MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143324/NMC/2025
Date registered valid:	8 July 2025
Proposal:	Non-Material Amendment to planning permission reference 142530/JO/2025 to allow alterations to boundary treatments
Address:	Land On the Corner of Old Market Street and Domett Street, Manchester
Ward(s):	Higher Blackley Ward
Applicant:	Kate Booth, Jigsaw Homes Group
Agent (if any):	Miss Hannah Graves, Bernard Taylor Partnership Limited
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	1 August 2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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 application site relates to a development site at the corner of Old Market Street and Dommett Street. The site comprised a grassed area dissected by a public right of way.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is situated within an area mixed use in character, comprising residential to the north and east, including a large, multi-storey apartment block to the opposite side of Dommett Street.

To the south is small parade of local shops. To the east is large area of wooded green space.

Description of development

Non-material amendment to planning permission referenced 142530/JO/2025, a subsequent variation to host planning permission referenced 137733/FO/2023 which allowed for the erection of 4no. dwellings (cottage flats) (Class C3) with associated landscaping and car parking.

In this case it is proposed to alter the boundary treatment to the rear perimeter from a brick wall to fencing, along with the realignment of the front (northern boundary), following the removal of a telephone box that the originally approved wall was intended to be positioned around.

Consultations & Notification Responses

None Required.

Relevant Planning History

142530/JO/2025

Variation of condition number 15 (acoustic insulation) attached to planning permission referenced 137733/FO/2023 to allow for the acoustic insulation scheme to be submitted prior to occupation. Approved 20 May 2025.

141974/NMC/2025

Non-material amendment to planning permission reference 137733/FO/2023 to allow: amendment to bin stores to lockable and secure; amendment to size of bike store and corresponding alterations to areas of hard standing and grass; change in colouration of fascias to grey to match doors and windows; amendments to front door and kitchen window; and internal alteration to include store for HWHP cylinder. Approved 19 February 2025.

137733/FO/2023

Erection of 4no. dwellings (cottage flats) (Class C3) with associated landscaping and car parking. Approved 21 December 2023.

Policy

Relevant policy is set out below:

-Manchester Core Strategy (2012) – Relevant polices SP1, H1, H3, EN1, EN3, EN4, EN5, EN6, EN9, EN10, EN14, EN15, EN16, EN17, EN18, EN19 and DM1.

-Unitary Development Plan for the City of Manchester (1995) –saved policy DC7 and DC26.

-Places for Everyone Joint Development Plan.

-Guide to Development in Manchester SPD (2007).

-Residential Quality Guidance.

-National Planning Policy Framework (NPPF).

Issues

Materiality

It is considered that the change to the rear boundary treatment is of a material nature and cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

The change from a brick wall to timber fencing would have a noticeable visual impact which would affect the amenity of neighbouring occupiers and character of the area, as well as being materially different in terms of durability.

Further, in the interests of transparency, neighbouring occupiers should be notified in writing of such a changes given existing expectation. On this basis, separate planning permission is required.

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 polices 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: Refuse

1. The proposed amendments relate to alterations to the approved boundary treatment. Namely, the replacement of a brick wall to the rear boundary with timber fencing and the realignment of the northern boundary to run linear.

2. Following an assessment of the details submitted, the proposed amendment to the rear boundary treatment is considered to be of a material nature.

   The City Council considers that the proposed change has the potential to impact visual amenity.

   As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA