

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142584/NMC/2025

Date registered valid: 31 March 2025

Proposal: Non material amendment to condition 26 (off-site highway works) of planning approval reference 133792/JO/2022 to allow rephrasing to enable the submission of information to discharge the condition, prior to the first use of the development.

Address: Land At Stockport Road, Swallow Street, Siddall Street And Pennington Street, Manchester

Ward(s): Longsight Ward

Applicant: Views Ltd

Agent (if any): Mr Julian Austin, Paul Butler Associates

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 April 2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:

Printed: 4 April 2025 Expired: 27 April 2025

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site/building/ area

This planning application relates to a cleared area of vacant, largely grassed land bounded by Swallow Street (north), Stockport Road (east), Pennington Street (south) and Siddall Street (west). Notwithstanding, the location of the site within Longsight ward, it is located within Levenshulme District Centre. The eastern boundary to Stockport Road would relate to neighbouring retail and commercial uses that characterise Stockport Road.

A three-storey building used for the supply of building materials is located to the north of the site at the junction of Swallow Street and Siddall Street. Residential uses predominantly comprising back of pavement, 2-storey housing is located to the north, west and south of the application site. A building with a maximum height of 3 storeys is located to the south of the site and at the junction of Stockport Road and comprises of ground floor retail and a commercial use with apartments above.

The site is enclosed with fencing and double yellow lines (TROs) are located adjacent to the boundaries with Stockport Road returning at the respective junctions with Swallow Street and Pennington Street.

Site history

The principle of a mixed use residential and retail development was established on 21 November 2021 by planning permission ref: 117411/FO/2017 relating to the erection of a four storey building to form 10 retail units on the ground floor with 24 apartments above with associated 25 space car parking area and new vehicular access from Siddall Street.

A subsequent planning application ref: 133792/JO/2022 sought to amend the planning permission that was approved on 4 February 2022 and referenced:

128698/FO/2020 - Erection of a detached building with a ground floor and four floors above (maximum height of 5 storeys) comprising 39 residential units (Class C3), 8 retail/commercial units (Class E) to the ground floor, formation of a 22-space car park and servicing area accessed via Siddall Street, boundary treatments, waste storage enclosures and landscaping

The above planning permission was related to a s.106 agreement to facilitate a reconciliation appraisal based on its actual performance, i.e. to determine whether the development has accrued added value that would facilitate a contribution towards affordable housing. The revised application has been subject to a deed of variation to ensure that agreement has been suitably amended and continues to the delivery of the development.

Previously approved development

The original approved development related to the erection of a 5-storey building with an L-shaped configuration presented to Stockport Road and its returning junction with Pennington Street. The ground floor comprised of 8 retail / commercial units (Class E). The upper floors consisted of: 13 one bedroom apartments, 24, two bedroom apartments and 2, three bedroom duplexes (39 units in total). The Stockport Road (eastern) and Pennington Street (western) wings of the building enclosed two sides of a courtyard comprising car parking and servicing area. The rear external area incorporated 22 residents' car parking spaces, including 2 accessible spaces.

Subsequent amendments were approved as part of application ref: 133792/JO/2022 to secure the viable delivery of the development with the changes involving:

- i. Internal layout and external configuration of the building of the building were amended, but continued to comprise of 39 residential units (Class C3) and 8 retail units (Class E). Car parking was retained in its approved location with access and egress from Siddall Street. Car parking capacity was maintained at 22 spaces (including 2 accessible spaces). The number of residents cycle spaces, however, was reduced from 43 to 40. Class cycle storage was maintained at 2 spaces.
- ii. The proposed floorspace was to be reconfigured over 4 floors (including ground floor) following the removal of the fifth floor, contraction of the building from the Swallow Street boundary and reconfiguration of the circulation core within the building. The reconfiguration of the internal space and need to maintain appropriate corridor widths had necessitated the omission of fourth floor balconies to Stockport Road and Pennington Street and the formation windows to habitable rooms in the sloping roof plane. These changes were accompanied with amendments to the configuration of apartments, a marginal increase in Class E gross floorspace (from 514 sq. metres to 560 sq. metres) and the re-arrangement of internal bin and cycle storage.
- iii. The previous approved elevational treatment involved the formation recessed articulation to the Stockport Road frontage was to be replaced by a grouped arrangement of windows positioned between vertical columns rising to eaves of the respective 3 and 4 storey elements of the building. Glazed shopfronts were to be positioned at ground floor level to Stockport Road and returning to Pennington Street and Swallow Street. A fourth-floor element was to be positioned above the 3-storey northerly element of the building and incorporated a mansard style roof (a detail that was to be replicated in the 3-storey element presented to Pennington Street). The configuration of the eastern elevation (overlooking the car park) was also to be grouped to add verticality to its configuration.
- iv. The building maintained its 'L-shaped' configuration providing a semi-enclosed setting to the car park access from Siddall Street. Amendments were made to the position of the boundary treatment to Siddall Street to ensure the enclosure of landscaping strips behind proposed walls and railings. Changes to the footprint of the building facilitated the widening of the footpath to Swallow Street.

- v. The mix of one, two and duplex apartments was retained, i.e., 13 one bedroom, 24 two bedroom and 2 duplex apartments albeit with amendments to the achieved internal space.
- vi. Amendments to conditions that referenced drawing numbers that were superseded by revisions to the development

Description of development

The proposed amendments seek to amend condition 26 (off-site highway works) to allow rephrasing to enable the submission of information to discharge the condition, prior to the first use of the development, rather than the pre-commencement requirement of the highway works condition attached to planning approval reference 133792/JO/2022

Consultations & Notification Responses

Highway Services - MCCs Statutory Approvals Team were consulted for comment and confirmed they are comfortable with the proposed amendments to condition 26 (off-site highway works).

Issues

Policy Context

These include Core Strategy policies SP1 (Spatial Principles); Policy DM1 (Development Management); Policy T1 (Sustainable Transport); Policy T2 (Accessible areas of opportunity and needs); Policy C 1 (Centre Hierarchy); Policy C2 (District Centres); Policy C6 (South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington); Policy H1 (Overall Housing Provision); Policy H 5 (Central Manchester); Policy H 6 (South Manchester) (Policies H5 and H6 were referenced given the proximity of the site to Longsight and Levenshulme District Centres); Policy H 8 (Affordable Housing); Policy H11 (Houses in Multiple Occupation);

Policy EN1 (Design Principles and Strategic Character Areas); Policy EN4 (Reducing CO2 emission by enabling low and zero carbon development); Policy EN8 (Adaption to Climate Change); Policy EN 9 (Green Infrastructure); Policy EN 10 (Safeguarding Open Space, Sport and Recreation Facilities); Policy EN14 (Flood Risk); Policy EN15 (Biodiversity and Geological Conservation); Policy EN16 (Air Quality); Policy EN18 (Contaminated Land); and Policy EN19 (Waste); Saved UDP policies, E3.3 (Environmental Improvement and Protection) ; Policy S1.2 (Shopping) ; Policy DC7 (New Housing Development); Policy DC26(Development and Noise) and the guidance provided within the Places for Everyone Plan, the National Planning Policy Framework, NPPG, the Guide to Development in Manchester Supplementary Planning Document, Providing for Housing Choice Supplementary Planning Document (SPD) and Planning Guidance (adopted 2nd September 2008) , Manchester Residential Quality Guidance, Manchester's Great Outdoors - A Green and Blue Infrastructure Strategy for Manchester, Manchester Climate Change Framework (2020-2025), and Manchester Zero Carbon Framework (2020).

Non-material change

The proposed amendment has been assessed, and it can be confirmed that the changes are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority. The changes sought to the approved scheme relate to revisions to the wording of condition no.26 (highway works) attached to the originally approved scheme, from requiring the submission of detailed designs of the highway works before commencement of the scheme, to before first use of the scheme.

It is considered that the proposed revision would not have a detrimental impact in terms of the residential amenity of the properties in proximity to the site.

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

Paragraph One

The revisions to the approved scheme relate to amendments to the wording of condition no.26 (highway works) attached to the originally approved scheme from requiring the submission of detailed designs of the highway works from before commencement of the scheme on site, to before first use of the scheme.

It is considered that the proposed revision would not have a detrimental impact in terms of the visual appearance of the proposed development, or the residential amenity of the properties in proximity to the site.

Paragraph Two

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.

26) Prior to first use of the development hereby approved, details of highways works to Stockport Road, Pennington Street, Siddall Street and Swallow Street that are required as part of the implementation of the development shall be submitted for approval in writing by the City Council as local planning authority. These details shall include details of the siting and specification of a delivery / servicing bay to Swallow Street. The development shall not be occupied until the works have been constructed in accordance with the approved details, which shall be maintained in situ at all times thereafter.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity, as specified in policies SP1, EN19, T2 and DM1 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: NORTH AREA