

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0351

Date registered valid: 31 May 2022

Proposal: Discharge of conditions 7 (Travel Plan), 10 (BREEAM) and 21 (drainage maintenance) attached to planning permission referenced 124763/JO/2019

Address: Eden Boys Leadership Academy And Eden Girls Leadership Academy
, Rayburn Way, Manchester, M8 8DT

Ward(s): Cheetham Ward

Applicant: Wates Construction Ltd The Royals, 353 Altrincham Road,
Manchester, M22 4BJ

Agent (if any): Anne Hargreaves Avison Young (UK) Limited 6th Floor, 1 City Square,
Leeds, LS1 2AL

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26 September 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 8 June 2022 Expired: 29 June 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highway Services - In regard to Condition 7 (Travel Plan) a Travel Plan has been produced. Travel patterns of staff and pupils were undertaken in January 2022 and an assessment undertaken as part of the Travel Plan. Cycle spaces are being monitored and the Travel Plan confirms that there are several incentives in place to encourage pupils and staff to cycle to/from school. The Travel Plan confirms that Travel Plan measures will continue to be monitored.

This information is sufficient to allow us to recommend the discharge of this condition from a Highways perspective.

Flood Risk Management – 21.06.2022 originally sought further information from the applicant in the form of :

- Photographic evidence of flow control installed as-approved (cannot see within the currently

submitted photos).

- Photographic evidence of bypass separators installed as-approved (cannot see within the currently submitted photos).
- Photographic evidence of playing pitches being installed as-approved including the 'separation layer' (cannot be distinguished within the currently submitted photos) .
- Confirmation that the following drawings are indeed as-builts, as they are titled construction drawings and dated 2019. If the as-built differs from these in any way, please provide as built:
 - o 382220-MMD-CH-00-DR-D-0001,
 - o 382220-MMD-CH-00-DR-D-0002,
 - o 382220-MMD-CH-00-DR-D-0003 (as-uploaded to the planning portal 31 May 2022).
- Please confirm the as-built for the sports pitches (omitted from the above drawings).

Updated comments 03.08.2022

Following receipt of additional drainage details , officers requested the submission of the following further information:

- As-builts for the sports pitches which are included in the drainage system as-per Below Ground Drainage GA.
- Photographic evidence of playing pitches being installed as-approved including the 'separation layer' (cannot be distinguished within the currently submitted photos).
- Photographic evidence of flow control installed as-approved (cannot see within the currently submitted photos).
- Photographic evidence of bypass separators installed as-approved (cannot see within the currently submitted photos).

Updated comments 23.09.2022

Have recommended that :

- In lieu of the photographic evidence which now cannot be produced, the applicant/contractor should provide a formal statement in writing, attesting that the drainage has been installed in accordance with the terms of the discharge of Condition 21 in the attached Decision Notice for CDN/18/0432. This shall clearly confirm it has been built-out in accordance with all documents listed, including the *"Cross section including separation layer proposed below the playing surface of the proposed MUGA's received by email from Wates Construction on 14th August 2019"*

They would recommend that a request for photographic evidence of the flow control/interceptor to apply consistent/fair feedback to all applications is sought.

1. The as-built drawings and photographic evidence of the pitch installation cannot be produced. This information cannot be created now, as it needed to have been documented at the time of construction. They were interested in evidence of the pitch build-up and lining, due to this being a critical issue in the design for all stakeholders to accept the drainage strategy.
2. They consider that photographic evidence of the flow control, and likely also the interceptor, could still be produced now (by lifting the manholes onsite and taking photos).

At this point, the applicant cannot meet the clause:

"Verification report providing photographic evidence of construction as per design drawings".

Previously requested information, and updated LLFA comments considering the above email:

- As-builts for the sports pitches which are included in the drainage system as-per Below Ground Drainage GA.

The information provided asserts that there is no recorded as-built information for the sports pitches.

- Photographic evidence of playing pitches being installed as-approved including the 'separation layer' (cannot be distinguished within the currently submitted photos).

The information provided asserts that there is no photographic evidence of installation of

the requested SuDS components.

The lining of the sports pitch was a critical issue across stakeholders UU, EA, LLFA, LPA as evidenced in email thread attached.

They have reviewed the attached 'C.1 - Scope of Works 03 04 19' which mentions the word 'lining' once in row 1.

The LLFA recognises that it is not possible to obtain photos retrospectively for the sports pitch.

- Photographic evidence of flow control installed as-approved (cannot see within the currently submitted photos).

The information provided asserts that there is no photographic evidence of installation of the requested SuDS components. They have reviewed the attached 'C.1 - Scope of Works 03 04 19' which does not directly reference this component.

The LLFA considers that it is feasible that the applicant could obtain a photo by lifting the manhole.

- Photographic evidence of bypass separators installed as-approved (cannot see within the currently submitted photos).

The information provided asserts that there is no photographic evidence of installation of the requested SuDS components.

They have reviewed the attached 'C.1 - Scope of Works 03 04 19' which does not directly reference this component.

The LLFA considers that it is feasible that the applicant could obtain a photo by lifting the manhole.

Updated comments 26.09.2022

Recommend discharge of Condition 21, and that "Wates Letter to Planners ref Eden Manchester 260922.pdf" should be retained on-file by the LPA.

Advisory:

The decision to recommend discharge of Condition 21 in absence of "*Verification report providing photographic evidence of construction as per design drawings*" has been made considering circumstances particular to this application.

They would therefore recommend that the LPA advises the applicant that this decision is made without prejudice to other applications; they will not accept reference to this decision in future applications. They advise that pre-occupation conditions should be reviewed and contractors made aware of the requirements in advance of construction, to avoid issues discharging the conditions.

Issues

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the

planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Condition no. 7 (Travel Plan)

The submitted Travel Plan ref: TP 01 rev.A dated May 2022 has been examined and is considered to be acceptable. Therefore, on the basis that the development is implemented in full accordance with the measure in the Travel Plan ref: TP 01 rev.A dated 25.05.2022, and that there is an on-going requirement to review additional storage provision for cycles when 90% utilisation is reached, condition no.7 is discharged .

Condition no. 10 (BREEAM)

The content of the Letter from Wates Construction Ltd., Sustainability BREEAM 2014 New Construction – Post- Completion Stage, dated 23 May 2022 has been noted , on the basis of the confirmation from Wates in regard to the criteria for credits being met , and therefore that a BREEAM rating of Very Good would be achieved under formal certification, I can confirm that condition no.10 is discharged.

Condition no. 21 (drainage maintenance)

The plans and reports referenced below have been examined .

- Eden Manchester Drainage Progress Photos
- 382220-MMD-CH-00-DR-D-0001 C11 - Below Ground Drainage General Arrangement
- 382220-MMD-CH-00-DR-D-0002 C11 - Below Ground Drainage Boys School General Arrangement
- 382220-MMD-CH-00-DR-D-0003 C10 - Below Ground Drainage Girls School General Arrangement
- 382220-MMD-CH-00-DR-D-0005-C10 - Below Ground Drainage Surface Water Manhole Schedule
- 382220-MMD-CH-00-DR-D-0007-C09 - Below Ground Drainage Foul Water Manhole Schedule

Received 31st May 2022;

Landscape GA plan ref :2324_AG(90)01 C13 received 23rd September 2022;
Wates document ref: C1 – Written Scope of works Sub Contract Works Package – Sports Pitches and Equipment

Letter from Wates dated 26th September 2022 confirming that the drainage scheme has been installed in accordance with the measures details on the plans referenced in condition no.20 (surface water drainage works) attached to planning permission ref: 124763, including the

'Cross section which includes the separation layer proposed below the playing surface of the proposed MUGA's received from Wates Construction on 14th August 2019' has been noted . Furthermore , the confirmation in writing from Wates that the management and maintenance would be undertaken in accordance with the statement in the approved Flood Risk Assessment (December 2017 rev.P04) paragraph 3.3.1, in particular that:-

Visual inspections of all private drainage systems on site; specifically gullies , drainage channels , catchpits , inspection chambers and manholes to be carried out every 6 months for the first years and every 12 months thereafter. Cleaning and jetting requirements of the system to be carried out based on the results of the visual inspection. Frequency and methodology of geocellular storage inspection and maintenance to be based on the manufacturers recommendations. Oil separator systems to use telemetry systems to monitor performance and indicate when the separator requires emptying. Maintenance of the drainage systems is the responsibility of Tauheedul Education Trust (Star Academies).

On the basis of the documentation and plans referenced above , in particular the content of the letter from Wates dated 26th September 2022 confirming that the development has been implemented in accordance with the 'Cross section, which includes the separation layer proposed below the playing surface of the proposed MUGA's', I can confirm that condition no.21 is discharged subject to the maintenance and management arrangements being implemented for the lifetime of the development.

The decision to recommend discharge of Condition 21 in absence of "Verification report providing photographic evidence of construction as per design drawings" has been made considering circumstances particular to this application, and this decision is made without prejudice to other applications. It is advised that pre-occupation conditions should be reviewed and contractors made aware of the requirements in advance of construction, to avoid issues discharging the conditions.

No development hereby permitted shall be occupied until full details of the implementation, maintenance and management of the approved surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

o Verification report providing photographic evidence of construction as per design drawings;

o As built construction drawings if different from design construction drawings;

o Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Appendix 1 – List of consultees & neighbours notified

Highway Services

MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRL