

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
LTE Group
The Manchester College
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M11 2WH

Agent (if used)

Planning
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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 6 (BREEAM), 10 (travel plan), 17 (CCTV), 26 (surface water drainage) and 36 (community use agreement) attached to planning permission referenced 128966/JO/2020.

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

Date of application: 14 June 2023

Application number: CDN/23/0390

Part 2 – Particulars of decision (a)

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. 6 (BREEAM)

The submitted BREEAM Certificate ref: BREEAM-0078-1021 Issue 01 which demonstrates the achievement of a 'Very Good' rating has been acknowledged. On the basis of the BREEAM Certificate ref: BREEAM-0078-1021 Issue 01 condition no.6 is discharged.

Condition no. 10 (travel plan)

The Openshaw Campus Manchester College Travel Plan by SK Transport Planning Ltd ref: 230323-SK222109-TP01 (-01) has been reviewed and is considered to be satisfactory. On the basis that the measures in Travel Plan referenced above are implemented in full at all times when the development is in use, condition no.10 is discharged.

Condition no. 17 (CCTV)

The information shown on the plans and data sheets specified below has been examined and is considered to be acceptable.

- Electrical Services - Proposed Electrical External Services plan ref: 4129-0-E301-T2
- Electrical Services - Proposed Electrical External Services plan ref: 4129-0-E302-T2
- Car Parking lighting aiming plan ref: HLS 2948
- BEI Lighting Tubular Columns Group A and B- Datasheet
- UPCA Range sizes Column Clamp Details plan ref: WEC UPCA/R rev.00
- AcuSense 4MP IR Fixed Bullet Network Camera - DS 2CD2T46G2 2I/4I Datasheet
- 4MP AcuSense Powered by Darkfighter Fixed Turret Network Camera - DS 2CD2346G2 I(U) Datasheet. Received 14th June 2023

On the basis that the development implemented in accordance with the details in the plans and documentation referenced above condition no.17 is discharged.

Condition no. 36 (Community use)

The content of the email dated 8th February 2024 accepting Manchester Active's tracked changes to the Community Access Agreement from the Manchester College, together with the Community Use Agreement (ref: 14613783 V3)received 8th February 2024 has been considered in conjunction with plan refs: Drawings. Level 00 Community Use Agreement plan OC-EWA-ZZ-01GA-A-69732 rev.P1 and Level 01 Community Use Agreement plan OC-EWA-ZZ-01GA-A-69731 rev.P1 received 18.01.2024.

On the basis that the development is implemented in accordance the Community Use Agreement received on 8th February 2024(in which the Manchester College had accepted the tracked changes),and the plans referenced above, condition no.36 is discharged.

Part 2 – Particulars of decision (b)

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. 26 (Surface water drainage

The Drainage Strategy for the proposed pitch and car park report doc ref:EPG-9705-DS-01 dated 23.03.22 rev.01 , Openshaw College Surface Water Drainage Design as constructed record document plan ref:9705-EPG-XX-XX-DR-Y-0001 REV AB1, and Openshaw College Exceedance Routing plan ref: 705-EPG-XX-XX-DR-Y-0002 REV AB1 received 14th June 2023, have been reviewed in conjunction with :

Discharge of phase 1 & 2 drainage under CDN/21/0384

Phasing plan OS-RHA-XX-00-DR-A-PL -002 rev.D (uploaded to 124268/FO/2019)

Reference to Land Drainage Consent requirement in drainage strategy of CDN/21/0384 A request was made for further information including layout with the present overland flow routes,together with an assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Advise was provided that overland flow routes needed to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures.

Furthermore, a request for a demonstration in regard to how system provides adequate pollution control measures also made.

In addition to the above matters advise was provided that Land Drainage Consent was required for the connection to the culverted ordinary watercourse 'Clayton Brook', and an application needed to be submitted to Manchester City Council LLFA. include relevant supporting documents including proposed connection construction detail, method statement etc.

At this time no further drainage information has been provided in regard to the matters raised to relating to overland flows and how system provides adequate pollution control measures. On this basis condition no.26 cannot be discharged at this time.

Date: 12 February 2024

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.