

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0733

Date registered valid: 27 October 2023

Proposal: Discharge of conditions 11 (acoustic insulation), 12 (waste management) 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: Mr Rob Watson Watson Construction Ltd

Agent (if any):

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

Recommendation: Split decision approve/refuse

Date of recommendation: 19 December 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 7 November 2023 Expired: 28 November 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

Highway Services - With regards to condition 12 the information provided is sufficient to allow us to recommend the discharge of this condition from a Highways perspective.

Environmental Health - Have made the following comments:

Condition 11 (acoustic insulation) They have commented previously (their email of 13/12/2022) on the submitted Omnia noise report, as follows:
The findings and recommendations detailed in the submitted Omnia Noise & Vibration Impact Assessment, ref. C10764/NIA/1.0 dated July 2022, are accepted; the report concludes that internal noise limits would be exceeded on some façades with a partially open window, and alternative ventilation is required for these rooms (for example acoustic trickle vents/ventilation units). The developer should confirm the ventilation proposals for relevant rooms, noting that the

façade insulation and resulting noise levels must not be compromised, and agreement of this scheme will satisfy part a of the above condition.

Condition 12 (waste management)

The information provided is generally acceptable, however confirmation is still required as previously requested that internal designs for waste and recycling arrangements are included for dwellinghouses and apartments.

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/Refuse

Article 35 Declaration

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

Condition 11 (acoustic insulation)

11) The submitted Noise and Vibration Impact report ref: C10764/NIA/1.0 dated July 2022 accompanied the original planning application submission, and the findings and

recommendations detailed in the Omnia Noise & Vibration Impact Assessment, were accepted. However, the report concluded that internal noise limits would be exceeded on some façades with a partially open window, and an alternative ventilation was required for these rooms (for example acoustic trickle vents/ventilation units). The developer was required to confirm the ventilation proposals for relevant rooms, noting that the façade insulation and resulting noise levels must not be compromised, and agreement of this scheme will satisfy part a of the above condition.

However, the ventilation proposals for relevant rooms to address this matter have not been provided for consideration and therefore condition no.11a cannot be discharged at this time.

Furthermore, condition 11 b requires that prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

On the basis that this information has not been provided for consideration condition no.11 b cannot be discharged at this time.

Condition 12 (waste management)

Condition no. 12 in in three parts a), b) and c).

12) Condition no.12 part a requires simply requires compliance with the referenced document and therefore does not need to be discharged.

The details on proposed site plan with setting out co-ordinates ref; 221310-0101 rev.P04 , and email from Watson Hones dated 27th October 2023 regarding waste storage from Watson Homes have been considered in respect of condition no.12 part b.

On the basis that the development is implemented in accordance with proposed site plan with setting out co-ordinates ref; 221310-0101 rev.P04 , and email from Watson Hones dated 27th October 2023 regarding waste storage from Watson Homes, I can confirm condition no.12b is discharged

Condition no.12.part c requires simply requires compliance with the scheme approved in part b , and has an on-going requirement that once the approved scheme has been implemented , it shall remain in situ whilst the use or development is in operation.

Condition no.31 (Sustainability)

Condition no.31 requires:-

- a) The development hereby approved shall be carried out in accordance with the document titled ' Energy Statement issue A dated 14.10.2022.
- b) A post construction review certificate/statement shall be submitted for approval for the development, within a timescale that has been previously agreed in writing for the development.

Condition no.31 part (a) simply requires compliance with the referenced document and therefore does not need to be discharged. However, the current application also seeks to discharge condition 31 (b), but no post construction review certificate/statement has been submitted for approval. On this basis condition no.31 (b) cannot be discharged at this time.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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