

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

Anne Smyth
Alma Park Primary School
Errwood Road
Manchester
M19 2PF

Agent (if used)

Mr Daniel Markwart
Studio OL3 Ltd
Unit 7 Whitegate Business Centre
Jardine Way
Oldham
OL9 9JT

Part 1 – Particulars of the application/development

Proposal: Creation of 3no. dedicated multi use game areas (MUGA) pitches

Location: Alma Park Primary School, 13 Errwood Road, Manchester, M19 2PF

Date of application: 4 April 2024

Application number: 139084/FO/2024

Part 2 – Particulars of decision

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

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner by requesting further information relating to the scheme. Issues raised during the course of the application were overcome and appropriate conditions have been attached to any approval granted.

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:

- Application Form, stamped as received by the City Council as Local Planning Authority on 24 January 2024.
- Design and Access Statement, stamped as received by the City Council as Local Planning Authority on 24 January 2024.
- Arboricultural Implications Assessment and 'Draft' Tree Protection Plan Report, reference: BH/240021/R2, stamped as received by the City Council as Local Planning Authority on 4 April 2024.
- Tree Survey & Tree Constraints Plan Report, reference: NH/240021/R1, stamped as received by the City Council as Local Planning Authority on 4 April 2024.
- Drawing- Proposed- Elevation, numbered P-03, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Drawing- Proposed- Ground Works Plan and Associated Details, numbered P-04, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- CLD Ball Stop Netting, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- CLD Dulok Sport Rebound, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- Fencing & Gates Specification, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- Q40 Fencing & Gates Specification, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- RAL 6005 Moss Green, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Drawing- Site Plan, numbered P-02, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Ecology Report- Badger Scoping Survey, reference: Arbtech 23 May 2024, stamped as received by the City Council as Local Planning Authority on 14 June 2024.
- Ecology Report- Badger Camera Survey, reference: Arbtech 8 August 2024, stamped as received by the City Council as Local Planning Authority on 15 August 2024.

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) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in:

- Drawing- Proposed- Ground Works Plan and Associated Details, numbered P-04, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- CLD Ball Stop Netting, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- CLD Dulok Sport Rebound, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- Fencing & Gates Specification, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- Q40 Fencing & Gates Specification, stamped as received by the City Council as Local Planning Authority on 15 May 2024.
- Supporting Information- RAL 6005 Moss Green, stamped as received by the City Council as Local Planning Authority on 15 May 2024.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

4) Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason- To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

5) Prior to the commencement of the development hereby approved, 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:

- i. Display of an emergency contact number;
- ii. Details of wheel washing;
- iii. Compound locations where relevant;
- iv. Location, removal and recycling of waste;
- v. Routing strategy and swept path analysis;
- vi. Parking of construction vehicles and staff;
- vii. Sheeting over of construction vehicles;
- viii. Dust suppression measures.

Development shall be carried out in accordance with the approved construction management plan upon commencement of authorised works.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

6) Prior to the commencement of development hereby approved, a detailed method statement for the use of a floating cell-web system shall be submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved method statement upon commencement of authorised works.

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

7) The development shall be implemented in accordance Table 3: Evaluation of Survey (page 18-19) as shown within 'Ecology Report- Badger Camera Survey, reference: Arbtech 8 August 2024', stamped as received by the City Council as Local Planning Authority on 15 August 2024, in relation to the precautionary method statement.

Development shall be carried out in accordance with the approved method statement upon commencement of authorised works and shall be followed in full during the construction work.

Reason - To minimise the risk of accidental harm of a European Protected Species (Habitats Regulations 1994), pursuant to policy EN15 of the Manchester Core Strategy (2012).

8) If no development commences within 12 months of the date of consent, a further survey of the site and locality for badger setts shall be undertaken and the findings shall be submitted to and approved by the local planning authority. The development shall be undertaken with any measures identified as being necessary following the outcome of the survey.

Reason - To minimise the risk of accidental harm of a European Protected Species (Habitats Regulations 1994), pursuant to policy EN15 of the Manchester Core Strategy (2012).

9) Prior to the commencement of works within 10m of the eastern boundary of the site, a Risk Assessment and Method Statement (RAMS) 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).

10) Prior to any above ground works, within 10m of the eastern site boundary, 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).

11) The development shall be implemented in accordance with 'Drawing- Proposed- Elevation, numbered P-03', stamped as received by the City Council as Local Planning Authority on 15 May 2024 in relation to the 5 metre boundary treatment to run the entire length which abuts the railway line.

Reason- To protect the adjacent railway to prevent all potential sports equipment, i.e. footballs etc from over-sailing the railway boundary and falling into the path of trains, pursuant to policies EN14, T1 and DM1 of the Manchester Core Strategy (2012).

12) The 3no. MUGA pitches shall not be used outside of school opening hours.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved UDP Policy DC26.

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

Measurements to railway tracks and railway boundary- When designing proposals, the developer and council are 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, vegetation) 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. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations- Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise their proposals.

RAMS- The developer is to submit directly to Network Rail asset protection, 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. Builder 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.

Fail Safe Use of Crane and Plant- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be

carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

Please see links to guidance for tower crane and mobile cranes adjacent to the railway to be flagged up to the developer/applicant.

<https://www.cpa.uk.net/downloads/80/CPA-CIG-Mobile-Cranes-Alongside-Railways-181201.pdf>

<https://www.cpa.uk.net/safety-and-technical-publications/tower-crane-guidance>

Netting- The applicant must provide suitable ball proof mesh netting for the sports facilities. The applicant must provide details of the netting to the Asset Protection Engineers to ensure that the netting is installed without placing any load bearing weight upon Network Rail land, and to ensure that the pole foundations do not undermine or encroach upon Network Rail land.

The netting should be 5m in height to prevent all potential sports equipment, i.e. footballs etc from over-sailing the railway boundary and falling into the path of trains. The applicant must consider the foundations of the netting which could undermine or destabilise Network Rail's land. Equally, netting erected on land next to the operational railway could topple over in high wind and fall onto Network Rail land, onto the path of trains or onto safety critical equipment (e.g. signals, telecoms cabinets, overhead lines if above the level of the railway).

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 landownership footprint.

- Buildings, windows and structures must not over-sail Network Rail air-space/boundary.

- 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.

Access to Railway- All roads, paths, boundaries or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 - around the clock) both during construction works and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.
- The proposal construction works must not prevent Network Rail from accessing its land.

Drainage proposals and Network Rail land- 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.
- Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

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. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council 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.

Excavation and Earthworks and Network Rail land- 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). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- 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 council and developer are 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.

Gap between the railway boundary & outside party works- Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap (5m to a railway viaduct) between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary (5m from a viaduct) 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 (5m easement to a viaduct) between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

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.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal Link to ASPRO ACE Portal

If at any time, protected species such as badgers are suspected of being present on the site and impacted by the proposals, then work must cease immediately and ecological advice sought.

Date: 22 August 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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.