

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

Trafford Learning Vocational Centre
Ashton Old Road
Openshaw
Manchester
M11 2FY

Agent (if used)

Mr Saghir Hussain
Create It Studio Architects
Universal Square
Devonshire Street North
Manchester
M12 6JH

Part 1 – Particulars of the application/development

Proposal: Erection of 3 storey building to form new independent school building (Class F.1) with associated parking, amenity space, landscaping and boundary treatment

Location: Ashton Old Road, Openshaw, Manchester, M11 2FY

Date of application: 14 December 2022

Application number: 135649/FO/2022

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. The original submission raised initial concerns about the levels of off street car parking , and biodiversity measures, and following the receipt of revised plans this matter has been satisfactorily resolved and the appropriate conditions have been attached.

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 documents and plans:

Existing site plan ref: A1417(01)AP001 rev.P2

Location plan ref: A1417(01)AP000 rev.P1;

Proposed elevations plan ref: A1417(02)AP006 rev.P2;

Proposed 3D views plan ref: A1417(02)AP007 rev.P2

Planning Statement and Design and Access Statement dated November 2022;

Environmental standards statement ref: Z54116 dated May 2022

Air quality assessment ref: 5606r1 dated 15th August 2022

Crime Impact Statement ref: 2022/0251/CIS/01 Version A: 10th June 2023

Landscaping plan ref: : A1417(02)AP008 rev.P2 ;

Noise Impact Assessment ref: Z54116 dated 27th May 2022

Phase 1 - Preliminary Risk Assessment ref: LKC 22 1260 dated June 2022

Transport Assessment ref; 303-22-1 November 2022

Travel Plan ref: 303-2-2

received 2nd December 2022;

Waste management strategy received 14th December 2022

Highway Note received 4th April 2023;

Ecological Assessment report dated 13th April 2023 received 14th April 2023

Specification Floor mounted Changing point document ref: A1417(02)AP011 rev.P1

Received 4th April 2023

Arboricultural Method Statement dated 3rd August 2023

Arboricultural Implications Assessment dated 3rd August 2023

Proposed elevations plan ref: A1417(02)AP005 rev.P3 received 15th August 2023

Proposed Ground Floor plan ref: A1417(02)AP002 rev.P8

Proposed first floor plan ref: A1417(02)AP003 rev.P7 ;

Proposed second floor plan ref: A1417(02)AP004 rev.P6;

Proposed boundary treatment plan ref: A1417(02)AP009 rev.P3 (notwithstanding height of fencing to bin store in the plan key)

Received 8th November 2023

Proposed site plan ref: A1417(02)AP001 rev.P9

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) Prior to the commencement of the development, a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- o The routing of construction traffic;
- o Detail the vehicular activity associated with the construction including appropriate swept path assessment;
- o Details of the location and arrangements for contractor parking;
- o The identification of the vehicular access points into the site;

- o Identify measures to control dust and mud, including on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- o The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
- o A highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.
- o Identify measures to reduce noise emissions;
- o Compound locations where relevant;

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (2012).

4) Notwithstanding the materials shown on the plans referenced in condition no.2, prior to the commencement of above ground works of the hereby approved building, samples and specifications of all materials to be used on all external elevations of the development 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 - 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 Manchester Core Strategy (2012).

5) The soft landscaping treatment scheme on the Proposed site plan ref: A1417(02)AP001 rev.P9 and Landscaping plan ref: : A1417(02)AP008 rev.P2, 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 Manchester Core Strategy (2012).

6) The car parking hereby approved shall be surfaced, demarcated and made available for use before the development hereby approved being first occupied., and subsequently be available at all times whilst the building is occupied. The implemented parking spaces , and shall not be used for any other purpose than the parking of vehicles associated with the use of the building.

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

7) a) The cycle storage facilities in the location shown on Proposed site plan ref: A1417(02)AP001 rev.P9 and the Proposed boundary treatment plan ref: A1417(02)AP009 rev.P3 (notwithstanding height of fencing to bin store in the plan key)

shall be implemented prior to the development hereby approved being occupied or used .

b) Finalised details of the specifications of the type of cycle stands to be located within the store, together with finalised detail of the roof to the cycle store , shall be submitted to and approved in writing by the City Council as local planning authority, prior to the development hereby approved being occupied or used .

The approved facilities shall then be implemented prior to the occupation of the school and 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 transport mode, pursuant to policy T1 of the Manchester Core Strategy (2012).

8) Within six months of the first use of the development, a revised Travel Plan which is consistent with the Framework Travel Plan shall be submitted as part of the application and which takes into account the information about travel patterns gathered following the opening of the school shall be submitted to and approved in writing by the City Council as local planning authority. This should include the monitoring of the utilisation of cycle spaces with the requirement to review additional storage provision when 90% utilisation is reached. 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 Manchester Core Strategy (2012) and the Guide to Development in Manchester SPD (2007).

9) Prior to any above ground works full detailed designs (including specifications) of all off site highways works (including any Traffic Regulation Orders; school entrance markings on Whitworth Street; guard railing at pedestrian entrances and to guide pedestrians to safe crossing points; dropped kerbs and tactile paving across the proposed Whitworth Street; entrance/egress points; and footway resurfacing), 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, prior to the school accommodation being brought into use.

