

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0164

Date registered valid: 8 March 2023

Proposal: Discharge of condition 3 (CMP), 4 (materials), 10 a(ground conditions), 21 (ecology), 25 (lighting), 28 (bio diversity) and 39 (water course protection) 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 Limited

Agent (if any):

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

Recommendation: Approve

Date of recommendation: **2nd August 2023**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 20 March 2023 Expired: 10 April 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

Environmental Health – 06.04.2023

Condition 3 (CMP)

The submitted CEMP is generally acceptable with the exception of Saturday working hours; as per MCC's guidance, noisy construction works should not commence before 08:30 hours.

Condition 10 (ground conditions)

As per email of 13/12/2022, the previously submitted LK Group Preliminary Risk Assessment, ref LKC 221031 dated 16th September 2022, was prepared for a proposed end use of apartments with landscaping only (no private gardens) and requires updating before they can comment on the submitted Phase 2 Geo-Environmental Investigation, Risk Assessment and

Remediation Strategy, ref LKC 22 1031 dated February 2023. They would also comment that the scope of the Phase 2 intrusive investigation should have been agreed with themselves as per the condition.

They advise that they haven't commented on Condition 25 (lighting) as this relates to accessibility and protection of nature, and these matters are outside their remit.

Updated comments 02.06.2023

They have reviewed the updated PRA together with the previously submitted LKC Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy, ref LKC 22 1031 dated February 2023. The PRA is acceptable, but they have the following comments regarding the proposed Remediation Strategy:

Confirmation should be provided of which remediation option is to be selected (Made Ground removal or cover system).

Private front gardens should have 600mm clean cover thickness in accordance with MCC's guidance. The proposed 450mm is only acceptable for shared landscaped areas and requires amendment.

It is understood that CS2 gas protection measure details are to be submitted for approval once the foundation design has been confirmed. This point is therefore outstanding.

The proposed sampling rates for imported soils (Table 9-2) are not fully in accordance with MCC's guidance. This requires revision.

It is understood that delineation of hydrocarbon hotspots and possible tank removal is to be undertaken. Any significant changes to the Remediation Strategy should be submitted for approval as per part b of the condition.

Due to the above outstanding items they cannot currently recommend discharge of part a of Condition 10.

Updated comments 01.08.2023

They advise that the updated Phase 2 SI report is fine- they have no objection to the discharge of condition no.10a.

GMEU – 07.04.2023

Condition 21 - Reasonable Avoidance Measures (RAMs)

A reasonable avoidance measures method statement has been provided. This is adequate in terms of the construction phase, but has not in their opinion provided adequate information for the site clearance phase. They would expect information to be provided on how site clearance would occur i.e. by hand (or hand power tool) in high risk areas and whether any areas required the presence of an ecological clerk of works. They therefore only recommend part discharge for the construction phase of the condition.

Condition 28 – Biodiversity Enhancement Measures

The soft landscaping proposals have they note been accepted. With regards wildlife enhancement measures, they welcome the measures to enable site permeability for wildlife such as hedgehog and the three bird boxes, they were not however able to find reference to bat box provision. They therefore only recommend partial discharge of condition 28, with full discharge requiring the provision of bat boxes.

Condition 39 – Protection of Watercourse

They are satisfied that adequate measures are being proposed, and have no objection to the discharge of the prior to commencement part of condition 39.

Further comments 03.05.2023

Have no further issues to raise with regards the discharge of condition 28.

Further comments 17.07.2023

The prior to commencement part of condition 21 can be discharged

Highways Services - 30.03.2023

In regard to Condition 3 (CMP) a Construction Environmental Management Plan has been submitted. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 25 (Lighting), plans showing the proposed location of the lighting and a lighting assessment. MCC Street Lighting have reviewed the submitted material find them acceptable. This information is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

The contractor should continue to liaise with the MCC Highways and Resilience Team, for associated hoardings/fencing highway licences and any temporary traffic regulation orders for the closures of any highway on a temporary basis. As part of the licensing and approvals process the routing of construction traffic and site access arrangements will be determined.

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 3 (Construction Management Plan)

3. The measures in the Construction Environmental Management Plan ref: 0033 Levenshulme Road , Gorton rev. 03 Received 14th April 2023 are considered to be satisfactory . On the basis that the measures in Construction Environmental Management Plan ref: 0033 Levenshulme Road , Gorton rev. 03 are implemented in full for the duration of the construction period condition no.3 is discharged.

Condition 4 (Materials)

4.The use of Tullamore Smooth and Clarendon Blue smooth bricks with natural mortar and Condron flat slate grey coloured roof tiles for the above development is considered to be acceptable . The use of dark Grey (RAL 7016) composite front entrance doors, dark grey UPVC windows (RAL 7016), and the use of dark grey (RAL 7016) steel louvres to the cycle and bin stores is considered to be satisfactory. On the basis that the development is implemented in accordance with the materials referenced above, condition no. 4 is discharged .

Condition 10 a (Ground conditions)

10a. The submitted Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy ref: LKC 22 1031 rev.R1 7th February 2023 Received 8th March 2023; and
Phase 1 : Preliminary Risk Assessment report ref: LKC 11 1031 dated 16th September 2022. Received 9th May 2023 have been examined together with the content of the email from Watson Homes dated 12.07.2023 regarding mitigation measures .
On the basis that the development is fully implemented with the measures in the documentation referenced above, I can confirm that condition no.10a is discharged.

Condition 21 (RAMS)

21. The details contained in the Protection of mammals document received 08.03.2023; Landscaping plan 6990.01 rev.D received 21.04.2023 and Terrestrial Mammals - Reasonable Avoidance Measures Statement (RAMS) dated 21.06.2023 received 23.06.2023 are considered to be satisfactory. On the basis that the development implemented in full accordance with the submitted avoidance measures within the information referenced above, condition no.21 is discharged.

Condition 25 (Lighting)

25. The details shown on Private lighting design plan ref: SHD 895 rev.0; Proposed equipment schedule ref: SHD895-SHD-HLG-LEVE-SG-EO-Lightng Schedule -R0 dated February 2022; and in Lighting Design Risk Assessment ref: SHD 895-SHD-HLG-LEVE -RA-EO received 8th March 2023 have been examined.
On the basis that the development is implemented in full accordance with the measures referenced in the specified documents above condition no.25 is discharged.

Condition 28 (Biodiversity)

28. The Updated Biodiversity Enhancement measures as shown on Landscape Proposals plan ref: 6990.01 rev.D received 21st April 2023, are considered to be acceptable . On the basis that the biodiversity enhancement measures are fully implemented in accordance with the approved scheme, prior to the occupation of the buildings, and retained at all times thereafter, condition no.28 is discharged.

Condition 39 (Water course protection)

39. The measures within the Watercourse protection measures statement received 8th March 2023 are considered to be acceptable. On the basis that the watercourse protection measures are fully implemented in accordance with the approved scheme for the duration of the construction works , condition no.39 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Ecology Unit

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