

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136459/NMC/2023

Date registered valid: 28 March 2023

Proposal: Non Material Amendment to planning permission 133638/FO/2022 to remove 'angled' from the description of development in relation to the proposed dormer

Address: Flat 14, Brazil House, 2 Brazil Street, Manchester, M1 3PW

Ward(s): Piccadilly Ward

Applicant: Dr Ellie Kuitunen

Agent (if any):

Case officer: David
Tel: 0161 234
Email: dave.brettell@manchester.gov.uk
Brettell 4556

Recommendation: Approve

Date of recommendation: 3 May 2023

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: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order:

Description of area

Brazil House is a prominent residential building, originally built as a textile warehouse, and lies within Whitworth Street Conservation Area. It is grade II listed.

Flat 14 is at rooftop level, with windows facing outward, set in an angled (sloping) section of external elevation.

Description of development

Planning consent was granted on 24th October 2022 (ref: 133638/FO/2022) for “Replacement of the two existing angled windows of the dormer with new **angled** windows and a set of vertical bi-folding doors, along with formation of a small external terrace area.”

The current application seeks to amend the description of the proposed (approved) development to omit the word ‘**angled**’, so that the description would now read “Replacement of the two existing angled windows of the dormer with new windows and a set of vertical bi-folding doors, along with formation of a small external terrace area.”

This revised description would accurately reflect the details shown on the approved plans. No actual changes to the approved works are proposed.

Consultations & Notification Responses

No consultations required

Issues

This non-material change to the wording in the original permission does not alter the details of the approved development and does not raise any policy issues. The revised wording is considered to be an acceptable minor amendment.

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.

Recommendation: Approve

Article 35 Declaration

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

1) The proposal seeks to alter the wording of the description of development attached to planning permission referenced 133638/FO/2022 to remove 'angled' from the title approved.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is 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 change will not result in any significant or material alteration to the host planning permission.

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

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Whitworth Street Conservation Area 1985

Area Team Boundary - Name: CENTRAL