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

10) Prior to the first occupation of the development hereby approved a management plan for the car parking and drop-off area within the development shall be submitted to and approved in writing by the City Council as local planning authority. The plan shall include: - Measures to marshall the use of the staff car park and drop off area; - Measures to discourage use of drop off areas for longer term car parking; and - Measures to be employed to discourage inappropriate drop off of pupils. The development shall be implemented in accordance with the approved management plan.

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

11) The provision of electric vehicle charging points within the car park (together with the infrastructure, ducting and capacity) shall be implemented in accordance with the locations shown on Proposed site plan ref: A1417(02)AP001 rev.P9 and details in the Specification Floor mounted Charging point document ref: A1417(02)AP011 rev.P1 , prior to the school accommodation being brought into use, 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).

12) No development shall take place until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, 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).

13) 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 scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. 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 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 national policies within the NPPF and NPPG and policies EN08 and EN14 of the Manchester Core Strategy (2012).

14) The development shall be carried out in accordance with the Crime Impact Statement Crime Impact Statement , ref.2022/0251/CIS/01, Version A, dated 10.06.22 (in particular sections 3.3 and 4) prepared by Design for Security at Greater Manchester Police. 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 Manchester Core Strategy (2012) and to reflect the guidance in the National Planning Policy Framework.

15) The development hereby approved shall undergo a Sustainability Review to demonstrate the achievement of a BREEAM rating of at least 'very good'. A post

construction Sustainability Review document demonstrating achievement of a BREEAM rating of at least 'very good' shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of the building hereby approved is first occupied. The Sustainability Review document will provide evidence once the building has been erected that it has been built in accordance with the relevant BREEAM criteria based on the current appropriate BRE manual and has incorporated feasibility measures to minimise the environmental impact and energy use.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

16) 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 Manchester Core Strategy (2012).

17) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences. Mixed use schemes

shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties, in order to comply with policy DM1 of the Manchester Core Strategy (2012).

18) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be 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 site.

b) Prior to occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

19) The development shall be implemented in accordance with the measures in the Noise Impact Assessment ref: Z54116 dated 27th May 2022 before the school hereby approved is brought into

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies SP1, H1 and DM1 of the Manchester Core Strategy (2012).

20) No deliveries, servicing and collections, including waste collections, shall be carried out before 07:30 a.m. and after 8.00p.m. on Mondays to Saturdays no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy (2012).

21) The development shall be implemented in accordance with the Waste management strategy received 14th December 2022, prior to first occupancy of development and shall remain operational thereafter.

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

22) The school hereby approved shall not be used outside the following hours :- Mondays to Fridays 08:00 to 16:00.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012) .

23) a) Prior to occupation of the development detailed designs of any external lighting/ floodlighting scheme for the school building and parking facilities shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to the use commencing a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved external lighting scheme. The report shall also undertake post completion testing to confirm that acceptable criteria have 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 criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties, and to safeguard protected species pursuant to policies EN15, SP1 and policy DM1 of the Manchester Core Strategy (2012).

24) No works to trees or shrubs, shall commence between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation that no active bird nests are present has been submitted to and approved in writing by the City Council as local planning authority.

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

25) The sparrow terraces and bat boxes on plan ref: Proposed elevations plan ref: A1417(02)AP005 rev.P3 received 15th August 2023 shall be installed in accordance with the agreed designs, prior to the occupation of the building hereby approved.

Reason - To provide a roost for bats a European Protected Species (Habitats Regulations 1994) and bird boxes to comply with policy EN15 of the Manchester Core Strategy (2012).

26) In this condition "retained tree" means an existing tree, which is to be as shown as lying outside of , but having a root protection zone within the site on plan ref: RSM/BS/01 within the Arboricultural Implications Assessment report dated 3rd August 2023

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). 32) 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).

27) The boundary treatment shall be implemented in accordance with the details in the Materials Schedule in the Design and Access Statement dated November 2022 , and Proposed boundary treatment plan ref: A1417(02)AP009 rev.P3 (notwithstanding height of fencing to bin store in the plan key) received 8th November 2023 , prior to the occupation of the building 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 Manchester Core Strategy (2012).

28) The boundary treatment shall be implemented in accordance with the details in the Materials Schedule in the Design and Access Statement dated November 2022 , and Proposed boundary treatment plan ref: A1417(02)AP009 rev.P3 (notwithstanding height of fencing to bin store in the plan key) received 8th November 2023 , prior to the occupation of the building 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 Manchester Core Strategy (2012).

29) Before first occupation of the development thereby approved, all windows in the eastern elevation on Proposed elevations plan ref: A1417(02)AP005 rev.P3 shall be obscurely glazed to a height of 1.7m above internal floor level to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent, and shall remain so in perpetuity.

Reason - In the interest of privacy and to protect the amenity of any future development on the adjacent site 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:

http://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 reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

Date: 20 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 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.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024