

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 27/07/2022	Ref: 68601/NON
Registration: 04/07/2022	LDFC:	Expiry Date: 01/08/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Non material amendment following approval of planning permission 67977 - Reduction in overall height and associated alterations to fenestration proportions.

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

Description

The application relates to a piece of land which is located on a residential street of predominantly red brick terraced properties. There is no-through vehicular access along James Street from Outwood Road to Stand Lane with bollards being located outside No 34 James Street North.

The application site is vacant land, rectangular in form and located between No 40 James Street and No 34 James Street North. The site is overgrown with what appears to be self seeded trees and shrubs and is bounded by a wooden fence to the frontage and side boundaries, and at the rear by a palisade fence beyond which is a line of mature tree planting and a dept on Lodge Road.

Planning permission was granted in April 2022 for the development of the site for 4 no.terraced dwellings.

The dwellings would be set along the frontage broadly following the building line of the houses either side. Accommodation was 2 storey with room in the roof space and dormers at the rear. On street parking was accepted.

This application seeks to make an amendment to the height of the terraced houses by reducing the overall height by just short of 1m and in doing so, also proposes minor alterations to fenestration patterns.

The application has been submitted as a non-material amendment.

Relevant Planning History

48707 - Three no. dwellings - Approve with Conditions 03/12/2007

53416 - Application to extend time limit for implementation of planning permission 48707 - Approve with Conditions 26/01/2011

66984 - Development of three new dwellings (use class C3) - Approved 23/7/21

67977 - Erection of 4 no. dwellings - Approved 13/4/22

Publicity

N/A

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary 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
HT6/2	Pedestrian/Vehicular Conflict
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) 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

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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.

Visual impacts - The site is set apart from the residential development on both sides - 4.7m to the west and 6.3m to the east - and whilst the ridge and eaves levels would not align with the adjacent houses, given the reduction in height of only 0.8m and the degree of relief and separation from the existing row, it is considered there would not be an adverse impact on the streetscene.

The alterations to the fenestration patterns involve alterations to fenestration proportions due to the height reduction. This is considered not to affect the character of the proposed dwellings or the existing streetscape.

It is therefore considered that the proposed amendments would not change the character of the originally approved scheme and as such considered acceptable as a non-material amendment to approval 67977.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments to lower the ridge height with associated amendments to fenestration proportions would not affect the character of the originally approved scheme and there would be no adverse impacts on visual amenity.
The development would therefore still be in accordance with the principles of planning permission 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	27/7/22		