

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

Network Rail
One Eversholt Street
London
NW1 2DN

Agent (if used)

Mr Michael Gradwell
Network Rail
1st Floor Square One
4 Travis Street
Manchester
M1 2NY

Part 1 – Particulars of the application/development

Proposal: Engineering works to form underground drainage connection from the railway line including the creation of an outfall/headwall

Location: Land At Clayton Vale Country Park, East Of Berry Brow, Manchester, M40 1GG

Date of application: 17 March 2022

Application number: 133209/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

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. The proposal is considered to be in accordance with the Development Plan and therefore determined in a timely manner.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

PO2.1, PO2 Location Plan, Design and Access Statement, Construction Management Plan, PO1.1, Arboricultural Impact Assessment, Ecology Report, Flood Risk Document, PO2.1 Flood Details, stamped as received on the 15 March 2022, Contaminated Land Desk Top Study, stamped as received on the 12 May 2022, Compliant Transfer Plan, stamped as received on the 13 July 2022, 01 Sketch, stamped as received on the 23 May 2022 and BO1, stamped as received on the 13 June 2022.

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

3) 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 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 within each phase 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 in each phase 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 EN18 of the Unitary Development Plan for the City of Manchester.

4) Prior to the commencement of development hereby approved, an Environmental and Social Management Plan (ESMP), shall be submitted to and agreed in writing by the local planning authority. The details shall include: habitat re-creation and a planting

schedule , and details how prevention of spread of invasive species will be prevented. The development shall then be completed in accordance with the agreed details.

Reason-To enhance the biodiversity and ecology of the site and re-create habitat lost as part of the proposals pursuant to policy EN15 of the Manchester Core Strategy.

5) Prior to the commencement of development hereby approved, details demonstrating how 10% Biodiversity Net Gain will be secured as part of the wider scheme (Manchester Victoria - Stalybridge Transpennine Route Upgrade), shall be submitted to and agreed in writing by the local planning authority.

Reason-To enhance the biodiversity and ecology of the site and re-create habitat lost as part of the proposals pursuant to policy EN15 of the Manchester Core Strategy.

6) Prior to the first use of the development temporary signage and way finding markers shall be installed in accordance with the details previously submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To reduce the risk of conflicts between users of Clayton Vale pursuant to policy DM1 of the Manchester Core Strategy Development Plan Document.

7) The constructing management arrangements shall be carried out in accordance with Construction Management Plan produced by Network Rail, stamped as received on the 15 March 2022.

Reason - To safeguard the amenities of nearby residents, highway safety, tram safety, air quality and water quality pursuant to policies SP1, EN17, EN16, EN19 and DM1 of the Manchester Core Strategy (2012).

8) 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.

In order to avoid/dischage the above drainage condition the following additional information has to be provided:

- o Final drainage layout with labelled components, levels and connectivity.

- o Where drainage infrastructure is proposed in 3rd party land, evidence of consent from the 3rd party landowner is required.
- o Where drainage infrastructure is proposed in 3rd party land, details of agreement with the 3rd party landowner to enter the 3rd party land and maintain the drainage system for the lifetime of the scheme.
- o Hydraulic calculation of the proposed drainage system.
- o Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building.
- o Results of the ground investigation and modelling undertaken for infiltration investigation. If infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required.
- o Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates.
- o Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it require Land Drainage Consent from Manchester City Council as Lead Local Flood Authority.
- o Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.
- o Evidence of pollution assessment and pollution control measures.
- o Construction details of flow control and SuDS elements.

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

9) No development shall take place 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:

a) Management and maintenance plan for the lifetime of the scheme which shall identify the responsible party to secure the operation of the sustainable drainage scheme throughout its lifetime.

b) Once the development is brought into use a verification report including photographic evidence of construction as per design drawings; 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

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. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

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.

Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

No vegetation removal or tree works/felling should take place in the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present (see table 4-1 of the ecology report).

Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.

Temporarily remove the existing access gates, the bin and replace the existing street light column and wayfinding signage. All will be replaced once works are complete. The applicant is advised to make contact with the relevant council department regarding any movements/amendments that maybe needed concerning the existing gates and signage.

It is also recommended that the applicant liaises with MCCs Street Lighting Team regarding the potential requirement to relocate an existing street lighting column.

The applicant will need to apply for a temporary traffic regulation order (TTRO) with MCC Highways at their own cost. This will need discussion and agreement with the council's Highways Applications and Network Resilience team at Manchester City Council via the Contact Centre on 0161 234 5004.

Date: 22 July 2022

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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

Notes

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

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

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

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

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

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

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

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

Appendix A



The Coal
Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/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

This Standing Advice is valid from 1st January 2021 until 31st December 2022