

Planning**Growth & Development****Delegated officer report for planning application**

Application no. CDN/22/0086

Date registered valid: 17 February 2022

Proposal: Discharge of conditions 7 (Construction Environmental Management Plan), 8 (Off site highway works), 13 (Contaminated land), 15 (lighting) and 16 (Floodlighting hours of use) relating to Phase 3 of planning permission ref: 124268/FO/2019

Address: Manchester College Of Arts And Technology , Ashton Old Road, Manchester, M11 2WH

Ward(s): Clayton & Openshaw Ward

Applicant: Niall Wright LTE Group The Manchester College Manchester College Of Arts And Tech, Chester Road, Manchester, M11 2WH

Agent (if any): Planning EillisWilliams Architects Wellfield, Chester Road, Preston Brook, WA7 3BA

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

Recommendation: Split decision

Date of recommendation: 4 July 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 February 2022 Expired: 15 March 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

Highways Services - For condition 7, the submitted Construction Management Plan is not sufficient to allow them to recommend the discharge of this condition from a highway perspective. To clarify they require:

- o A site-specific traffic management plan including vehicle routing for construction traffic (not just the end of the journey at Clayton Lane South);
- o Details of the provisions that have been made for contractor parking;
- o What measures are there to control mud on the highway;
- o An emergency telephone number for the contractor is required;
- o Details of the site compound set up;
- o A highway dilapidation survey (which is usually in the form of a photographic log)

For condition 8, off-site highway works are required. It is understood from the MCC Statutory Approvals Team that no S278 application has currently been made by the developer/contractor for such works, and they are therefore currently unable to recommend the discharge of this condition.

For condition 16, the submitted external lighting proposals are sufficient to allow them to recommend the discharge of this condition from a highway perspective.

Updated comments 04.07.2022 -

are hesitant to recommend any discharge without a S278, as in certain instances it can then be difficult to get the developer to undertake the works.

However, in this instance they consider the risk of this occurring to be low, and if it is critical that the condition is discharged then they would support this.

Environmental Health –

Condition 7 (CEMP)

The submitted Construction Phase Plan and Demolition Phase Health Safety & Environmental Plan should include proposals for site contact details to be displayed on perimeter fencing/hoarding for the public. Otherwise the proposals are acceptable.

Condition 13 (Contaminated land)

The submitted Tier Environmental soil waste classification and asbestos assessment letter, ref. TE1291-TE-00-XX-CO-GE-001-V01 dated 10 September 2021, does not fully satisfy the condition. The approved Tier Environmental Remedial Options Appraisal, Remediation Strategy and Verification Plan, ref. TE1291ROARS1.0 dated 12/03/2020, included the following works and verification of such:

Remedial Works:

In order to address asbestos impacts, a clean cover system is required in all soft landscaped areas (where shallow soils still lie at ground surface), and will consist of 600mm clean cover derived from imported soil (minimum 150mm topsoil underlain by 450mm subsoil) over geotextile membrane.

For any deeper planting areas, e.g. for trees, the geotextile is to be deepened locally to the base of the excavation and the thickness of the soil capping layer increased accordingly.

Laboratory chemical testing and risk assessment of all proposed imported topsoil / subsoil materials.

Verification:

All materials topsoil / subsoil materials imported to the site to be tested for chemical suitability as per agreed suite, with 1 sample per 50m³ for topsoil and 1 per 150m³ for subsoil/other backfill materials with minimum 3no. samples each.

Depth of clean cover to be verified by a suitably qualified environmental engineer - hand dug pits in each soft landscape plot, with the number of holes determined based on a 1 per 25m² or per soft landscaped 'plot' area.

Irrespective of the finished total area of soft landscaped areas, a minimum of 3no. pits overall to be undertaken within soft landscaped areas to ensure that a combined thickness of 600mm subsoil and topsoil has been achieved and to prove the installation of the Terram geotextile.

Hand dug pits to be photographed and photographs submitted as part of the verification report.

Although it is accepted that the MUGA pitch will break the human health pathway and the clean soil cover is therefore not required for this area of Phase 3, it is understood that this area also contains soft landscaping where clean cover is required. In addition, any disposal of materials should be included within the verification report required by part b of the condition.

Condition 15 (lighting)

Previously advised (email 23/11/21) no objection to discharge.

Condition 16 (Floodlighting hours of use)

The proposed hours are acceptable - no objection to discharge.

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:**Article 35 Declaration****Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse****Condition no. 7 (Construction Environmental Management Plan)**

The submitted Demolition Phase Health, Safety & Environmental Plan (Phase 3 - Forshaw Demolition), and 3G Pitch Construction Phase Plan (Blakedown Sport & Play) have been examined. However, the submitted Construction Management Environment Plan does not adequately address all the matters set out in condition no.7. The following information is outstanding:

- o A site-specific traffic management plan including vehicle routing for construction traffic (not just the end of the journey at Clayton Lane South);
- o Details of the provisions that have been made for contractor parking;
- o What measures are there to control mud on the highway;
- o An emergency telephone number for the contractor is required;
- o Details of the site compound set up;
- o A highway dilapidation survey (which is usually in the form of a photographic log);
- o Site contact details to be displayed on perimeter fencing/hoarding for the public

In view of that the submitted information does not fully address the matters specified in condition no.7, condition no.7 is not discharged at this time.

