

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 Rodney Hogarth
Kirkland Developments (Gorton) Ltd
5A Woodford Road
Stockport
SK7 1JN

Agent (if used)

Mr Michael Stewart
Michael Stewart Architecture
75 Parsonage Road
Stockport
SK4 4JL

Part 1 – Particulars of the application/development

Proposal: Reserved matters application for consideration of appearance, landscape and scale following outline planning permission referenced 128864/OO/2020 for 25 x 2 storey dwellinghouses (Class C3)

Location: Land Opposite 83-87 Vine Street , Manchester , M18 8SR

Date of application: 2 August 2023

Application number: 137751/MO/2023

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

Condition(s) attached to this decision

0) 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. Pre application advice were sought in respect of this development where early discussions took place regarding the scale of the development, residential amenity and landscaping. Further work and discussions have taken place with the applicant through the course of the application, particularly in respect of matters arising from the consultation and notification process. The proposal is now considered to be acceptable and been conditioned accordingly.

1) The development 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.

Reason - Required to be imposed pursuant to Section 92 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: Drawing ref: 18.13 PL01 (Location Plan); 1813 SA 01 (Site Analysis Plan); 18.13 PL05 (Layout Strategy) received 11th December 2021; as revised by layout shown on 18.13.PL02 rev.G;

Site Analysis photographs 1 of 4; 2 of 4, 3 of 4 and 4 of 4:

Plan ref: 18-442 rev.C (Topographical Land Study);

Planning Statement from NJL Consulting. Ref. December 2020 2020-040;

Design and Access Statement dated December 2020; Mapping information in regard to utilities;

Letter from GMAAS to the developer dated 26th November 2020 confirming the site contains no heritage assets and has a very low potential for archaeological remains;

Air Quality Assessment ref: 4039 r2 dated 4th December 2020;

Preliminary Ecological Appraisal 7th December 2020 (including plan ref: SE0920-01_ECOP01);

Crime Impact Statement VERSION B: 10th December 2020 Ref: 2020/0631/CIS/01;

Outdoor Lighting Report dated 3rd December 2020 (including plan ref: 22050-D01 (Section 38 Proposed Lighting and Installation Design Layout));

Structural Design Philosophy by Scott Hughes;

Broadband Connectivity Assessment Issue 01: Noise and Vibration Assessment for Planning Purposes dated 7th December 2020 Ref: AEC REPORT: P4238/R1c/RDC;

Arboricultural Impact Assessment 10th December 2020;

Flood Risk Assessment and Drainage Strategy; revision 2 December 2020;

Desk Top Report in relation to ground conditions (including coal mining report) ref: AG3211-20-AL43 Issue 2 dated December 2020;

Waste Management Strategy;

Transport Statement ref: VN 201796 Issue 2 10th December 2020 (including swept path and sightline plans);

Energy and Sustainability Statement dated 1st December 2020; Received 11th December 2020 Drawing ref: 18.13 SX01A (Site Cross Sections).;

and 18.13 SX02A (Site Long Section) received 17th December 2020;

Land ownership plan ref: 7790160 dated 22nd December 2020 to show no land within the site edged red is in Network Rail ownership received 23rd December 2020;

Southway Affordable Housing Mix Statement dated 3rd December 2020 received 18th January 2021;

Plan ref: S18-442 rev.A (Topographical Land Survey showing Trial trench for culverted watercourse) received 18.03.2021;

Affordable Housing Statement dated 25th March 2021 ;

Plan ref: 18.13 PL02 rev.G (site plan for outline planning) and plan ref: 18.13 PL05 rev.A (Layout Strategy) received 21st May 2021;

Design and Access Statement dated May 2023

Preliminary Bat Roost Appraisal and Update Badger Survey Report ref: SE0920-04_G01_DH dated 24th May 2023

Energy Statement ref: Z58150 rev.1

Remediation and Enabling Works Strategy report ref: 14-944-R2 (June 2023) Version 1 dated 19th June 2023

Sheet Piling Works Method Statement

Location Plan ref: PL01

Layout Strategy plan ref: PL 02 A
Site Plan Ground floor plan ref: PL03 D
Site Roof plan ref: PL 05A
Site Plan Ground plan ref: PL06B
House Plans sheet 1 plan ref: PL07B
House Plans sheet 2 plan ref: PL08B
Block Plans and Elevations Sheet 1 plan ref: PL09B
Block Plans and Elevations Sheet 2 plan ref: PL10B
Block Plans and Elevations Sheet 3 plan ref: PL11B
Block Plans and Elevations Sheet 4 plan ref: PL12B
Block Plans and Elevations Sheet 5 plan ref: PL13B
Site Cross Sections SX01
Site Cross Sections SX01

Typical External Works details ref: VSG-RDG-XX-X-DR-C-0010 rev.P02
Earth Works Cut and Fill Isopachytes plan ref: VSG-RDG-XX-X-DR-C-0002 rev.P04
Proposed finished levels plan ref: VSG-RDG-XX-X-DR-C-0001 rev.P05
Biodiversity Enhancements plan ref: SE0920-04_D02_GS rev.B
Section 278 Works - Proposed External Works plan ref: VSG-RDG-XX-X-DR-C-0014 rev.P01
Section 278 Works - General Arrangement plan ref: VSG-RDG-XX-X-DR-C-0011 rev.P01
Section 278 Works - Proposed Finished Levels plan ref: VSG-RDG-XX-X-DR-C-0012 rev.P01
Section 278 Works - Site Clearance plan ref: VSG-RDG-XX-X-DR-C-0013 rev.P01
Topographical Land Survey S18-442
Received 2nd August 2023

Building for a Healthier Life Assessment received 18th August 2023 (notwithstanding any reference to a community green space);
Email from planning agent dated 23rd August 2023 advising that a substation will not be required.
Garden elevations plan ref: 23.01 EL02 B received 22nd August 2023.
Materials Schedule rev.B received 24th August 2023

Landscape proposals plan ref: SE0920-04_D01_GS rev.C received 18th September 2023 annotated to reference that 'Any trees lost due to engineering and construction work within the buffer zone between the development and the Network Rail site boundary, will be replaced to avoid the risk of significant tree clearance'.

Street elevations plan ref: 23.01 EL01 D received 29th October 2023
Site layout plan ref: PL02 G and Site Plan First floor plan ref: PL04 B received 1st November 2023

External works layout plan ref: VSG-RDG-XX-XX-DR-C-0009 P03 received 4th November 2023

Site Plan Ground plan ref: PL06 C
Boundary Treatment Sheet 1 Boundary types 1-3 ref: BDT 01 B
Boundary Treatment Sheet 2 Boundary types 4-7 ref: BDT 02 B
Received 6th November 2023

Phase II Geo environmental Site Assessment ref: 14-944-R1 (October 2023) Version 3 dated 11th October 2023 received 8th November 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) .

3) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
- Deliveries, waste, cranes, equipment, plant, works, visitors;
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes; o Method of preventing mud being carried onto the highway;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason- In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

4) The development shall be implemented in accordance with the materials schedule revision B dated 24.08.2023 .

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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

5) The development hereby approved shall be implemented in accordance with Crime Impact Statement VERSION B: 10th December 2020 Ref: 2020/0631/CIS/01, in particular sections 3.3 and 4. 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 for the development.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

6) Notwithstanding the plans referenced in condition no.2; prior to any above ground works, finalised detailed designs (including specifications) of all on site and off site highways works (including any Traffic Regulation Orders, dropped crossings, tactile paving and traffic calming measures) shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed dwellinghouses being occupied, and thereafter retained and maintained in situ.

Reason - In the interests of pedestrian and highway safety, pursuant to policy T1, and DM1 of the Manchester Core Strategy (2012).

7) The car parking indicated on the approved plans development be surfaced, demarcated and made available for use prior to the new dwellings hereby approved being occupied. The car parking shall then be available at all times in perpetuity.

Reason - To ensure that there is adequate car parking for the development proposed when the dwellings are occupied, pursuant to policies T2, SP1 and DM1 of the Manchester Core Strategy (2012).

