

From: [School Organisation](#)
To: [Planning \(SMDC\)](#)
Subject: SMD/2021/0780, Land to the East of Froghall Road and North of Ayr Road and Cheltenham Avenue - Education Response
Date: 08 November 2024 10:57:20
Attachments: [image001.png](#)

To Whom it May Concern,

Reserved Matters Application SMD/2021/0780, Land to the East of Froghall Road and North of Ayr Road and Cheltenham Avenue

In response to the above Reserved Matters Application the School Organisation Team have the following comments:

The relevant outline application for this site is SMD/2018/0180 which was a hybrid application for a development of up to 260 dwellings. This included full planning approval for the development of Phase 1 of 125 dwellings and outline planning approval with all matters reserved for 135 dwellings and a primary school.

This reserved matters application SMD/2021/0780 relates to the outline approval granted under SMD/2018/0180 for 135 dwellings.

A Section 106 agreement was signed when the Outline Application was granted which secured planning obligations relating to education provision including a site for a new school and education contributions towards building the school.

Staffordshire County Council (SCC) note that Phase 1 of the development (125 dwellings) has now been substantially completed. SCC written acceptance of the required school site as set out in Schedule 4, Paragraphs 4.2 and 4.4 of the S106 agreement has not been provided, as the necessary remedial works to make the school site suitable have not been fully undertaken by the developer, (please see below for a more detailed explanation) resulting in the developer being in breach of the planning obligations.

Since the grant of outline consent for SMD/2018/0180, further information has become available regarding the mine shaft located within the proposed school site and there is a need for further works to ensure the site is suitable for a school. SCC has raised concerns with the developer regarding these issues as stated in a letter from SCC to Persimmon dated 5th March 2024: *Based on the findings of The Coal Authority's inspections of the shaft and its likely deterioration over the intervening period (5yrs), the County Council requires you to comply strictly with your obligations set out in clause 4.7 (and in particular clause 4.7.3) in Schedule 4 of the S.106 Agreement, in that you take appropriate remedial action to make the shaft and surrounding area suitable for the proposed educational use.*

We understand such works are likely to require pumping out flood water, injecting a grout material into the shaft and replacing the cap. Grout injection may also be required to the area surrounding the shaft to improve stability. All works to be carried out to the satisfaction of the County Council. The cap should be set down from ground level and formed on top of the bedrock (at approximately 1.2m below GL). Ideally, an inspection cover should be incorporated in the cap to allow the top level of the fill to be periodically monitored. The works will need to be in accordance with The Coal Authority's Permissions Process. The School Land should ultimately be provided, free from contamination and other adverse ground conditions.

Persimmon in their letter to SCC legal services, dated 27th September 2024, noted that Shaft No 401344-003 has been capped and the land, in their opinion, made suitable for school use. However, SCC remain concerned

given the recommendations received from SCC's Consultant Structural Engineer, as to the suitability of this site for a new school.

Whilst these issues persist transfer of the school site is not possible. SCC are therefore strongly of the view that should this reserved matters application (or any subsequent planning application) be granted for this site, a pre-commencement condition be attached to the permission requiring Persimmon to submit details of the mineshaft remedial work for the approval of SCC, including a structural engineers report and the subsequent implementation of the report recommendations. Thereafter, the approved scheme must be implemented prior to the occupation of the 126th dwelling (i.e. the first dwelling of this Reserved Matter Consent), or no later than 7 months after SCC serve notice to transfer the school site (to accord with the provisions of paragraph 6.7 of the S106 legal agreement) whichever is earlier.

The provision of the condition we hope will focus attention and result in the requirements of the school site being met before any more houses are built, such that new school places can be provided at the appropriate juncture.

Kind regards,



School Organisation Team

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