

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0079

Date registered valid: 29 January 2025

Proposal: Discharge of conditions 5 (off site highways works), 12 C (refuse storage), 23 (drainage maintenance) and 40 (landscaping maintenance) attached to planning permission 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: Split decision

Date of recommendation: 24 March 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 3 February 2025 Expired: 24 February 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

Environmental Health –

Confirmation is still required as previously requested that internal designs for waste and recycling arrangements are included for dwellinghouses and apartments. The submitted letter from Mike Watson dated 27 January 2025 appears to relate to external stores. The information is satisfactory for part c of Condition 12 which states:

c) The details of the approved scheme for the dwellinghouses shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Highway Services – 05.02.2025

In regard to Condition 5 (off-site highways work) MCCs Statutory Approvals Team were consulted for comment. A Section 278 application for highways works has not yet been received, therefore Highways cannot currently support the discharge of this condition. This should be undertaken through the Manchester City Council Highways Statutory Approvals team so that a process can be determined and taken forward. The following link provides access:

https://www.manchester.gov.uk/directory_record/451887/permission_to_work_on_the_highways_-_section_278_agreements.

In regard to Condition 12C (refuse storage) details of refuse storage has been provided. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective

Further comments 06.02.2025 - the Stats Team have confirmed that the majority of the work is sorted, but the TRO associated with the condition is outstanding. Their TRO team have tried to get in touch with the developer a number of times, but nothing has moved forwards. Therefore, the developer will need to get this resolved before the S278 team can discharge the condition.

Local Lead Flood Authority - Have advised that the following information needs to be submitted for consideration:

- Verification report providing photographic evidence of construction as per design drawings.
- As built construction drawings if different from design construction drawings.

The applicant has stated that the management and maintenance of the surface water drainage networks and SuDS features will be undertaken by contractors appointed by the owners / residents of the new units in the apartment building and residential dwellings, where payments of the works will form part of the property deeds and / or rental agreements, and part of the overall service charge / ground rent for the Site (including communal areas).

The following is required:

- 'SuDS Audit' and maintenance plan for the proposed drainage system and provide details of who will maintain the proposed drainage system for the lifetime of the development.
- Confirmation that the management company will also be responsible for maintenance of the flow control structure (Hydrobrake), oversized pipes and attenuation tank.
- The regular maintenance of the flow control structure, oversized pipes and attenuation tank should be included in the maintenance plan.

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. 5 (off site highways works)

5) The details on the plans specified below have been reviewed and are considered to be satisfactory.

-Section 278 agreement – Proposed site boundary plan ref: 23-2405/A1/106 rev. P2

-Section 278 agreement – Proposed General Arrangement plan ref: 23-2405/A1/100 rev. P5

Condition no.5 is discharged on the basis that the development is implemented in accordance with plans referenced above, prior to the first residential unit being occupied. The approval of the above plans does not infer approval from a section 278 (Highways Act) and/or traffic regulation order perspective.

Condition 12c – Refuse Storage

12c) The correspondence dated 27 January 2025 from Watson Homes related to condition no.12c has been noted. On the basis that the approved scheme for the dwellinghouses (as shown proposed site plan with setting out co-ordinates ref; 221310-0101 rev.P04 , and email from Watson Homes dated 27th October 2023 regarding waste storage from Watson Homes approved as part of the discharge of condition no.12b) in conjunction with the correspondence dated 27 January 2025 from Watson Homes is implemented as part of the development and remains in situ whilst the use or development is in operation, condition no.12c is discharged.

Condition no. 23 (drainage maintenance)

23) The content of correspondence dated 27 January 2025 from Watson Homes related to condition no.23 has been noted , together with Below Ground Drainage Layout Sheet of 2 plan ref: 23-2405/A1/201 rev.P8; Below Ground Drainage Layout Sheet 2 of 2 plan ref: 23-2405/A1/202 rev.P9 and Surface Water Management report ref: 23-2405 rev.B dated May 2023 have been reviewed.

It is not considered that sufficient information has been provided for consideration , and as such condition no.23 cannot be discharged.

The following information is required to be provided for consideration:

- Verification report providing photographic evidence of construction as per design drawings.
- As built construction drawings if different from design construction drawings.

It has been also stated within the Surface Water Management report ref: 23-2405 rev.B dated May 2023 that the management and maintenance of the surface water drainage networks and SuDS features will be undertaken by contractors appointed by the owners / residents of the new units in the apartment building and residential dwellings, where payments of the works will form part of the property deeds and / or rental agreements, and part of the overall service charge / ground rent for the Site (including communal areas).

On this basis following details are also required:

- 'SUDS Audit' and maintenance plan for the proposed drainage system and provide details of who will maintain the proposed drainage system for the lifetime of the development.
- Confirmation that the management company will also be responsible for maintenance of the flow control structure (Hydrobrake),, oversized pipes and attenuation tank.
- The regular maintenance of the flow control structure, oversized pipes and attenuation tank should be included in the maintenance plan.

Condition no. 40 (landscaping maintenance)

40)The content of the Jigsaw Homes Landscape Maintenance Service Specification/Strategy has been reviewed. On the basis that the maintenance is carried out in accordance with the Landscape Maintenance Service Specification/Strategy condition no.40 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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA