

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

Approval of details reserved by condition

Applicant

Wates Construction Ltd
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 7 (Travel Plan), 10 (BREEAM) and 21 (drainage maintenance) attached to planning permission referenced 124763/JO/2019

Location: Eden Boys Leadership Academy And Eden Girls Leadership Academy ,
Rayburn Way, Manchester, M8 8DT

Date of application: 31 May 2022

Application number: CDN/22/0351

Part 2 – Particulars of decision

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

Condition no. 7 Travel Plan

The submitted Travel Plan ref: TP 01 rev.A dated May 2022 has been examined and is considered to be acceptable. Therefore, on the basis that the development is implemented in full accordance with the measure in the Travel Plan ref: TP 01 rev.A dated 25.05.2022, and that there is an on-going requirement to review additional storage provision for cycles when 90% utilisation is reached, condition no.7 is discharged .

Condition no. 10 BREEAM

The content of the Letter from Wates Construction Ltd., Sustainability BREEAM 2014 New Construction - Post- Completion Stage, dated 23 May 2022 has been noted , on the basis of the confirmation form Wates in regard to the criteria for credits being met , and therefore that a BREEAM rating of Very Good would be achieved under formal certification, I can confirm that condition no.10 is discharged.

Condition no. 21 Drainage maintenance

The plans and reports referenced below have been examined .

o Eden Manchester Drainage Progress Photos

- o 382220-MMD-CH-00-DR-D-0001 C11 - Below Ground Drainage General Arrangement
- o 382220-MMD-CH-00-DR-D-0002 C11 - Below Ground Drainage Boys School General Arrangement
- o 382220-MMD-CH-00-DR-D-0003 C10 - Below Ground Drainage Girls School General Arrangement
- o 382220-MMD-CH-00-DR-D-0005-C10 - Below Ground Drainage Surface Water Manhole Schedule
- o 382220-MMD-CH-00-DR-D-0007-C09 - Below Ground Drainage Foul Water Manhole Schedule

Received 31st May 2022;

Landscape GA plan ref :2324_AG(90)01 C13 received 23rd September 2022;
Wates document ref: C1 - Written Scope of works Sub Contract Works Package - Sports Pitches and Equipment

Letter from Wates dated 26th September 2022 confirming that the drainage scheme has been installed in accordance with the measures details on the plans referenced in condition no.20 (surface water drainage works) attached to planning permission ref: 124763, including the 'Cross section which includes the separation layer proposed below the playing surface of the proposed MUGA's received from Wates Construction on 14th August 2019' has been noted . Furthermore , the confirmation in writing from Wates that the management and maintenance would be undertaken in accordance with the statement in the approved Flood Risk Assessment (December 2017 rev.P04) paragraph 3.3.1, in particular that:-

Visual inspections of all private drainage systems on site; specifically gullies , drainage channels , catchpits , inspection chambers and manholes to be carried out every 6 months for the first years and every 12 months thereafter. Cleaning and jetting requirements of the system to be carried out based on the results of the visual inspection. Frequency and methodology of geocellular storage inspection and maintenance to be based on the manufacturers recommendations. Oil separator systems to use telemetry systems to monitor performance and indicate when the separator requires emptying. Maintenance of the drainage systems is the responsibility of Tauheedul Education Trust (Star Academies).

On the basis of the documentation and plans referenced above , in particular the content of the letter from Wates dated 26th September 2022 confirming that the development has been implemented in accordance with the 'Cross section, which includes the separation layer proposed below the playing surface of the proposed MUGA's', I can confirm that condition no.21 is discharged subject to the maintenance and management arrangements being implemented for the lifetime of the development.

The decision to recommend discharge of Condition 21 in absence of "Verification report providing photographic evidence of construction as per design drawings" has been made considering circumstances particular to this application, and this decision is made without prejudice to other applications. It is advised that pre-occupation conditions should be reviewed and contractors made aware of the requirements in advance of construction, to avoid issues discharging the conditions.

Date: 28 September 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 permission refers 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.

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 his 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.