

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Mr Niall Wright (on behalf of LTE Group)
LTE Group
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of condition nos. 2 (Phasing), 12 (Cycle storage), 15 (External lighting), 17 (Glare Control), 18 (CCTV), 22 (Waste management) 23 (Electric vehicle charging points), 24 (Delivery hours), 25 (Hours of operation of the sport/social care and workshop facilities), 26 (Hours of use of sport pitch), 28 (Drainage Manangment) and 38 (Accessibility) attached to planning permission ref: 124268/FO/2019

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

Date of application: 9 September 2021

Application number: CDN/21/0714

Part 2 – Particulars of decision (1)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Condition no. 2 Phasing

Condition no.2 requires that 'Development shall be carried out in accordance with the Phasing Plan ref: OS-RHA-XX-00-DR-A-PL -002 rev. D (Proposed site plan and landscape) and that site enabling works and development in any particular phase may be carried out concurrently'. On the basis that the development carried out in accordance with the Phasing Plan ref: OS-RHA-XX-00-DR-A-PL -002 rev. D (Proposed site plan and landscape), no further action is required in regard to discharging condition no.2.

Condition no. 12 Cycle storage

The details on plan ref: OC- EWA-ZZ-00-DR-A-10481 rev.C2 Cycle Store and plan ref: OC-EWA-ZZ-00-DR-A-10431 - Level 00 Ext Works Levels and Coordinates B rev.C9 have been examined and are considered to be satisfactory. On the basis that the cycle storage facilities are implemented in accordance with the cycle storage space on plan ref:OS-RHA-XX-00-DR-A-PI-002 rev.D, and the details shown on the plans specified above , prior to the occupation of the new teaching accommodation; and that the approved cycle storage facilities are then retained and permanently reserved for bicycle parking, condition no.12 is discharged in relation to phases 1 and 2 of the approved development.

Condition no.15 External Lighting

The details on plan ref: OC-WIBS-NCW-00-DR-E-5010 rev.02 Electrical Services External Lighting have been considered together with the content of the email from Neil Rhodes of Quality Engineering Design Ltd dated 11.11.2021, in which he confirms :- the external car park lighting to the rear of the site is an existing installation ;the scope of works has been to relocate the existing column and lanterns to suit the revised car park layout, and an additional lantern has been added to the existing single head lanterns and columns to the West of the car park to illuminate the cycle shelter. Furthermore, the car park lighting level calculations attached to the email dated 11.11.2021 in Report ref: 21-976 dated 27.07.2021 by Relux containing Luminaire Data for Kolo illuminated bollards and extent of light spill and lighting calculation for the lighting bollards located on the external walkway to the West of the new Sportshall building ; and Report ref: 20-928 dated 08.11.2021 by Relux containing lighting calculations and data in regard to the car park area have been examined .

On the basis that the development is implemented in full accordance with External lighting Calculations ref: C4C17816 02.07.2019 the lighting locations shown on plan ref: OSBDP-ZZ-XX-DR-YL-3201 rev.P02 (external lighting for planning submission), and plan ref: OC-WIBS-NCW-00-DR-E-5010 rev.02 Electrical Services External Lighting , and the contents of the specified documents and email above , before Phases 1 and 2 of development are occupied or brought into use , condition no.15 is discharged in relation to Phases 1 and 2 of the approved development .

Condition no. 17 Glare Control

The details on plan ref: OC-WIBS-NCW-00-DR-E-5010 rev.02 Electrical Services External Lighting have been considered together with the content of the email from Neil Rhodes of Quality Engineering Design Ltd dated 11.11.2021, in which he confirms the external car park lighting to the rear of the site is an existing installation ;the scope of works has been to relocate the existing column and lanterns to suit the revised car park layout, and an additional lantern has been added to the existing single head lanterns and columns to the West of the car park to illuminate the cycle shelter.

Furthermore, the car park lighting level calculations attached to the email and Report ref: 21-976 dated 27.07.2021 by Relux containing Luminaire Data for Kolo illuminated bollards and extent of light spill received 11th November 2021; and Report ref: 20-928 dated 08.11.2021 by Relux containing lighting calculations and data in regard to the car park area have been examined .

On the basis that the development shall be implemented in full accordance with External lighting Calculations ref: C4C17816 02.07.2019 the lighting locations shown on plan ref: OSBDP-ZZ-XX-DR-YL-3201 rev.P02 (external lighting for planning submission), and plan ref: OC-WIBS-NCW-00-DR-E-5010 rev.02 Electrical Services External Lighting , and the contents of the specified documents and email above , before Phases 1 and 2 of development are occupied or brought into use , condition no.17 is discharged in relation to Phases 1 and 2 of the approved development .

