

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132274/NMC/2021

Date registered valid: 19 November 2021

Proposal: None Material Amendment to planning permission 128752/FH/2020 to allow alterations to fenestration and introduction brick pier ,

Address: 2 Ivygreen Road, Manchester, M21 9ET

Ward(s): Chorlton Ward

Applicant: Chris Mulholland Flat 1, 37 Upper Chorlton Road, Manchester, M21 9ET

Agent (if any): Chris Mulholland Mulholland Architecture Ltd Flat 1 , 37 Upper Chorlton Road, Manchester, M16 7RW

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 November 2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Chorlton Green Conservation Area 1970

Tree Preservation Order: No

Principle

The principle of the development was established as acceptable upon the approval of application referenced

The amended plan referenced 015-201 Revision A and 015-202 Revision A, stamped as received on the 19 November 2021.

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

Overall it is considered that the proposed revision is of a minor nature and would have no more impact upon either visual or residential amenity than the approved scheme. This is particularly as the doors are to be inserted where the windows were positions which effectively alters the design and therefore not considered to give rise to any overlooking impacts to neighbouring

occupiers. The amendments would accord with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework (NPPF) 2018 and saved policy DC1 of the UDP.

Issues

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The details of the proposed amendments relate to:

* frameless corner window to be replaced with a fixed window to the rear elevation and a set of bi fold doors to the side elevation by introducing a brick pier to the corner.

* alterations to the cantilevered protruding window seat to include a brick base.

2) Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area.

2) The development hereby approved shall be carried out in accordance with the following additional drawings:

015-201 Revision A and 015-202 Revision A, stamped as received on the 19 November 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Chorlton Green Conservation Area 1970
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH