

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 05/02/2025	Ref: 71517/NON
Registration: 13/01/2025	LDFC:	Expiry Date: 10/02/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non material amendment following grant of planning permission 67977 for alterations to rear dormer, rear elevation window positions, ground floor internal layouts and solar panels added

Location: Land adjacent to 34 James Street North, Radcliffe, Manchester, M26 1LL

Description

The site relates to a piece of land which is located on a residential street of predominantly red brick terraced properties which is located between No 40 James Street and No 34 James Street North.

Planing permission was granted in 2022 for the redevelopment of the site for a row of 4 no terraced dwellings, 2 storey in height with a dormer on the rear elevation. Accommodation would comprise living areas at ground floor, two beds at 1st floor and a bedroom in the roof space/dormer.

Materials would comprise brick elevations and grey roof tiles with dark grey windows.

The application seeks a non-material amendment for alterations to the rear dormer, rear elevation window positions, ground floor internal layouts and solar panels to the roof.

Relevant Planning History

67977 - Erection of 4 no dwellings - 13/4/2022

Publicity

N/A

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
HT2/4	Car Parking and New Development
EN6/3	Features of Ecological Value
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Design and appearance

The proposed changes to the external elevations would involve the removal of 4 small windows to the rear dormers and change of design to the 1st floor windows are considered to be of not such significance to change the appearance or character of the originally approved scheme.

In terms of the addition of solar panels to the front roof plane, these would be permitted

DELEGATED REPORT

development and not require planning permission if the build was progressed to a point whereby the development could only be used or occupied as a residential dwelling and for no other purpose or was already occupied as a residential dwelling. It is therefore considered that the installation of solar panels would be acceptable in principle and it would be logical and pragmatic to accept this part of the proposal as also being non-material.

Internally, the ground floor accommodation would be re-configured so that all the dwellings would have open plan living arrangements which are considered to be minor alterations.

As such, the proposed amendments are considered non-material to the approved scheme ref 67977.

Recommendation: Approve

Conditions and Reasons:

The proposed external design alterations and internal reconfiguration of accommodation would not affect the character of the originally approved scheme and there would be no adverse impacts on visual or residential amenity or highway safety issues.

The development would still be in accordance with the principles of planning permission reference 67977 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	5/2/25	DM	5/2/25