

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Deborah Marsden
Manchester City Council
Wythenshawe Park Development Team
Wythenshawe Park
Wythenshawe Road
Manchester
M23 0AB

Agent (if used)

Mr Stephen Mason
Manchester City Council
Capital Programmes & Procurement
Level 8 Town Hall Extension
PO Box 532
Manchester
M60 2LA

Part 1 – Particulars of the application/development

Proposal: Creation of outdoor cycling facilities, including perimeter trail, learn-to-ride area, and skills areas

Location: Wythenshawe Park , Wythenshawe Road, Manchester, M23 0AB

Date of application: 25 May 2021

Application number: 130542/VO/2021

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 35 Declaration

The application has been determined in a positive and proactive manner. Issues that have arisen during consideration have been discussed with the applicant's agent and further information has been provided.

Condition(s) attached to this decision

1) The development 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 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents: Site plan (07) 001 Rev D 3; Pump Track/LTR Area (08) 001 Rev D 3; Skills Area and Skills Trails (08) 002 Rev D 3; Pump Track and Trail Sections (08) 003 Rev D3; LP/44968 - Heritage Statement - Wythenshawe Park Cycle

Facilities all as received on the 25th May 2021; Proposed Track Route WYP-MCC-XX-XX-DR-B-0010-S2 as received on the 16th June 2021; Flood Risk Assessment Sir Fredrick Snow and Partners August 2021 reference FS 4852revA as received on the 17th August 2021; Biodiversity Net Gain Assessment August 2021; Preliminary Ecological Appraisal August 2021; Arboricultural Method Statement August 2021; Arboricultural Impact Assessment August 2021 all prepared by Urban Green and as received on the 10th September 2021; Construction Environment Management Plan prepared by Engie as received on the 13th September 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the commencement of development on the a) pump track/learn to ride area b) skills area and c) skills trail details of a surface water drainage scheme in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall include:

- Proposed drainage layout(s) showing all components and connectivity.
- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.
- Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours.
- If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes at Greenfield runoff rates and in line with the Drainage Hierarchy is required:
 - Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates. An email of acceptance of proposed flows and/or new connection will suffice.
 - Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority.
 - Where surface water is connected to Main River, any works within or adjacent to the river that would affect it would require consent from Environment Agency.
 - Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.
- Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable;
- Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during

a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building;

- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

4) No development hereby permitted shall be first brought into use until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved 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:

-Verification report providing photographic evidence of construction as per design drawings;

- As built construction drawings if different from design construction drawings;

-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 scheme throughout its lifetime.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to policy EN8 and EN14 of the Core Strategy and the NPPF.

5) Before the development hereby approved is first used a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development

ii) a commitment to surveying the travel patterns of visitors during the first three months of use of the development and thereafter from time to time

iii) mechanisms for the implementation of the measures to reduce dependency on the private car

iv) measures for the delivery of specified travel plan services

v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

6) Prior to the first use of the development hereby approved a car park management plan shall be submitted to and approved in writing by the City Council as local planning

authority. The submitted plan shall include measures to coordinate events taking place and in order to minimise/avoid clashes of events taking place at the development and the wider Park. The development shall be subsequently operated in accordance with the agreed details.

Reason - In the interests of pedestrian and highway safety and to reduce any potential impacts on the local road network, pursuant to policies T1 and DM1 of the Core Strategy .

7) No vegetation removal or tree felling required to facilitate the scheme should be undertaken during the optimum time of year for bird nesting (March to August inclusive) unless and until a survey of the site in a form and carried out by a suitably qualified person has been carried out and demonstrates to the local planning authority's written satisfaction that no nesting birds are present. Should the survey reveal the presence of any nesting birds, a scheme for mitigation shall be submitted to and agreed in writing by the City Council as local planning authority prior to any vegetation or tree felling taking place, and implemented in full in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

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.

8) Prior to the removal of vegetation or any trees details plans and locations of the following shall be submitted to and approved in writing by the City Council as local planning authority:

- The extent of removal of invasive plant species
- The extent of areas of proposed replanting with woodland species
- The types and densities of any new plant species to be introduced
- The number, type and location of bird nesting and bat roosting boxes

The development shall be carried out in accordance with the agreed details.

Reason - To enhance the biodiversity of the site pursuant to policy EN9 of the Core Strategy.

9) Precautions should be followed at all times during the construction period to avoid any possible harm to badgers or hedgehogs, as described in the approved Preliminary Ecological Assessment.

Reason - In the interests of the habitats of protected species that may be present on the site pursuant to policy EN15 of the Core Strategy.

10) No tree shall be removed at the site unless and until a survey of the tree has been carried out by a suitably competent person and demonstrates to the local planning authority's written satisfaction that no bats inhabit the tree. Should the survey reveal the presence of any bats, a scheme for the protection of their habitat shall be submitted to and agreed in writing by the City Council as local planning authority before the development commences, and implemented in full in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

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.

11) Prior to the first use of the development hereby approved details of secure storage facilities for users of the facility shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of the safety and security of users of the park pursuant to policy DM1 of the Core Strategy.

12) No artificial lighting shall be installed to any of the tracks and routes hereby approved.

Reason - In the interests of the ecology of the site pursuant to policy EN15 of the Core Strategy.

13) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to

addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Date: 21 October 2021

Signed: 

Julie Roscoe
Director 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, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six 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 gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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 or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.