

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

Tilbury Douglas Construction Limited
On behalf of the Department for Education
Woodhouse Drive
Wigan
WN6 7NT

Agent (if used)

Miss Lucy Furber
Iceni Projects
WeWork
John Dalton Place
29 John Dalton Street
Manchester
M2 6DS

Part 1 – Particulars of the application/development

Proposal: Erection of a two storey educational building (Class F1(a)) containing roof top Photovoltaic (PV) Panels, erection of a separate canopy structure covered by PV Panels, provision of hard and soft landscaping, reconfiguration of car park, provision of new cycle parking and revised pedestrian access and demolition of existing buildings

Location: Sandilands Community Primary School , Wendover Road, Manchester, M23 9JX

Date of application: 24 May 2023

Application number: 137074/FO/2023

Part 2 – Particulars of decision

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

Article 35 Declaration

The application has been determined in a positive and proactive manner. In this instance issues that have arisen during the course of dealing with the application have been discussed with the applicants agent and responses provided.

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:
SRP1034-EWA-ZZ-00-D-A-0400 P3 PROPOSED LEVEL 00 GA FLOOR PLAN;
SRP1034-EWA-ZZ-01-D-A-0401 P3 LEVEL 01 GA FLOOR PLAN; SRP1034-EWA-ZZ-RF-D-A-0402 P4 LEVEL 02 ROOF GA PLAN; SRP1034-EWA-ZZ-ZZ-D-A-0421 P2 ACCESS STRATEGY PLAN 01; SRP1034-EWA-ZZ-ZZ-D-A-0422 P2 ACCESS STRATEGY PLAN 02 ; SRP1034-EWA-ZZ-ZZ-D-A-0500 P2 PROPOSED ELEVATIONS; SRP1034-TAC-ZZ-XX-D-E-9006 P02 EXTERNAL LIGHTING LAYOUT; SRP1034-EWA-ZZ-ZZ-D-A-9002 P2 DEMOLITION SITE PLAN; Noise Impact Assessment AEC REPORT: P4807/R1/NRS; Arboricultural Impact Assessment and Method Statement Reference: 81-240-R3-1 April 2023; Preliminary Ecological Appraisal Report Reference:81-240-R1-1 May 2023; PHASE 01 GROUND INVESTIGATION DESK STUDY (REF: SL01-R11 Rev A); PHASE 02 GROUND INVESTIGATION REPORT (REF: SL01-R12); GRM Site Investigation Works 3rd April 2023; Sandilands Primary School, Transport Statement May 2023; Sandilands Primary School, School Travel Plan May 2023; Energy Strategy Report SRP1034-TAC-ZZ-XX-T-O-0003; External Lighting Calcs PA1681 RELUX; Part L2 Compliance Report SRP1034-TAC-ZZ-XX-T-O-0010 as received by the City Council on the 24th May 2023

SRP1034-EWA-ZZ-ZZ-DR-L-9003 P09 LANDSCAPE PLAN as received by the City Council on the 15th June 2023

Crime Impact Statement 2005/1129/CIS/02 prepared by GMP as received by the City Council on the 3rd July 2023

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) Prior to the commencement of development on site including any demolition works on site a Construction Environmental Management Plan 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 plan which shall include:

- An invasive non-native species protocol, detailing the containment, control and removal of Rhododendron and cotoneaster on site
- The routing of construction traffic;
- Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site;
- 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;
- The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
- A highway and footpath dilapidation survey including photographs and commentary on the condition of carriageway/footways on routes surrounding the site.

Reason - In the interests of residential amenity, highway and pedestrian safety and to prevent the spread of invasive plant species pursuant to policies EN15 and DM1 of the Core Strategy

4) a) A programme of Site Investigation works shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing. The programme shall include: what Site Investigation works are going to

be undertaken, and the timescales for these works to be completed. The investigations of the site shall be carried out in accordance with the approved programme and a report shall be 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 prior to occupation 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 DM1 and EN18 of the Core Strategy.

5) Prior to the installation of any surface drainage works at the site details of a surface water drainage scheme prepared in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

- Evidence from investigations to disprove feasibility of watercourse connection.
- A finalised drainage layout showing all components, outfalls, levels and connectivity - this must confirm the final outfall option and any measures required to mitigate the risk of public sewer surcharge to the proposed development.
- 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.
- Construction details of flow control and SuDS elements.

The development shall be carried out in accordance with the agreed scheme.

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

6) (a) No development of the replacement playing field land shall commence until the following documents have been submitted to and approved in writing by the City Council as Local Planning Authority:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Core Strategy policy EN10 and paragraph 99 of the NPPF.

7) Prior to development on the existing playing field a scheme to ensure the continuity of the existing sports use, curriculum and community use, of the sports facilities (indoor and outdoor) has been submitted to and approved in writing by the City Council as Local Planning Authority. The scheme should set out details of the size, location, type and make-up of the facilities or temporary off-site replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or temporary off-site replacement facilities. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect sports facilities from damage, loss or availability of use during the construction of the development and to accord with Core Strategy Policy EN10 and paragraph 99(b) of the NPPF.

8) No development shall commence until a timetable for the provision of the following football pitches i.e., Junior O/A size (88m x 56m (3m R/O); 2 x U7/U8 O/A (43m x 33m (3m R/O)) has been submitted to and approved in the Local Planning Authority. The pitches shall be delivered in accordance with the timetable approved in writing by the Local Planning Authority

Reason: To ensure the quality of pitches is satisfactory and they are appropriate for use for FA club standards and to accord with Core Strategy policy EN10 and paragraph 99(b) of the NPPF.

9) Prior to the first use of the development hereby approved a Community Use Agreement shall be submitted to and approved in writing by the City Council as Local Planning Authority. The agreement shall apply to all sports and ancillary facilities managed by the school, or their management company, and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement for the duration of the development.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Core Strategy policy EN10 and EN12 and paragraph 99(b) of the NPPF.

10) 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. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme 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 non-conformity 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 saved Unitary Development Plan policy DC26 and Core Strategy DM1.

11) 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 pursuant to Core Strategy policy DM1.

12) Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations of the development hereby approved have been submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with those approved 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 Core Strategy.

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:

- Verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- 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. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14

14) 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 Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

15) The development shall be carried out in accordance with the approved Travel Plan as set out in condition 2 of this decision.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those residing, visiting and working in the development
- ii) a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car
- vi) measures to engage with parents and staff to reduce parent parking in the vicinity of the school

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) together with the inclusion of the other matters i) to vi) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the development, pursuant to policies SP1, T2 and DM1 of the Core Strategy.

16) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref SRP1034-EWA-ZZ-ZZ-DR-I-9003 Rev P09 as received by the City Council on the 15th June 2023 shall be implemented not later than 12 months from the first occupation of the development hereby approved. 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 Core Strategy.

17) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

18) No removal of or works to any hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

19) Within three months of the commencement of development a scheme to enhance the biodiversity of the site including the provision of bird boxes and bat boxes on site and a timescale for their installation shall be submitted to and approved in writing by the

City Council as local planning authority. The measures shall be subsequently undertaken in accordance with the approved details.

Reason - To enhance the biodiversity of the site pursuant to policy EN9 of the Core Strategy.

20) The cycle parking provision as detailed within the approved drawing reference SRP1034-EWA-ZZ-ZZ-DR-I-9003 Rev P09 as received by the City Council on the 15th June 2023 shall be installed within a timescale that has been previously submitted to and approved in writing by the City Council prior to the first occupation of the development and shall be retained thereafter.

Reason - To assist promoting the use of sustainable forms of travel to the development pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD

21) Prior to the first use of development hereby approved, timescale's and details of the type of electric vehicle charging points to be installed at the development as set out within the approved drawings and documents 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 and timescale's.

Reason - In the interest of air quality pursuant to policies SP1, DM1 and EN16 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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact Cadent at plantprotection@cadentgas.com or on 0800 688 588 quoting reference 29881852

The applicant is advised that the scheme prepared in order to discharge condition 6 of this decision should be prepared by a suitably qualified sports turf specialist and comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

Guidance on preparing Community Use Agreements with a template agreement is available from Sport England:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

In order to discharge condition 11 of this decision the applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated May 2022. Details should also be provided in relation to replacement air. For further details refer to MCC's Environmental protection information for developers (GD03) document.

Date: 18 September 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.