

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/09/2024	Ref: 71115/NON
Registration: 28/08/2024	LDFC: 25/09/2024	Expiry Date: 25/09/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	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 63805 (Variation of condition no. 2 (approved plans) of planning permission 57710 to exclude plots 9-11):
Change of levels, change of road camber and modified drainage design

Location: Site of Former Whittaker House, Whittaker Street, Radcliffe, Manchester, M26 2TD

Description

The site previously contained Whittaker House, which had been used as a care home for the elderly.

Planning permission was granted for the redevelopment of the site to part demolish Whittaker House for a residential development for affordable units, the most recent application being to vary an approval to provide 8 no dwellings which would be located in a row along an internal access road into the site (ref 63805).

This application seeks amendments to a change of levels, change of road camber and a modified drainage design as the development could not be physically built out in accordance with the approved plans.

The application has been submitted as a non-material amendment of permission ref 63805.

Relevant Planning History

57362 - Demolition of existing building and erection of supported living accommodation (14 one bedroom apartments) and Higher Complex Care accommodation (6 one bedroom apartments) together with access and landscaping at Former Whittaker House - Approved with conditions - 19 May 2014.

57363 - Part demolition of Whittaker House and construction of 11 no. affordable dwellings at Whittaker House, Whittaker Street, Radcliffe. Withdrawn - 20 June 2014.

57710 - Part demolition of Whittaker House and construction of 11 no. affordable dwellings (resubmission) - Approved 6/8/24

60211 - Variation of condition no. 2 (approved plans) of planning permission 59193 to facilitate the inclusion of a public footpath

- Approve with Conditions 08/07/2016

61736 - Non-material amendment following grant of planning permission 59193: To move the building north by 900mm, and to widen the footpath along the southern boundary from 1200mm to 2000mm. - Approve 25/07/2017

63805 - Variation of condition no. 2 (approved plans) of planning permission 57710 to exclude plots 9-11 - Approved 29/3/24

67374 - Construction of 1 no. dwelling - Approve with Conditions 22/10/2021

23/0227 - Excavation works - 21/07/2023

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Borough Engineer - Drainage Section - No response received

United Utilities (Water and waste) - No response received within the 21 day consultation period.

Pre-start Conditions - Not relevant

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
TC3	Bury Town Centre
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN10/2	Riverside and Canalside Improvement in Urban Areas
OL5/2	Development in River Valleys
RT2/2	Recreation Provision in New Housing Development
RT4/7	The Manchester, Bolton and Bury Canal
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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.

Layout arrangements

The proposal relates to changes which are required to the finished floor levels (FFL) of the proposed dwellings, change of road camber and a modified drainage scheme.

In terms of the dwellings, the FFL would be slightly lower than approved, ranging from between 0.325m and 0.175m lower which is considered not to be significant.

This would require the road to be aligned to access the driveways of the new properties and meet adoptable standards.

The drainage would be adjusted accordingly to account for the changes in levels.

The works would be within the development site only and are considered minimal to facilitate the developing out of the build.

It is therefore considered the works are acceptable and considered as a non material to the approved scheme ref 63805.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments to the change of floor levels of the dwellings, change of road camber and modified drainage scheme would not affect the character of the residential development or surrounding area. the development would still be in accordance with the principles of planning permission 63805 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	24/9/24	HL -	24/09/2024