

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138265/NMC/2023

Date registered valid: 9 October 2023

Proposal: Non-material amendment application to planning permission reference 133132/FO/2022 to allow amendment to window in rear dormer

Address: 174A Manley Road, Manchester, M16 8NE

Ward(s): Chorlton Park Ward

Applicant: Mr Amy Axon, Guy Taylor Associates

Agent (if any): Mrs Amy Axon, Guy Taylor Associates

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: 11/10/2023

Date of recommendation: **Approve**

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Not applicable

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

The proposal is related to a new infill detached dwelling house on Manley Road.

Listed building: Not applicable

Conservation area: Not applicable

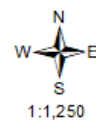
Tree Preservation Order: Not applicable

Description of area

The proposal is located in a predominantly residential part of the Chorlton Park Ward of Manchester.



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Description of development

The applicant is proposing a non-material amendment application to planning permission reference 133132/FO/2022 to allow amendment to window in rear dormer.

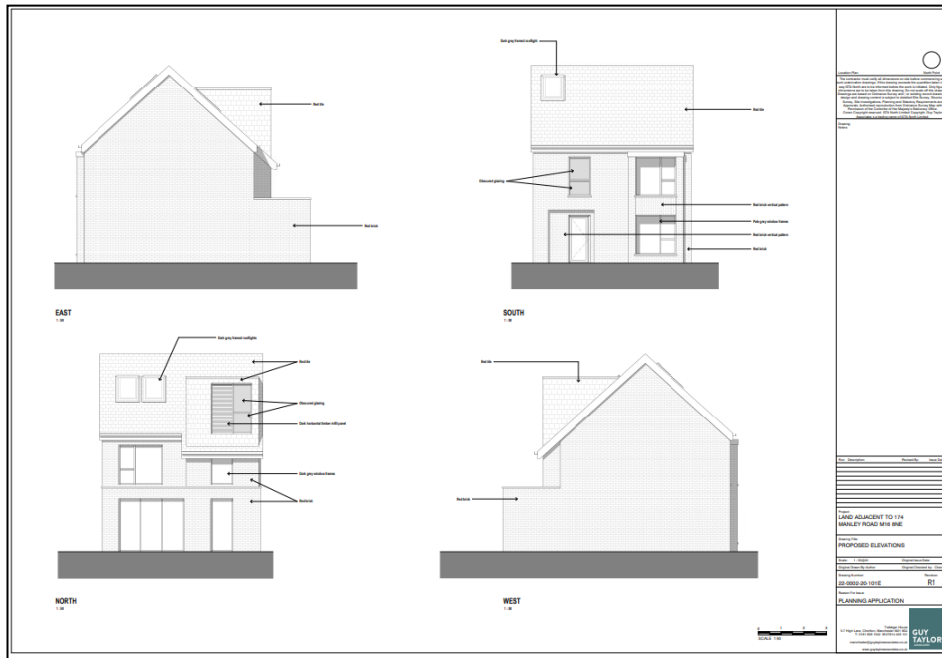


Figure 1. Approved plans

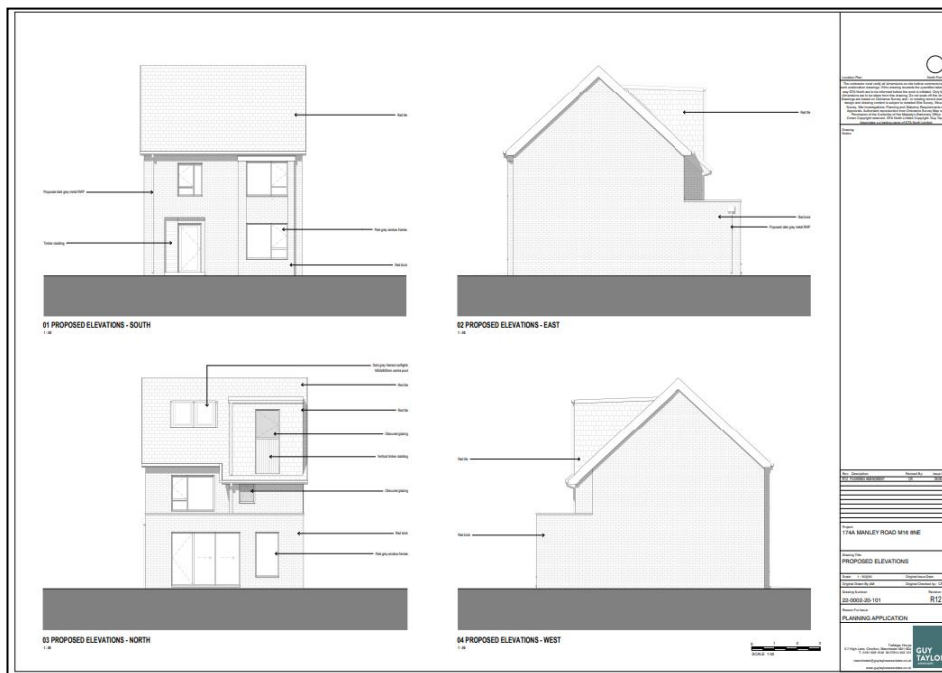


Figure 2. Proposed amendment

Planning History

CDN/22/0895

Description: Application to discharge conditions 3 (materials), 4 (construction management) and 9 (vehicle charging) attached to planning permission 133132/FO/2022

Decision: Approved 06.03.2023

133132/FO/2022

Description: Erection of a detached dwelling (use class C3) with associated car parking, bin and bike store, landscaping and boundary treatments

Decision: Approved 10.05.2022

It is of note that this non-material amendment application refers to the above application.

Consultations & Notification Responses

No consultations or notifications are required for a non-material amendment application.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the application is for a non-material amendment so the following policies are considered relevant in the consideration of this application.

- [Town and Country Planning Act 1990](#) – The Town and Country Planning Act 1990 is an act of the United Kingdom Parliament regulating the development of land in England and Wales. It is a central part of English land law in that it concerns town and country planning in the United Kingdom. The following sections are considered relevant to this proposal.
 - Section 96A - Power to make non-material changes to planning permission

Town and Country Planning Act 1990

Section 96A

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.

In this case, the application relates to an approval for the non-material changes to the approved planning 133132/FO/2022 to allow for the erection of a detached dwelling (use class C3) with associated car parking, bin and bike store, landscaping and boundary treatments

The proposed changes are relatively minor and are considered appropriate for its residential, non-conservation area context, this is considered that any harm as the result of the proposal to be less than substantial.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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.

Conclusion

The proposed amendment is considered acceptable minor in nature and would have no more impact upon either visual or residential amenity than the approved scheme. For the above reasons, it is considered that any harm as the result of the proposal to be less than substantial.

Recommendation: Approve

Condition(s) to be attached to decision for approval

1. Para 1

The proposed amendments relate to the following: amendment to window in rear dormer in relation to application 133132/FO/2022 at 174A Manley Road, Manchester, M16 8NE

2. Para 2

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

3. Amended Specified plans

The development hereby approved shall be carried out in accordance with the following drawings and documents:

a. Drawing - Proposed	09 Oct 2023	22-0002-20-101	ELEVATION
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Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM 1, SP 1 and EN 1 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

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA