

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 07/11/2023	Ref: 70147/NON
Registration: 05/10/2023	LDFC:	Expiry Date: 02/11/2023
Site Visit: 15/05/2023	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 69558-
Replacement of roof and external works: to change installation/location of the 2 no. outdoor
units from the rear/south elevation to the side/east elevation of the unit
Location: Unit 2, Park Seventeen, Whitefield, Manchester, M45 8FJ

Description

The proposal relates to an existing contemporary utilitarian employment unit linked to similar units at Park 17, Whitefield. The unit fronts onto a shared car park and residential properties to the south, beyond a largely landscaped bund. It has a ridged roof screened behind a parapet wall.

The proposal is for a non-material amendment following approval of planning permission 69558 to change installation/location of the air conditioning and air sources heat pumps from the rear/south elevation to the side/east elevation of the industrial unit.

Relevant Planning History

69558 - Replacement of roof and external works - Approve with Conditions 23/06/2023

69653 - Prior approval for proposed installation of roof mounted solar PV system comprising of 234 panels, 93.6 kwp - Prior Approval Not Required 10/07/2023

Publicity

None required

Statutory/Non-Statutory Consultations

None required

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EN1	Built Environment
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution

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

Impact on visual amenity

The previously approved air conditioning, air source heat pump units and roof vents would be positioned upon/adjacent to the east elevation of the building as opposed to the rear elevation. The previous assessment found that the units would not have any significant or unacceptable impacts upon visual amenity or the street scene. The east elevation of the building is less conspicuous (than the rear wall), pertaining to a short 13m length of wall that faces onto an area of landscaping at a right angle to the rear wall of the adjoining unit.

Given the above, the re-positioning of the previously approved units would not have a material impact on the appearance of the building or the street scene.

Impact on neighbouring amenity

The proposed air source heat pumps and ventilation units were approved to be positioned at the base of the rear wall and over 35m from the rear of the nearest residential property to

the south. There is a significant intervening bund and mature landscaping atop this that screens dwellings to the south. The Environmental Health Officer did not raise an objection to the proposal.

The re-positioned location would be slightly further from nearest dwellings and would face in a different direction. The proposal would not have any unacceptable impacts on nearest neighbouring amenity.

Conclusion

Section 96A of the Town and Country Planning Act 1990 states that, 'A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.'

The assessment of the proposed development above clarifies that the proposed change would not be material as it would not impact upon the visual amenity, the appearance and character of the site or residential amenity. As such, the proposed development constitutes a non-material amendment.

Recommendation: Approve

Conditions and Reasons:

The proposed amendment to the position of the external plant would not affect the appearance of the originally approved scheme and there would be no adverse impacts on the appearance of the building or the street scene or upon neighbouring amenity. The development would still be in accordance with the principles of the planning permission reference 69558 and the policies against which it was approved.

<u>Case Officer</u> DSC	<u>Date</u> 07/11/2023	<u>Sign off Officer</u>	<u>Date</u>
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