailed as such while the development is occupied.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy.

25) Notwithstanding the approved plans and documents, no development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is first occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

26) Prior to commencement of development, full details of a surface water drainage scheme, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the scheme is completed, and maintained thereafter.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity by ensuring the satisfactory storage of/disposal of surface water from the site, pursuant to policy EN14 and DM1 of the Core Strategy.

27) A fully detailed Residential Travel Plan, with the objective of reducing car borne journeys; and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority within 12 months of the first occupation of the development hereby approved. For so long as the site is occupied or in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In accordance with the provisions contained within policies SP1, T1, T2 and DM1 of the Core Strategy.

28) The details of a 24 hour emergency telephone contact number for the site contractor shall be displayed in publicly accessible locations across the site and shall remain so displayed during the construction period.

Reason - In the interests of local amenity, pursuant to policy SP1 and DM1 of the Core Strategy.

29) No development shall be commenced on site, including any site clearance and preparation works, until a Construction Management Plan with detailed method statements of construction and risk assessments, including agreed safe methods of working adjacent to the Metrolink Hazard Zone, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, the storage of plant and materials used in constructing the development, the construction and demolition methods to be used (including the use of a crane), the erection of any security hoardings, measures to control the emission of dust and dirt during construction, a scheme for recycling/disposing of waste resulting from the construction work and the protection of Metrolink services and equipment, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be

constructed in strict accordance with the approved Construction Management Plan throughout the entire development process.

Reason - In the interests of protecting the Metrolink system, pursuant to Policies DM1 and T2 of the Core Strategy.

30) No development hereby approved shall commence until the full detailed design of the hard and soft landscaping, boundary treatments and lighting adjacent to the Metrolink Boundary have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in strict accordance with the approved details and shall remain as such while the development is occupied.

Reason - In the interests of protecting the Metrolink system, pursuant to Policies DM1 and T2 of the Core Strategy.

31) Before the development commences, studies containing the following with regard to television reception in the area containing the site shall be submitted to and approved in writing by the City Council as local planning authority:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (OFCOM), or by a body approved by OFCOM and shall include an assessment of when in the construction process an impact on television reception might occur.
b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Independent Television Commission, and shall include an assessment of the survey results obtained.
(c) Assess the impact of the development on television signal reception within the potential impact area identified in above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception. In the interest of residential amenity, as specified in policy DM1 of Core Strategy.

32) The residential apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Policies SP1, H1 and DM1 of the Core Strategy and to ensure the permanent retention of the accommodation for normal residential purposes.

33) Prior to the commencement of the development hereby approved, a scheme for providing a safe route for pedestrians around the new and existing car parks shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be constructed in accordance with the approved details and retained as such as long as the development is occupied.

Reason - In the interests of highway and pedestrian safety, in order to comply with Policy DM1 and T2 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 13 August 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

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 fractures.
- 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