

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134300/JO/2022

Date registered valid: 12 July 2022

Proposal: Variation of condition 2 (specified plans) and 4 (flood risk) attached to planning permission referenced 123969/FO/2019 to allow change to the ground floor levels and to introduce flood mitigation measures

Address: 117 -119 Slack Road, Manchester, M9 8AZ

Ward(s): Harpurhey Ward

Applicant: Miles Joule Stovold, Kilo Construction Services Ltd, 27 Old Gloucester Street, London, WC1N 3AX

Agent (if any):

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 August 2022

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit: 4 August 2022

Standard consultations:

Printed: 20 July 2022 Expired: 10 August 2022

Neighbour notifications

Printed: 20 July 2022 Expired: 10 August 2022

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 and surroundings

The application site relates to land adjacent to 121 Slack Road - the site of two demolished terraced properties. The surrounding area is largely residential in nature with a terrace to the north of the site, separated by an alleyway and to the south, adjoining the site.



The terraces along Slack Road are characterised by front elevations which adjoin the back of pavement, with no front garden/ defensible space. There is an alleyway at the rear of the site from which access is gained from the rear gardens of the terraces and leads to a side street between 115 Slack Road and the application site.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Variation of condition 2 (specified plans) and 4 (flood risk) attached to planning permission referenced 123969/FO/2019 to allow changes to the ground floor levels and to introduce flood mitigation measures.

The host planning permission allowed for the erection of 2 x 2 storey dwellinghouses (Class C3) together with associated landscaping. The proposed dwellinghouses will replace two demolished at the same site for which planning permission was granted in 2004.

The variations sought in this case relate to a change in finished floor levels, in order to comply with building regulations, as the site is situated within Flood Zone 3 and therefore considered to be at high risk of fluvial flooding.

In order to mitigate the risks of flooding, the following measures are proposed to be incorporated into a revised design:

1. Finished floor levels to be set above existing ground levels, involving stepped access. This is to ensure that the ground floor levels stay dry during high level flood events;
2. Flood resilient construction techniques to be incorporated into the ground floor, in line with best practice guidance.

The amended building design incorporates a raised ground floor that complies with the 300mm above the 1 in 100 year flood risk level. There is a noticeably a 2 stepped recessed entrance into the building and raised roof of approximate 300mm.

In addition, it is proposed to include a recessed entrance to accommodate the raised ground floor and modern building regulations on staircases has led to minor internal layout changes.

Further, the construction of the build will be of ICF (Insulated Concrete Forms) - this will provide a water and airtight reliance design to minimise flood risk damage, as promoted by the Environmental Agency for buildings within flood risk zones.

The amended design also involves internal layout changes and minor elevational alterations, including new skylights.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Flood Risk Management - As the proposed development is within Flood Zone 3, finished floor levels and other flood mitigation/resilience measures (as stated within the 'Flood Risk Mitigation Construction Statement' dated 01/07/2022) should be implemented on site prior to occupation.

An informative is recommended in relation to surface water drainage.

Issues

Principle of development

The principle of a residential uses on this site has already been established by the host permission and prior to this, the approval of two terraced dwellinghouses in 2004.

As the variation sought only relates to the change to floor levels and minor internal and elevational alterations, it is only necessary to assess the impact of these changes. The structural fabric of the dwellinghouses is substantially the same.

Flood Risk

The application site is situated in Flood Zone 3

The host permission included a condition (condition 4) which required the submission and agreement of a flood risk assessment for the site detailing proposed flood mitigation measures details.

Following the production of a flood risk assessment, it is revealed that in order to protect the site from potential fluvial flooding it would be necessary to increase the floor above the 1 in 100 year flood level and in order to comply with Building Regulations.

The Flood Risk Management team have assessed the impact of the floor level changes and the aforementioned flood mitigation measures and consider them acceptable. Condition 4 has been amended to ensure the mitigation measures detailed within the submitted Flood Risk Mitigation Construction Statement are implemented as part of the development.

Visual Amenity

The principal changes involve a floor increase of 240mm resulting in a two stepped entrance and altered front door design, changes to the internal stairs layout and en-suite bathroom room sizes, additional first floor windows to the front, changes to the rear dormer window design and the insertion of rooflights to the front roof slope.

Given the minor nature of the changes, it is not considered that the changes will have a significant material impact upon the character of the proposed dwellinghouses, visual amenity or the appearance of the street-scene.

Stepped entrance are a feature of the neighbouring terrace and therefore this change would be consistent with the street-scene.

Whilst it would be preferable for level access, given the constraints of the site and the need to protect the properties from the future risk of flooding, coupled with redevelopment of an unattractive infill site, whilst contributing to local housing supply, the lack of a level access is outweighed. Moreover, it is understood that the changes would still comply with Building Regulation on this occasion.

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

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

1) The development must be begun not later than 20 August 2022.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Revised drawings received by the City Council as Local Planning Authority on 12 July 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

3) No above ground construction works shall commence until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) The development hereby approved shall only be constructed and completed in accordance with the agreed finished floor levels and all other flood mitigation/resilience measures detailed within the 'Flood Risk Mitigation Construction Statement' produced by Kilo Construction dated 1 July 2022 and received by the City Council as Local Planning Authority on 26 July 2022.

Reason - The application site is located within Flood Risk Zone 3 and therefore the agreed measures are necessary in order to minimise localised flood risk, pursuant to policies SP1, EN17 and DM1 of the Manchester Core Strategy.

5) The development shall only be implemented in accordance with the following information relating to ground conditions, approved as part of discharge of condition application referenced CDN/20/0852.

-Groundsure Phase 1 Preliminary Risk Assessment, ref: GSP-2021-1893-1, dated 28 January 2021, received by the City Council as Local Planning Authority on 05 February 2021;

-Phase II Site Investigation ref. 22-02-02 Revision 0 dated May 2022 prepared by Demeter Environmental Ltd

-Stage 3a Remediation Strategy prepared by Kilo Construction Services Ltd, Received by the City Council as Local Planning Authority on 6 July 2022.

The development shall only be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as Local Planning Authority on completion of the development.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

6) The development hereby approved shall only be implemented in accordance with the Construction Management Plan prepared by Kilo Construction Services Ltd, received by the City Council as Local Planning Authority on 05 February 2021, agreed as part of condition discharge application referenced CDN/20/0852.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the dwellinghouses hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted within the exterior of the dwellinghouses hereby approved other than those expressly authorised by the granting of this planning permission.

Reason - In the interests of residential amenity, since any additions to the approved dwelling may adversely impact upon the neighbouring occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

9) Prior to first occupation of the development hereby approved, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. The submitted scheme shall include:

- refuse storage space for segregated waste collection and recycling
- Identification of Internal and external storage areas

Reason - In the interests of residential and visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

10) Notwithstanding the boundary walls shown on plan ref: '5491 Sheet 4' received via email by the City Council as Local Planning Authority on 06 August 2019, the final details and materials of the boundary treatment associated with the dwellinghouses hereby approved shall be submitted to and approved in writing by the City Council as local planning authority, and shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be thereafter retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with policy DM1 of the Manchester Core Strategy.

Informative

1) The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
United Utilities Water PLC

115 Slack Road, Manchester, M9 8AZ
113 Slack Road, Manchester, M9 8AZ
22 Aspenwood Drive, Manchester, M9 8NP
121 Slack Road, Manchester, M9 8AZ
24 Middlesex Road, Manchester, M9 8AX
22 Middlesex Road, Manchester, M9 8AX
20 Middlesex Road, Manchester, M9 8AX
20 Aspenwood Drive, Manchester, M9 8NP
123 Slack Road, Manchester, M9 8AZ
18 Middlesex Road, Manchester, M9 8AX

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA