MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140435/JO/2024
Date registered valid:	4 July 2024
Proposal:	Removal of Condition 3 (Flood Risk Management) attached to planning permission 139736/FH/2024
Address:	26 Winwood Road, Manchester, M20 5PE
Ward(s):	Didsbury East Ward
Applicant:	Mr John Davies
Agent (if any):	Mr Sakib Ahmed CGI Works
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**27/08/2024**

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 15/06/2024 (on 139736/FH/2024)

Standard consultations:
Printed: 26 July 2024 Expired: 16 August 2024

Neighbour notifications
Printed: 26 July 2024 Expired: 16 August 2024

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

The proposal is related to a semidetached dwellinghouse on Winwood Road. The property features an existing part single/ part two storey rear extension and detached rear garage. The property features hardstanding to the front for off street vehicle parking and a garden to the rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Street Scene

Description of area

The property sits in a mostly residential part of the Didsbury East ward of Manchester. The property sits in Flood Zone 2.



Description of development

The applicant is proposing the removal of Condition 3 (Flood Risk Management) attached to planning permission 139736/FH/2024.

The approved application was for the erection of a single storey side extension to form additional living accommodation.

The applicant has provided Environment Agency Product 4 data to support the removal.

Planning History

139736/FH/2024
Description: Erection of a single storey side extension to form additional living accommodation
Decision: 03/06/2024

41089
Description: 1st floor rear bedroom extension over existing kitchen
Decision: Approved 21/05/1992

Consultation, notification & publicity responses

Consultations

Manchester City Council Flood Risk Management
Manchester City Council Flood Risk Management asked for further information to support the removal of the condition.

The applicant failed to provide the required information within the target date.

Notifications

Local Residents
As stated in Appendix 1, people who live near the area were told about the proposal.

No one commented, objected, or gave their opinion on this application.

Relevant policies & the principle of development

Summary of relevant policy

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In considering this application, we consider the following policies relevant.

- The Manchester Core Strategy Development Plan Document 2012-2027
    - Development Management and Planning Obligations

        - DM 1 - Development Management
    - Objective 6 Environment
        - EN 14 – Flood Risk (partially superseded)
- Places for Everyone Plan Joint Development Plan Document 2022-2039-
    - Sustainable and Resilient Places
        - JP-S4: Flood Risk and the Water Environment
- The National Planning Policy Framework (The NPPF) –
    - Section 4 – Decision-making
    - Section 14 - Meeting the challenge of climate change, flooding and coastal change

Principle of the development

The proposal's principle is unacceptable as there are factors that warrant refusal.

After careful consideration, it is concluded that the proposed development opposes with the Manchester Core Strategy, Extant UDP, Places for Everyone Plan and the NPPF. This conclusion is based on the assessment in the sections that follow.

The Manchester Core Strategy Development Plan (2012-2027)

We have assessed the proposal against the following policies of the Core Strategy.

Development Management and Planning Obligations

DM 1 – Development Management
New developments must adhere to the 'Development Principles' and design guidance in the Supplementary Planning Documents.

We have assessed the proposal against the following issues.

Flood risk and drainage.
The original application required a flood risk condition to assess the Flood risk of the proposed development. Usually, a discharge condition is submitted to discharge the condition however the applicant has opted to remove the condition from the application. This forms a defacto discharge.

Flood Risk Assessment required further detail (as below)

Decision Notice Clause	**Contained in submission**	**Approvable standard**
a. Environment Agency Product 4 data	Y	Y

b. Assessment of the estimated flood level for the Site	N	N
c. Details of Finished Floor Levels set in accordance with Standing Advice (either no lower than existing floor levels or 300mm above the estimated flood level).	N	N
i. If floor levels cannot be raised in line with Standing Advice, details of flood resistance and resistance measures to be implemented in accordance with Standing Advice.	N	N

The applicant was asked for further information on August 6th and reminded on August 21st however no response was received.

The proposal is therefore in opposition with this development management principle.

Objective 6 Environment

EN 14 – Flood Risk
This policy outlines the key principles around Flood Risk Management in the city.

We consider this proposal to oppose with the principles of this policy (for the reasons stated above)

Places for Everyone Plan (2022 – 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

Sustainable and Resilient Places

JP-S4: Flood Risk and the Water Environment

This policy outlines the measures to protect the quantity and quality of water bodies with reference to the Northwest River Basin Management Plan and managing flood risk.

We consider this proposal to oppose with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 12 outlines how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

We consider this proposal to oppose with the principles of the NPPF.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)
- Manchester Residential Quality Guide (July 2016) (MRQG)
- Manchester, Salford, and Trafford Strategic Flood Risk Assessment
- Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems
- Manchester City Council Planning and Noise Technical Guidance (2022)
- Air Quality & Planning Technical Guidance (2022)
- Planning and Contaminated Land Technical Guidance (2021)
- Greater Manchester Joint Waste Development Plan Document (GMJWDPD)
- Waste Storage and Collection Guidance for New Developments (2017)
- Hot Food Takeaway Supplementary Planning Document (2017)
- Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards (2020)
- Manchester Tree and Woodland Action Plan 2024-2034
- Manual for Streets (2007)
- National design guide & National Model Design Code (2021)
- Outdoor advertisements and signs: a guide for advertisers (2007)

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 polices 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.

Conclusion

The applicant was unable to provide the required information to remove the condition. It goes against the Core Strategy, UDP, NPPF policies, and other considerations.

Recommendation: Refuse

Article 35 Declaration

The officers worked with the applicant to find solutions for problems with the planning application. There were problems with the application, so the officer talked to the applicant and others. No response was received from the applicant.

Reasons for recommendation to refuse

1. **Flood risk**

   The development is in Flood Zone 2. In accordance with the Flood Risk Assessment Guidance for Local Planning Authorities, the applicant has provided insufficient consideration of the NPPG Standing Advice for Flood Risk and therefore the condition cannot be removed. This is

counter to policies in DM 1 & EN 14 of the Manchester Core Strategy; and Section 14 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

1 Greylands Road, Manchester, M20 5PJ
883 Kingsway, Manchester, M20 5PB
9 Winwood Road, Manchester, M20 5PE
881 Kingsway, Manchester, M20 5PB
879 Kingsway, Manchester, M20 5PB
28 Winwood Road, Manchester, M20 5PE
24 Winwood Road, Manchester, M20 5PE
22 Winwood Road, Manchester, M20 5PE
11 Winwood Road, Manchester, M20 5PE

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA