

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0714

Date registered valid: 9 September 2021

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 Manangement) and 38 (Accessibility) attached to 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: Mr Niall Wright (on behalf of LTE Group) LTE Group The Manchester College, Whitworth House, Aston Old Road, Openshaw, Manchester, M11 2WH

Agent (if any): Mr Michael Giblin EillisWilliams Architects Wellfield, Chester Road, Preston Brook, Runcorn, WA7 3BA

Case officer: Sue Wills
Tel: 0161 234 4524
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Recommendation: Approved and Refused

Date of recommendation: 4 June 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 30 September 2021

Expired: 21 October 2021

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

Flood Risk Management - 12.10.2021

The information submitted and uploaded onto the planning portal on 27th August and 9th September 2021 has been considered.

The outstanding evidence required:

- 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.

Updated comments 31.01.2022

The outstanding evidence required:

- o Verification report providing photographic evidence of construction as per design drawings; photos of the attenuation tank and hydrobrake chamber required (either during or post construction).

Highways Services - have advised the submitted cycle storage details are sufficient to recommend the discharge of condition 12 from a highway perspective.

The submitted external lighting information is sufficient to

recommend the discharge of condition 15 from a highway perspective.

The submitted waste management plan is sufficient to recommend the discharge of condition 22 from a highway perspective.

The submitted Electric Vehicle Charging information is sufficient

recommend the discharge of condition 23 from a highway perspective.

The submitted access proposals are sufficient to recommend

the discharge of condition 38 from a highway perspective.

Environmental Heath - 15.10.2021 Have made the following observations:-

Condition 2 Phasing - No comments to make.

Condition 12 (Cycle Storage) - No comments to make.

Condition 15 (External Lighting) - The applicant has submitted a map with the proposed lighting fixtures. No information has been provided detailing how the proposed lighting will illuminate the area or whether it is 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) as required by the planning condition. This cannot be discharged.

Condition 17 (Glare) - There does not appear to be any additional information regarding Glare control apart from a statement that luminaires will not contribute to Light Pollution and follows the guidance of "DarkSkies". They assume that the development is not yet complete as condition 15 has not been discharged, so would not know if there are any glare issues until the luminaires are installed. This cannot be discharged.

Condition 18 (CCTV) - No comments to make.

Condition 22 (Waste Management) - Is this information just to show the elevational details and design of the bin store? Without any accompanying text for the condition, it is hard to determine what they are discharging. They have no problems with the design of the bin store, but will need to confirm that the waste management strategy has been implemented in accordance with the agreed strategy before this condition is discharged.

Condition 23 (Electric Charge Points) - The applicant has demonstrated where the 5 EV charge points will be installed and provided they are fitted this can be discharged.

Condition 24 (Deliveries) - This can be discharged as they have confirmed they will operate within the times stated in the condition.

Condition 25 (Hours of operation for the sport/social care and workshop facilities) - have no objection to the proposed opening hours for these buildings so this can be discharged.

Condition 26 (Hours of Operation Sports Pitch) - The hours of operation of the sports pitch seem excessive. As there are no details as to where the nearest residents are, before the hours are approved, they would want the applicant to submit a Noise Management Plan (NMP) which should include an assessment of noise from all activities associated with the use and it shall ensure that use of the pitch will not give rise to any significant adverse impacts on the occupants of nearby residential properties.

Condition 28 (Drainage Management) - No comments to make.

Condition 38 (Accessibility) - No comments to make.

Updated comments 23.11.2021

Have no objection to the discharge of the external lighting/glare conditions 15 and 17.

Updated comments 23.11.2021

On the basis that the nearest housing is approx. 122m from the development (at its closest point) on the northern side of Ashton Old Road, and that an environmental noise survey was carried out to determine the existing noise climate at the site and at the nearest or most exposed noise sensitive receptor locations when the planning application was determined. Analysis of noise egress from the proposed football pitch was undertaken. The analysis indicated that noise levels at the nearest noise sensitive receptors due to noise from the proposed football pitch would comply with the proposed external noise emission criteria related to this noise source.

They have no objection to the discharge of Condition 26.

Updated comments 24.01.2022 - have no objection to the discharge of condition 22 for phases 1 and 2, and also have no concerns concerning the issue regarding the pitches /clearing equipment etc away after 10:30pm, as there are no residents nearby.

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: Approved and Refused

Article 35 Declaration

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

2) 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.

12) 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.

15) 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 .

17) 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 .

18) 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 .

22) 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.

23) 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.

24) 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.

25) 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.

26) 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.

28) 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 are required before condition no.28 can be discharged. As such condition no.28 is not discharged at this time.

38) 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Appendix 2 – Planning constraints

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

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

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) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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: NORTH2