Condition no.18 CCTV

The CCTV locations on plan refs: Electrical Services CCTV, Door Access, and Intruder Alarm Ground floor ref:OC-WIBS-ZZ-00-DR-9001 -01; Electrical Services CCTV, Door Access, and Intruder Alarm Ground floor ref:OC-WIBS-ZZ-00-DR-9003 -00; received 6th January 2022 have been examined . On the basis that the existing CCTV arrangements at the college are expanded to incorporate the CCTV arrangement as shown on plan refs: Electrical Services CCTV, Door Access, and Intruder Alarm Ground floor ref:OC-WIBS-ZZ-00-DR-9001 -01; Electrical Services CCTV, Door Access, and Intruder Alarm Ground floor ref:OC-WIBS-ZZ-00-DR-9003 -00; and the measures are implemented before Phases 1 and 2 of development are occupied or brought into use , condition no.18 is discharged in relation to Phases 1 and 2 of the approved development .

Condition no. 24 Delivery hours

The confirmation that the college will comply with the hours set out in the condition namely for Phases 1 and 2 ;-

Deliveries, servicing and collections, including waste collections to the hereby approved development shall not take place outside the following hours:

Monday to Saturday; 07:30 to 20:00

No deliveries/waste collections on Sundays/Bank Holidays;

is welcomed , however, as this condition is an on-going requirement it cannot be formally discharged , but no further action is required.

Condition no. 25 Hours of operation

It is noted that the hours of operation for the sport/social care and workshop facilities would be Mondays to Fridays 6am to 11pm, with the Sports Hall facilities also being available for use on Saturdays from 7a.m. to 11p.m. on Saturdays and on Sundays between 7a.m to 10.30 p.m. This is considered to be satisfactory and condition no.25 is discharged on the basis of the hours specified above for Phases 1 and 2 of the development.

Condition 26 Hours for sport pitch

The hours of operation for the Sports Pitch within Phase 3 of the development set out below are considered to be acceptable

8am -10.30pm Mondays to Fridays

8am -10.30pm Saturdays

8am -10.30pm Sundays.

On the basis that the use of the external sport pitch is in accordance with the hours detailed above , condition no.26 is discharged.

Condition no. 38 Accessibility

The plans and report referenced below have been examined , plan ref: OC-00- EWA-ZZ-00-DR-A-10414 - Level 00 Ext Works Levels and Coordinates A rev.C11;

OC-00- EWA-ZZ-00-DR-A-10431 - Level 00 Ext Works Levels and Coordinates B

rev.C9; OC-00-EWA-ZZ-00-DR-A-10432 - Level 00 Ext Works Levels and Coordinates C rev.C7; OC-00-EWA-ZZ-00-DR-A-10475 - Paving setting out Zone A rev.C2;

OC-EWA-ZZ-00-GA-A-10305 rev.C3 Site Access Appraisal ;

and Access Ramp justification report ref: 2602-OC-LABC reports received 6th January 2022.

Whilst it would have been preferable for the ramped access from Whitworth Street to the Sport Pitch to achieve a 1:20 gradient , rather than a 1:16 gradient which has been installed at the site , the contents of the submitted Access Ramp justification report have been considered . On the basis that the development is implemented in accordance with the plans and document referenced above , condition no.38 is discharged.

Part 2 – Particulars of decision (2)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

Condition no.22 Waste management

The refuse storage arrangements shown on plan ref: OC-00- EWA-ZZ-00-DR-A-10432 - Level 00 Ext Works Levels and Coordinates C rev.C7 and Waste Compound design and location document ref: 2409 received 6th January 2022 have been examined and are considered to be acceptable. However , the location of the bin store no longer accords with the approved plans specified in condition no.22 i.e. plan refs: OS-RHA-XX-00-DR-A-PL -004 (Proposed Whitworth House ground floor); OS-RHA-XX-00-DR-A-PL -003 (Proposed service yard layout) .

Due to the referencing of specific plans (including identified locations for the storage of refuse) in condition no.22 , condition no.22 cannot be discharged on the basis of the submitted plan. Condition no.22 cannot therefore be discharged at this time.

Condition no. 23 EVC's

Whilst the provision of 5 electric charging points is acceptable, condition no.23 requires that the development incorporates the provision of 5 no. Electric Vehicle Charging points, together with the infrastructure (ducting and capacity) as shown on plan ref: OSRHA-XX-00-DR-A-PI-002 rev.D, prior to the occupation of the approved development. Furthermore that all electric vehicle charging points, shall remain in situ whilst the use or development .

However, plan ref: OC- EWA- ZZ- 00- GA- A- 10305 rev.C3 - Site Access Appraisal in relation to phases 1,2, and 3 of the development accompanying the application submission in connection with condition no.23 shows the provision of five electric charging points in a different location to that originally approved and referenced in condition no.23 .Due to the referencing of a specific plan (including identified locations within the car park area) in condition no.23 , condition no.23 cannot be discharged on the basis of the submitted plan. Condition no.23 cannot therefore be discharged at this time.

Condition no.28 Drainage Maintenance

The details in the BMC document ref: J6776 SuDs Maintenance plan , 2409 Openshaw College : Condition 28 rain garden swale photograph and Plan ref: OC-00- EWA-ZZ-00-DR-A-10431 - Level 00 Ext Works Levels and Coordinates B rev.C9 have been considered. However, a Verification report providing photographic evidence of construction as per design drawings for the overall scheme is required before condition no.28 can be discharged. As such condition no.28 is not discharged at this time.

Date: 7 June 2022

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) 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 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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.

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 their 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.