

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0254

Date registered valid: 17 April 2023

Proposal: Discharge of condition 14 (RAMS) attached to planning permission referenced 135270/FO/2022.

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

Ward(s): Longsight Ward

Applicant: Mr Rob Watson Watson Construction Ltd

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 14 June 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 5 May 2023 Expired: 26 May 2023

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

Network Rail - 11.05.2023 Advised that they did not accept developer response to condition 14 and could not accept or discharge the condition . The applicant has stated there is no risk to the operational railway, but the following risks are identified by Network Rail (NR):

- Crane use adjacent, collapse radius may fall within the NR boundary
- Erecting of scaffold, collapse radius may fall within the NR boundary
- Ground works and landscaping adjacent to the NR boundary
- Installation of a 1.8m high palisade fence as per email 'Manchester 135270-fo-2022 121-131 Levenshulme Road dwellings-apartments' dated Wed 07/12/2022 10:47 from Diane Clarke to Sue Wills
- Installation of drainage which falls within the 7m boundary offset, as per the attached Conveyance 19 April 1989 this needs agreement from NR and the developer is to comply with reasonable conditions, one of these being the submission on RAMS. The developer was also in discussion with Elizabeth Clarke from NR Property to reduce the 7m offset,

refer to email chain 'RE: 178237NW8059: 123, Levenshulme Road, Gorton'. Developer to confirm if discussions are still ongoing, if the offset reduces the inherent risk increases.

Updated comments 14.06.2023

Asset Protection can recommend the discharge Condition 14 on the provision that the Developer enters into a Basic Asset Protection Agreement with Network Rail and contractor specific RAMS are provided to Network Rail for review prior to the construction activity starting, they are not required prior to the granting of planning.

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: Approve

Article 35 Declaration

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

Condition no.14 - RAMS

14) The updated Works near railway document by Watson Homes received 26th May 2023 has been examined and is considered to be an acceptable approach. On the basis that the Developer enters into a Basic Asset Protection Agreement with Network Rail and contractor specific RAMS are provided to Network Rail for review prior to the construction activity on site commencing, and the measures set out in the updated Works near railway document by

Watson Homes received 26th May 2023 are implemented for the full duration of the construction process condition no.14 is discharged.

Appendix 1 – List of consultees & neighbours notified

Network Rail

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

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