

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

Partial approval of details reserved by condition

Applicant

Mike Watson
Watson Construction Limited
Spark Studio
208-210 Great Clowes Street
Salford
M7 2ZS

Agent (if used)

Part 1 – Particulars of the application/development

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

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

Date of application: 6 March 2025

Application number: CDN/25/0217

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. 8a (travel plan)

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.

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. 10 (ground conditions)

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)

The content of the Braiden Acoustics Noise Verification Report, Ref: 11364 rev.A, 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)

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)

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.

Date: 27 May 2025

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.