8) a)Cycle storage shall be implemented in accordance with the locations on the Site Plan Ground plan ref: 23 01 PL06B and 23 01 PL03D.

b)Prior to above ground works commencing, finalised detailed designs for the provision of the cycle stores shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed dwellings being occupied.

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, EN8 and DM1 of the Manchester Core Strategy (2012) and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

9) Prior to the occupation of the development, finalised details of the location and specifications of the provision of electric vehicle charging points on plan ref: PL03 rev.D,

shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed accommodation within that phase being occupied, and thereafter managed and maintained in accordance with the approved details.

Reason - In the interest of the residential amenity of the occupants of the development due to the air quality surrounding the development and to secure a reduction in air pollution from traffic or other sources in order to safeguard the amenity of nearby residents from air pollution, pursuant policies SP1, EN16 and DM1 of the Manchester Core Strategy (2012), and Greater Manchester Air Quality action plan 2016.

10) Prior to first occupation of the development, a repaving strategy for the public footpaths and redundant vehicular crossings on Vine Street, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be carried out in accordance with an implementation programme to be approved by the City Council as Local Planning Authority.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant policy DM1 of the Core Strategy for Manchester.

11) Before the development hereby approved is first occupied a full 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 residents and those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of residents 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, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

12) Prior to the occupation of the development, finalised details of a strategy for all external lighting, including lighting on the buildings, within the building's curtilage, shall be submitted to, and approved in writing by, the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure adequate lighting within the development, pursuant to policies SP1 and policy DM1 of the Manchester Core Strategy (2012).

13) If , when the lighting units are illuminated, they cause glare or light spillage which is in the opinion of the City Council as Local Planning Authority to the detriment of adjoining and nearby residential properties, such measures as the Council as Local Planning Authority confirm in writing that they consider necessary including baffles and/or cut-offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of existing and proposed nearby residential accommodation, pursuant to policies SP1 and policy DM1 of the Manchester Core Strategy (2012).

14) a) Notwithstanding the Remediation and Enabling Works Strategy report ref: 14-944-R2 (June 2023) Version 1 dated 19th June 2023
Phase II Geo environmental Site Assessment ref: 14-944-R1 (October 2023) Version 3 dated 11th October 2023 referenced in condition no.2;
before the development hereby approved commences, a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) in accordance with the potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site identified in the Desk Top report ref: AG3211-20-AL43 Issue 2 dated December 2020, shall be 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 Manchester Core Strategy (2012).

15) The waste management strategy for the storage and disposal of refuse shall be implemented prior to first occupancy of the development and shall remain operational thereafter.

Reason - To protect the amenity of the occupants of the residential and commercial accommodation once the development hereby approved is occupied, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

16) The mitigation and best practice measures set out in the Air Quality Assessment dated 4th December 2020 to safeguard local air quality, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Manchester Core Strategy (2012).

17) a) The proposed residential accommodation shall be acoustically insulated against noise from the nearby railway, traffic, and industrial /commercial uses in the vicinity, in accordance with the mitigation measures detailed in the Noise and Vibration report for Planning Purposes dated 7th December 2020 by Kirkland Developments Limited. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

b) Upon completion of the development and before first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012), and saved UDP policy DC26.

18) No development shall take place until culvert investigation has been undertaken in accordance with the proposal received via email from Paul Graveney (Sent: 05 February 2021 17:10; Subject: RE: call summary - 128864/OO/2020) including attachment 'Vine Street - Culvert Trial Trench.pdf'. This should include verification photos for evidence of investigation as-proposed. If the culvert is proven present, the precise route, condition, capacity and connectivity of the culvert should be determined across the whole site. Results of the investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason- To reduce the risk of flooding, and to reduce the associated flood risk and danger of collapse of culverts pursuant to policy EN14 of the Manchester Core Strategy (2012).

19) No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant national policies within the NPPF and NPPG and policies EN08 and EN14 of the Manchester Core Strategy (2012).

20) No development hereby permitted shall be occupied 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 approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details for that phase. Those details shall include:

- o Verification report providing photographic evidence of construction as per design drawings;
- o As built construction drawings if different from design construction drawings;
- o 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 ensure future maintenance of the surface water drainage system pursuant to policies EN8, EN14, EN17 and DM1 of the Manchester Core Strategy (2012).

21) If no ground works are commenced on site within 12 months of the date of the permission hereby approved, a survey to identify whether badgers are present on the site shall be submitted to, and approved in writing by, the City Council as local planning authority, together with any mitigation measures required. Any mitigation measures which are approved shall be implemented within a timeframe to be agreed with the City Council as local planning authority.

Reason - To safeguard a European Protected Species (Habitats Regulations 1994) to comply with policy EN15 of the Manchester Core Strategy (2012).

22) No removal of or works to any trees or shrubs shall take place during the main bird breeding season (March to August inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to policy EN15 of the Manchester Core Strategy (2012).

23) The development shall be implemented in accordance measures referenced on the Biodiversity Enhancements plan ref: SE0920-04_D02 _GS rev.B , prior to the occupation of the dwellinghouses.

Reason - In order to improve biodiversity within the site, in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012).

24) If no ground works are commenced on site within 12 months of the date of the permission hereby approved, a survey to identify whether bats are present on the site shall be submitted to, and approved in writing by, the City Council as local planning authority, together with mitigation measures prior to commencement of development . Any mitigation measures which are approved shall be implemented within a timeframe to be agreed with the City Council as local planning authority.

Reason - To safeguard a European Protected Species (Habitats Regulations 1994) to comply with policy EN15 of the Manchester Core Strategy (2012).

25) The landscaping shall be implemented in accordance with plan ref: . SE0920-04_D01_GS rev.C not later than 12 months from the date the buildings within that phase 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 in that phase of development, another tree or shrub of the same species and size as that originally planted shall be planted at the same place within that phase of development.

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 Manchester Core Strategy (2012).

26) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans within the Arboricultural Impact Assessment dated 10th December 2020; 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 Manchester Core Strategy (2012).

27) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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 Manchester Core Strategy (2012).

28) Prior to the installation of any utility connections to the dwellinghouses hereby approved fronting onto Vine Street (plot nos. 1-3), finalised details of the excavation methodology to be used in conjunction with the installation of utilities , taken from the options set out with the Excavation Strategies report revision V0 received 21st May 2021; shall be submitted to and approved in writing by the City Council as local planning authority . The development shall be implemented in accordance with the approved details.

Reason - In order avoid damage to trees 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 Manchester Core Strategy (2012).

29) The development hereby approved shall be carried out in accordance with the Energy Statement Ref Z58150 Rev 1. By The Energy Council received by the City Council, as Local Planning Authority, on the 2nd August 2023 A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy(2012) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy (2012) and the guidance contained within the National Planning Policy Framework.

31) The residential use hereby approved shall be used only as private dwellings (which description shall not include serviced properties 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 1987 (as amended), 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 accommodation does not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy (2012) and the guidance contained within the National Planning Policy Framework.

32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, extensions, porches, roof alterations or outbuildings shall be erected onto the new build properties within the development hereby approved other than those expressly authorised by this permission.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

33) The location , heights, and type of boundary treatment on plan refs: Site Plan Ground plan ref: PL06 C; Boundary Treatment Sheet 1 Boundary types 1-3 ref: BDT 01 B; and Boundary Treatment Sheet 2 Boundary types 4-7 ref: BDT 02 B received 6th November 2023 shall be implemented in full before any property is first occupied and retained as such thereafter.

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, and to prevent unauthorised access to the adjacent railway, in order to comply with Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

34) The location , heights, and type of acoustic fencing boundary treatment on plan refs: Site Plan Ground plan ref: PL06 C (including annotated reference that the nature of the acoustic boundary treatment measures to be installed are to satisfy the noise and vibration survey assessment); Boundary Treatment Sheet 1 Boundary types 1-3 ref: BDT 01 B; and Boundary Treatment Sheet 2 Boundary types 4-7 ref: BDT 02 B received 6th November 2023 shall be implemented in full before any property is first occupied and retained as such thereafter.

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 Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

35) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the buildings shall be undertaken other than that expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity and visual amenity of the area in which the development is located pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

36) Prior to the commencement of development, a method statement and risk assessment in relation to works in proximity to the boundary with the railway shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved method statement and risk assessment .

Reason - To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway, pursuant to policies T1 and DM1 of the Manchester Core Strategy (2012).

37) Any scaffolding works to be undertaken within 10m of the railway boundary, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved scaffolding works.

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding, pursuant to policies T1 and DM1 of the Manchester Core Strategy (2012).

38) Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to ,and approved in writing by City Council as Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To prevent any piling works and vibration from de-stabilising or impacting the railway, pursuant to policies T1 and DM1 of the Manchester Core Strategy for Manchester (2012).

39) Prior to any above ground works, details of a scheme to direct both the disposal of surface water and foul water drainage, away from the railway shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason- To protect the adjacent railway from the risk of flooding, soil slippage and pollution, pursuant to policies EN14, T1 and DM1 of the Manchester Core Strategy (2012).

40) Prior to the commencement of the development, full details of proposed ground levels, earthworks and excavations to be carried out near to the northern boundary with the railway shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason - To prevent any of the resulting ground levels, earthworks and excavations, from de-stabilising or impacting the railway, pursuant to policies T1 and DM1 of the Manchester Core Strategy for Manchester (2012).

41) Prior to any above ground works details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason- To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion, pursuant to policies T1 and DM1 of the Manchester Core Strategy for Manchester (2012).

42) The bathroom and landing windows at first floor level in the southern elevation of plot nos.6 and 7 on the Block Plans and elevations sheet 2 plan ref: 23.101 PL 10 rev.B shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent, and maintained in perpetuity .

Reason - In the interest of privacy and to protect the amenity and living conditions of adjacent properties and in accordance with policies EN1, SP1 and DM1 of the Manchester Core Strategy(2012).

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:

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

Mining Information

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.

The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

1.Measurements to railway tracks and railway boundary When designing proposals, the developer is advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

2. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. The Builder is to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to: AssetProtectionLNWNorth@networkrail.co.uk

3. Fencing

The applicant will provide at their own expense (if not already in place): A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land. The fence must be wholly constructed and maintained within the applicant's land ownership footprint. All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary. The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments. Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way. Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land. Proposal fencing must not be placed on the boundary with the railway. Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review. The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

4. Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary. All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint. Buildings and structures must not over-sail Network Rail air-space. Any future maintenance must be conducted solely within the applicant's land ownership. Rainwater goods must not discharge towards or over the railway boundary. Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

5. Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the

maximum height of the pole(s) and the railway boundary. This is to ensure that the safety of the railway is preserved, and that scaffolding does not: Fall into the path of on-coming trains Fall onto and damage critical and safety related lineside equipment and infrastructure Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

6. Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement. All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling. The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement. Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

7. Drainage proposals and Network Rail land

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following: All surface waters and foul waters must drain away from the direction of the railway boundary. Soakaways for the proposal must be placed at least 30m from the railway boundary. Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems. Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway - any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts. The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway. Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary. NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public. If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. They recognise that councils are looking to proposals that are sustainable, however, they would remind

the applicant that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land. The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system. The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

8. Excavation and Earthworks and Network Rail land:

The NPPF states: "178. Planning policies and decisions should ensure that: a. A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability." In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following: Alterations to ground levels De-watering works Ground stabilisation works Works to retaining walls Construction and temporary works Maintenance of retaining walls Ground investigation works must not be undertaken unless agreed with Network Rail. Confirmation of retaining wall works (either Network Rail and/or the applicant). Alterations in loading within 15m of the railway boundary must be agreed with Network Rail. For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review. Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The developer is also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

9. 3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that they can maintain and renew their boundary treatments.

10. Noise

The developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future

issues for residents once they take up occupation of the dwellings. The NPPF states, "182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed." Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction. To note are: The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays. Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration. Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration. Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends. Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works. The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited. The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey. Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor. Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority. Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway. Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report. Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use. Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

11. Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future. No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that

is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

12. Parking / Hard Standing Area

Where a proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site: hard standing areas turning circles roads, public highways to facilitate access and egress from developments Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers). This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway. 13. BAPA (Basic Asset Protection Agreement) As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA.

Date: 10 November 2023

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/appeal-planning-decision. 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 their 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.