

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 09/11/2022	Ref: 69008/NON
Registration: 19/10/2022	LDfC:	Expiry Date: 16/11/2022
Site Visit: 31/10/2022	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 68093 - Differences in position of doors and windows, single story rear extension, added more space from west side to the rear two storey by making the west side wall straight, 2nos. of small dormers and sky light windows to the rear.

Location: 52-54 Water Street, Radcliffe, Manchester, M26 4DF

Description

The proposal relates to a mature two storey building that is set back from Water Street behind a generous and vegetated front garden and is flanked by Knowles Street to the west and a new block of flats to the east and the proposed car park to this development to the north (rear). The building was formerly occupied by a dental practice.

Planning permission 68093 for the change of use from dental surgery (Use Class E(e)) to a nine bedroom dwelling house (Use Class C3(a)), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front has been substantially implemented (but not completed). The development includes elements that were not included in the planning permission that is now being implemented.

The proposal, which is therefore retrostective, is for a non-material amendment following grant of planning permission 68093 - Differences in position of doors and windows, single story rear extension, added more space from west side to the rear two storey by making the west side wall straight, 2nos. of small dormers and sky light windows to the rear.

Relevant Planning History

68093 - Change of use from dental surgery E(e) to dwelling house C3(a), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front. - Approve with Conditions 31/05/2022

69024 - Increase in height of boundary wall to front, sides and rear up to 2m high. Undetermined.

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/4 Conversions

EN1/2 Townscape and Built Design

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

There is no statutory definition of what constitutes a non-material amendment. The assessment of whether an amendment is non-material is dependent on the context of the overall scheme.

It is likely that the alterations to window and door openings would constitute a non-material

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alteration as they would not alter the profile of the mass of the building or further impinge on neighbouring amenity.

However, the application includes two dormers to the rear roof slope and a single storey extension off the west elevation of the rear outrigger. Whilst relatively minor as individual features, they alter the profile of the building and are easily perceived as additional built elements from the public domain over and above what was approved under 68093.

Given the above, the proposal would not constitute a non-material amendment and the application is therefore recommended for refusal.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal represents a material amendment as it includes rear dormers and a single storey extension which did not feature on the approved plans pertaining to 68093. As such, the proposal cannot be considered to be a non-material amendment, as it may impact on matters of material consideration for the determination of the application, namely Bury UDP Policy EN1/2.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DC	09/11/2022	DM	10/11/2022