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Our Ref: 04C202109

Your Ref: PP-12788492

29 February 2024

Jennifer Connor
Planning, Building Control and Licensing
Manchester City Council
PO Box 532
Town Hall Extension
Manchester

M60 2LA

Dear Jennifer

Olive School, Bignor Street Park, Land to the west of Heywood Street- Discharge of Conditions Application on Planning Permission Reference: 135936/FO/2023

On behalf of our client, Conlon Construction, please find enclosed an application to formally discharge requirements of conditions 15, 20, 31, and 32 pursuant to planning permission 135936/FO/2023 relating to Olive School, Bignor Street Park, Land to the west of Heywood Street.

Full planning permission (135936/FO/2023) was granted on 3rd August 2023, following a resolution to grant permission at planning committee on 1st June 2023, for the following development:

> *"Erection of part single, part two storey building to form purpose-built primary school (Class F.1) with associated open space, access, landscaping, boundary treatment and other infrastructure works."*

The relevant planning condition per the decision notice is copied below in full, with explanatory text to explain what has been submitted to satisfy the condition. It should be noted these are resubmissions of each condition, following their refusal as part of application CDN/23/0539 on the 2nd February 2024. Where relevant, the reasons for refusal are included below and associated responses.

Condition 15

Condition 15 states:

> *"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).*

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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."

In order to discharge Conditions 15 please find enclosed:

- Remediation Strategy prepared by Clancy Consulting, dated February 2024;
- Risk Assessment for water pipes completed by Clancy Consulting, dated August 2023;
- Phase 1 Desk Study Report prepared by Clancy Consulting, dated December 2022; and,
- Phase 2 Site Investigation Report prepared by Clancy Consulting, dated July 2023.

The reasons for refusal of Condition 15 included within the decision notice CDN/23/0539 stated the following:

"In our last response we accepted the UK water supplier risk assessment and the PE barrier supply pipe to be installed. But we still needed recommendations for the supply trench construction (depth, clean materials and how arisings to be stored and disposed of)

Also, the following was still outstanding from the previous comments on point 3:

Additionally, during recent contact with the consultant, it has been suggested that a reduced dig across the entire site will be undertaken which will remove the existing made ground. This should be referenced in the remediation strategy and how these potentially contaminated excavations will be stored prior to removal and how they will be disposed of and validated."

In relation to these comments a revised Remediation Statement has been provided which addresses the water supply pipe questions, and also states the following with regards to the reduced level dig:

"As part of the enabling works for the new development, a cut and fill operation will be carried out. Any soils excavated should be loaded directly onto appropriate road going wagons or stockpiled in a designated area prior to disposal off-site"

"Records will be provided as to location and volumes of material removed off site".

"No further verification works will be necessary, due to contaminant concentrations previously recorded within the Made Ground soils, which are deemed suitable for retention on site beneath building footprints, hardstanding or clean cover in landscaped areas".

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Condition 20

Condition 20 states:

> *"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;*
> - *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;*
> - *Method of preventing mud being carried onto the highway;*
> - *Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.*

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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."

In order to discharge Condition 20 please find enclosed:

- Construction Method Statement prepared by Conlon Construction dated February 2024.

The reasons for refusal of Condition 20 included within the decision notice CDN/23/0539 stated the following:

> *"We will need the noise level to be agreed and the site will require monitoring as outlined previously due to the location of the development in relation to nearby residential properties, the existing background noise level and the duration of the work. Based on the ABC assessment method found in BS5228 the site would fall into the Category A threshold criteria of 65dB. We can look to adopt a more relaxed criteria using the higher threshold found in category B(70dB) as a compromise but the proposed trigger level of 77dB would need to be reduced.*
>
> *We also still require all the mitigation measures to be adopted on site. So far the only noise mitigation appears to be control of hours which is standard across all developments. There are some generic noise mitigation measures found in BS5228 which should at least be included within the CMP and if we are to agree a higher threshold trigger level then we will need to see robust mitigation measures being proposed and including within the CMP."*

The updated CMP submitted in support of this application addresses these comments.

Condition 31

Condition 31 states:

> *"No development shall begin until the technical specifications, to include dimensions, layout, sports markings, fencing, sports lighting, and materials for the proposed Multi Use Games Areas has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The Multi Use Games Areas shall not be constructed other than in accordance with the approved details and shall be implemented to an agreed timescale."*

In order to discharge Condition 31 please find enclosed:

- Proposed Site Plan Boundary Treatments (ref: FS0766-BSA-XX-XX-D-A-1003) prepared by Bowker Sadler Architecture.

<u>Please accept this covering letter as confirmation that the netball courts are standard size (30.5m x 15.25m with sufficient run off areas).</u>

A reason for refusal of Condition 31 was not provided within the decision notice for application CDN/23/0539, and MCR Active have since confirmed they would support the discharge of the condition on the agreement that it will be confirmed in the decision notice that the netball courts are of standard size.

Condition 32

Condition 32 states:

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> *"No development shall begin until the technical specifications of the grass football pitch has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The football pitch shall not be constructed other than in accordance with the approved details and shall be retained as such thereafter throughout the lifetime of the development."*

In order to discharge Condition 32 please find enclosed:

- Proposed Site Plan Boundary Treatments (ref: FS0766-BSA-XX-XX-D-A-1003) prepared by Bowker Sadler Architecture;
- Sports Pitch Method Statement (prepared by J Mallison) dated February 2024;
- Sports Greenspace specification sheet; and,
- Turfed football pitch trade bill dated February 2024.

Please accept this covering letter as confirmation that the mini football pitch is of a standard size (55m x 37m with sufficient run off areas).

While a reason for refusal was not included within the decision notice for application CDN/23/0539, direct liaison with MCR Active has established that in order to discharge the condition they are seeking an Agronomy Report which demonstrates that water permeability is in line with the tolerances set out in 'Natural Turf for Sport' Sport England Guidance (2011). Additionally, it was requested that the Agronomy Report addresses the location of trees to demonstrate that the proximity between the sports pitch and trees is acceptable, again to establish accordance with Sport England's 'Natural Turf for Sports' Guidance.

Star Academies are an established developer and operator of primary and secondary schools and they ensure good industry practice in the design, construction and management of their portfolio. It is in their own interests that the football pitch is of a high quality and suitable for use. The application has been supported by sufficient technical assessments and associated reports, including a Flood Risk Assessment, approved drainage strategy, and ground conditions assessments which show the proposed development is fully acceptable in planning terms and will be fit for use.

The Applicant will not be providing an Agronomy Report to demonstrate compliance with Sport England 'Natural Turf for Sports' Guidance (2011). This will not be provided as the planning condition does not require compliance with this document, nor does it specify that an Agronomy Report is needed. Therefore Manchester City Council cannot refuse this application on the basis of not demonstrating compliance with this guidance or not providing an Agronomy Report. This is in line with planning guidance which sets out in Paragraph 31 of 'Circular 11/95: Use of conditions in planning permission' that:

> *"A condition which is not sufficiently precise for the applicant to be able to ascertain what must be done to comply with it is ultra vires and cannot be imposed."*

While this is the Applicant's position, we would like to reiterate that the football pitch has been designed to be of a high standard and will be fit for use.

I trust the above is in order and I look forward to receiving confirmation that the application has been validated. Should you require any additional information in the meantime, please do not hesitate to contact me.

Yours sincerely

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For and on behalf of Avison Young (UK) Limited