



**MANCHESTER
CITY COUNCIL**

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

APPLICATION NO. 141911/NMC/2025

DATE REGISTERED VALID: 15 January 2025

PROPOSAL: Non-material amendment to planning permission reference 136203/FO/2023 to allow for the reconfiguration of rear gardens / fence lines to provide individual private spaces for residents.

ADDRESS: Land At Junction Of Cross Lane, Chapman Street And Roxburgh Street, Manchester

WARD(S): Gorton & Abbey Hey Ward

APPLICANT: Mr Jon Scurr, R&M Property Group

AGENT (IF ANY): Mrs Victoria Jane Saunders, Bernard Taylor Partnership

CASE OFFICER: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

RECOMMENDATION: Approve

DATE OF RECOMMENDATION: 11.02.2025

APPLICATION DETAILS

Type of application:	Non-Material Change Application
Development type:	Notifications
Date of site visit:	n/a
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
Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

DESCRIPTION OF SITE/BUILDING

The site is located in the Gorton and Abbey Hey ward of the City. It is a roughly rectangular area informally grassed. It is bounded to the north by Cross Lane, to the south by the rear of houses on Sheerness Street to the east Chapman Street and to the west by a car park area that serves Martins bakery which sits at the junction of Cross Lane and Roxburgh Street. The gardens of numbers 1-31 Sheerness Street and 109 Chapman Street back onto the proposed site. These are enclosed by high brick boundary walls. There is a gated alleyway of 2-metre-high decorative iron railings that runs the full width of the site with gates to either end forming an area of separation between the rear of the properties on Sheerness Street and the rear of the proposed development facing onto Cross Lane. There are several trees on the site mainly at the Chapman Street end of the site.



Figure 1. Street scene

RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

RELEVANT POLICIES

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The following policies are considered relevant.

- [Town and Country Planning Act 1990](#) –
 - o Section 96A - Power to make non-material changes to planning permission

PRINCIPLE

A local planning authority in England can make a change to any planning permission relating to land in its area if it is satisfied that the change is not material, as allowed by Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008).

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 96A – NON-MATERIAL AMENDMENT

The authority considers the impact of a change on the original planning permission. They also consider any prior minor changes.

In this case, the application relates to an approval for the non-material changes to the approved planning permission 136203/FO/2023 to allow for the Erection of 4 x 2 bed houses and 4 x 1 bed cottage flats (Class C3) with associated car parking and landscaping. The suggested changes maintain the overall footprint and boundary distances of the proposed dwellings but reconfigures the gardens and fence lines to change the community garden space into individual private gardens.

The changes are not expected to have a material effect on the residential and visual amenity beyond the approved application.

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 non-material amendment to planning permission 136203/FO/2023, which involves reconfiguring rear gardens and fence lines to provide individual private spaces for residents, has been assessed and deemed acceptable by the City Council. The changes are considered non-material and will not result in significant alterations to the original planning approval. The development will proceed in accordance with the specified plans, ensuring compliance with relevant policies and maintaining the overall footprint and boundary distances of the proposed dwellings.

RECOMMENDATION: APPROVE

CONDITION(S) TO BE ATTACHED TO DECISION FOR APPROVAL

1. NON MATERIAL AMEDEMEMENT

The proposed amendments relate to the following: Non-material amendment to planning permission reference 136203/FO/2023 to allow for the reconfiguration of rear gardens / fence lines to provide individual private spaces for residents at Land At Junction Of Cross Lane, Chapman Street And Roxburgh Street. Following an assessment of the details submitted, we can confirm that the proposed amendments are 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.

2. SPECIFIED PLANS

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

- | | | | | |
|----|---------------------|-------------|-------|-------------------------|
| a. | Drawing - Site Plan | 04 Feb 2025 | 105 L | PROPOSED |
| b. | Drawing - Proposed | 15 Jan 2025 | 107 D | BOUNDARY TREATMENT PLAN |

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 and JP-P1 & of Places for Everyone.

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