Condition no. 8 (Off site highway works)

8) The submitted drawing ref: J7451/EX03 with Section 278 Layout & Details for the junction being closed on Clayton Lane South has have been examined. It is considered that the measures shown on the plan referred to above are satisfactory , and on the basis that the works are undertaken in accordance with plan ref: J7451/EX03 with Section 278 Layout & Details , condition no.8 is discharged.

I would, however, take this opportunity to remind you that the works shown on plan ref: J7451/EX03 with Section 278 Layout & Details will also need approval under section 278 of the Highways Act before they can be implemented .

Condition no.13 (Contaminated land)

The Proposed MUGA pitch / existing car park area, the Manchester College soil waste classification and asbestos assessment letter (Tier Environmental Ltd), with supplementary ground investigation within the area of a pre-existing car park and the proposed future MUGA pitch has been examined.

The submitted Tier Environmental soil waste classification and asbestos assessment letter, ref. TE1291-TE-00-XX-CO-GE-001-V01 dated 10 September 2021, does not fully satisfy the requirements set out in condition no.13. The approved Tier Environmental Remedial Options Appraisal, Remediation Strategy and Verification Plan, ref. TE1291ROARS1.0 dated 12/03/2020, included the following works and verification of such:

Remedial Works:

In order to address asbestos impacts, a clean cover system is required in all soft landscaped areas (where shallow soils still lie at ground surface), and will consist of 600mm clean cover derived from imported soil (minimum 150mm topsoil underlain by 450mm subsoil) over geotextile membrane.

For any deeper planting areas, e.g. for trees, the geotextile is to be deepened locally to the base of the excavation and the thickness of the soil capping layer increased accordingly. Laboratory chemical testing and risk assessment of all proposed imported topsoil / subsoil materials.

Verification:

All materials topsoil / subsoil materials imported to the site to be tested for chemical suitability as per agreed suite, with 1 sample per 50m³ for topsoil and 1 per 150m³ for subsoil/other backfill materials with minimum 3no. samples each.

Depth of clean cover to be verified by a suitably qualified environmental engineer - hand dug pits in each soft landscape plot, with the number of holes determined based on a 1 per 25m² or per soft landscaped 'plot' area.

Irrespective of the finished total area of soft landscaped areas, a minimum of 3no. pits overall to be undertaken within soft landscaped areas to ensure that a combined thickness of 600mm subsoil and topsoil has been achieved and to prove the installation of the Terram geotextile.

Hand dug pits to be photographed and photographs submitted as part of the verification report.

Although it is accepted that the MUGA pitch will break the human health pathway and the clean soil cover is therefore not required for this area of Phase 3, it is understood that this area also contains soft landscaping where clean cover is required. In addition, any disposal of materials should be included within the verification report required by part b of the condition.

The undertaking of the works set out in the approved Tier Environmental Remedial Options Appraisal, Remediation Strategy and Verification Plan, ref. TE1291ROARS1.0 dated

12/03/2020, and the verification of these works are required to be submitted before condition no.13 can be discharged. Condition no.13 is therefore not discharged at this time.

Condition no.15 (lighting)

The submitted 3G pitch lighting plan and stanchion details shown on plan ref: HLS STD P3 rev.A – HAL 250 15m RL Mast 2 Floodlights ; HLS 2948 – Proposed floodlighting; have been examined. It is noted that the number of floodlights to the sports pitch have reduced in number from 8 to 6 with associated amendment to the exact locations shown on the previously plan ref: OSBDPZZ-XX-DR-YL-3201 rev.P02 (external lighting for planning submission). Consideration has therefore been given to the submitted plan showing lighting levels and light spill. On balance it is considered the proposed alterations to the locations of the floodlighting as shown on plan ref: OSBDPZZ-XX-DR-YL-3201 rev.P02 (external lighting for planning submission) are of a minor nature and would not give rise to adverse impact to amenity. Therefore, on the basis that the development is implemented in accordance with plan ref: HLS STD P3 rev.A – HAL 250 15m RL Mast 2 Floodlights ; HLS 2948 – Proposed floodlighting; for the sports pitch in full accordance with External lighting calculations ref: C4C17816 02.07.2019 the lighting locations in the parking areas for phase 3, condition no.15 is discharged in regard to phase 3 of the development.

Commented [SW1]:

Condition 16 (Floodlighting hours of use)

The confirmation of the hours of use of the pitch/multi use games courts flood lighting as being 8am to 11pm 7 days a week has been noted, and considered to be acceptable due to the location of the proposed facilities. On the basis that the use of the flood lighting to the sports pitches/multi use games courts is limited in use to 8am to 11pm, 7 days a week, condition no.16 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Flood Zones Type 2 (low to medium risk) -
Historic Landfill Site 250m Buffer -
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) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH

