

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0217

Date registered valid: 6 March 2025

Proposal: Discharge of conditions 8a (travel plan), 10 (ground conditions), 11 (acoustic insulation), 13 (CIS) and 31 (sustainability) attached to planning permission referenced 135270/FO/2022

Address: Land Between 121 - 131 Levenshulme Road, Manchester, M18 7NF

Ward(s): Longsight Ward

Applicant: Mike Watson Watson Construction Limited

Agent (if any):

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: 26th May 2025

Date of recommendation: **Split decision**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 13 March 2025 Expired: 3 April 2025

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

Highway Services -In regard to Condition 8 (Travel Plan) a Travel Plan has been submitted and includes details on the proposed measures and provides a commitment to undertake surveys. Therefore, the information is sufficient to allow them to recommend the discharge of part a of the condition from a Highways perspective.

Environmental Health – 02.04.2025

Condition 10 (ground conditions)

The LKC validation reports submitted for house plots 1 to 6 are acceptable and we would have no objection the discharge of Condition 10b for these plots only.

Condition 11 (acoustic insulation)

The submitted Braiden Acoustics Noise Verification Report, ref. 11364, dated 4 Mar 2025, should confirm the following:

1. Whether the noise measurements taken (plot 1 internal only, fronting onto Levenshulme Road on the western elevation) are sufficiently representative of daytime/nighttime internal levels, and daytime external levels, at plots 3 to 6, which were also to be subject to mitigation (alternative ventilation and an acoustic barrier) as per the previously submitted Omnia report referenced in the Braiden Acoustics report.
2. Whether train pass-bys were captured by the verification measurements.
3. Whether the noise measurements, which are only stated to have commenced on a Friday and continued throughout a weekend (no dates or times provided) captured the normal operation of the adjacent commercial premises referenced in the Omnia report.
4. Whether MCC's criteria have been fully met, including LAmax levels of individual noise events and LAeq levels for gardens; refer to guidance at [Information for developers | Manchester City Council](#). MCC's criteria should also be included within section 3.3 of the report.
5. Survey dates and times should be included along with weather data.
6. Noise measurement data should be appended.

Further comments following updated noise verification report 23.05.2025.

They have considered the information submitted for the above CDN application (Braiden Acoustics Noise Verification Report, Ref: 11364revA, Date: 12 May 2025) and can provide the following comments:

1. Section 3.3 'COUNCIL CRITERIA' states "*It is usual that Councils adhere to noise levels given in BS 8233*", and that the following applies: "*LAeq 55 dB 16 hours – indoors, daytime (07.00-23.00)*". This criterion relates to MCC's outdoor noise limits; it appears that this may be a typo but the report should refer specifically to [MCC's guidance](#) and relevant criteria.
2. For completeness the report should state which facades are subject to alternative ventilation provision as per the referenced Omnia report, and this should be demonstrated to have informed the selection of post completion test units, which should be those with the highest external noise sources.
3. It is understood that the development comprises a total of 39 dwelling units and 3 habitable rooms have been tested, within buildings at plots 1 & 6 and flat 11, with one additional external amenity area test undertaken.
 1. Justification should be provided for the selection of the rear bedroom of Flat 11 within the apartment block; the front of the flat is stated to face toward the central courtyard of the site and there is no MVHR unit.
 2. At least 10% noise validation tests are required within residential buildings, with 1 bedroom and 1 living/dining room in each unit tested as good practice. A minimum of 4 units therefore require internal verification testing for this development, with 1 bedroom and 1 living/dining room included in each test unit.
4. The report states that MVHR units in the ceiling voids caused levels in bedrooms to exceed limits due to missing access panels. Additional tests should address this issue and any summer boost setting on the MVHR units should be operational during the testing.
5. Section 4.2.2.1 (also the Conclusions section) states that "*During the night in Plot 1 there were some strange 'whooshing' noises seemingly coming from the inside of the property.*"

These noise events need to be investigated and eliminated." This issue is also outstanding.

Due to the above outstanding items they cannot currently recommend discharge of condition 11.

Issues

Other Legislative Requirements Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Split decision

Article 35 Declaration

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

Condition no. 8a (travel plan)

8a) The content of the Travel Plan ref: 220507 dated January 2025 have been reviewed in the context of part a of condition no.8 and is considered to be satisfactory. On the basis that the development is implemented in accordance with the Travel Plan ref: 220507 dated January 2025 condition no.8a is discharged.

Condition no. 10 (ground conditions)

10) The content of the reports below has been reviewed and are considered to be acceptable. I can therefore confirm that you have complied with condition no.10 part b for plots nos. 1-6 (all).

Plot 1 verification report – Environmental Cover system

Plot 2 verification report – Environmental Cover system

Plot 3 verification report – Environmental Cover system

Plot 4 verification report – Environmental Cover system

Plot 5 verification report – Environmental Cover system

Plot 6 verification report – Environmental Cover system

Soil Verification report - Top soil suitability dated 23rd January 2025

Soil Verification report - Subsoil suitability dated 23rd January 2025

Received 6th March 2025

However, condition no.10 is not phrased to enable a phased discharge of the condition, and the wording requires the development be carried out in accordance with the previously agreed Remediation Strategy, and that a Completion/Verification Report be submitted to and approved for the overall development. On this basis condition no.10 cannot be formally discharged at this time.

Condition no. 11 (acoustic insulation)

11) The content of the Braiden Acoustics Noise Verification Report, Ref: 11364revA, Date: 12 May 2025) has been considered, however there is not sufficient information to enable condition no.11 to be discharged. On this basis condition no. 11 is not discharged at this time.

Condition no. 13 (CIS)

13) The Secure by Design accreditation for plot nos. 1-6 ref: 2022/0486/SBD/01 dated 25th February 2025 received 6th March 2025 has been noted. I can therefore advise that you have complied with condition no.13 in regard to plot nos. 1 to 6.

However, condition no.13 is not phrased to enable a phased discharge of the condition, and the wording requires the submission of written confirmation of a secured by design accreditation for the overall development, which has not been provided for consideration, on this basis condition no.13 cannot be formally discharged at this time.

Condition no. 31 (sustainability)

31) Correspondence from Watson Homes dated 5th March in relation to condition no.31 has been reviewed, together with the EPC for plots 1-6 (1- 7 Sawmill Drive, and 123 and 125 Levenshulme Road), and Water efficiency calculations dated 11th May 2023, and is considered to be acceptable in relation to plots nos .1-6.

However, condition no.31 is not phrased to enable a phased discharge of the condition, and the wording requires the post construction review certificate/statement for the dwellings in the overall development, on this basis condition no.31 cannot be formally discharged at this time.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA