



MANCHESTER
CITY COUNCIL

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

APPLICATION NO. 142169/NMC/2025

DATE REGISTERED VALID: 17 February 2025

PROPOSAL: Non-material amendment application to planning approval reference 139774/JO/2024 to allow: amendment of fence lines / boundaries to create individual rear gardens for residents

ADDRESS: Land At The Junction Of Varey Street And Cross Lane, Manchester

WARD(S):

APPLICANT: Mr Jon Scurr, R&M Property Group

AGENT (IF ANY): Mr Manuel Atkinson, Bernard Taylor Partnership

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

RECOMMENDATION: Approve

DATE OF RECOMMENDATION: 24 Feb 2025

APPLICATION DETAILS

Type of application:	Non-Material Change Application
Development type:	Notifications
Date of site visit:	Not required
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 that is the subject of this full planning application is located in the Gorton and Abbey Hay ward of the City. It is a rectangular area informally grassed. It is bounded to the south by Cross Lane and to the west by Vary Street. To the rear of the site is Highmead Street which is separated from the site by a gated alleyway. The gardens of the houses on Highmead Street run vertical to the proposal site. The proposal site itself is on a slight raised gradient and is bounded to two sides by low level concrete bollards and 2-metre-high decorative metal railings that run the full length of the alleyway along the rear of the site.



Figure 1. Street Scene

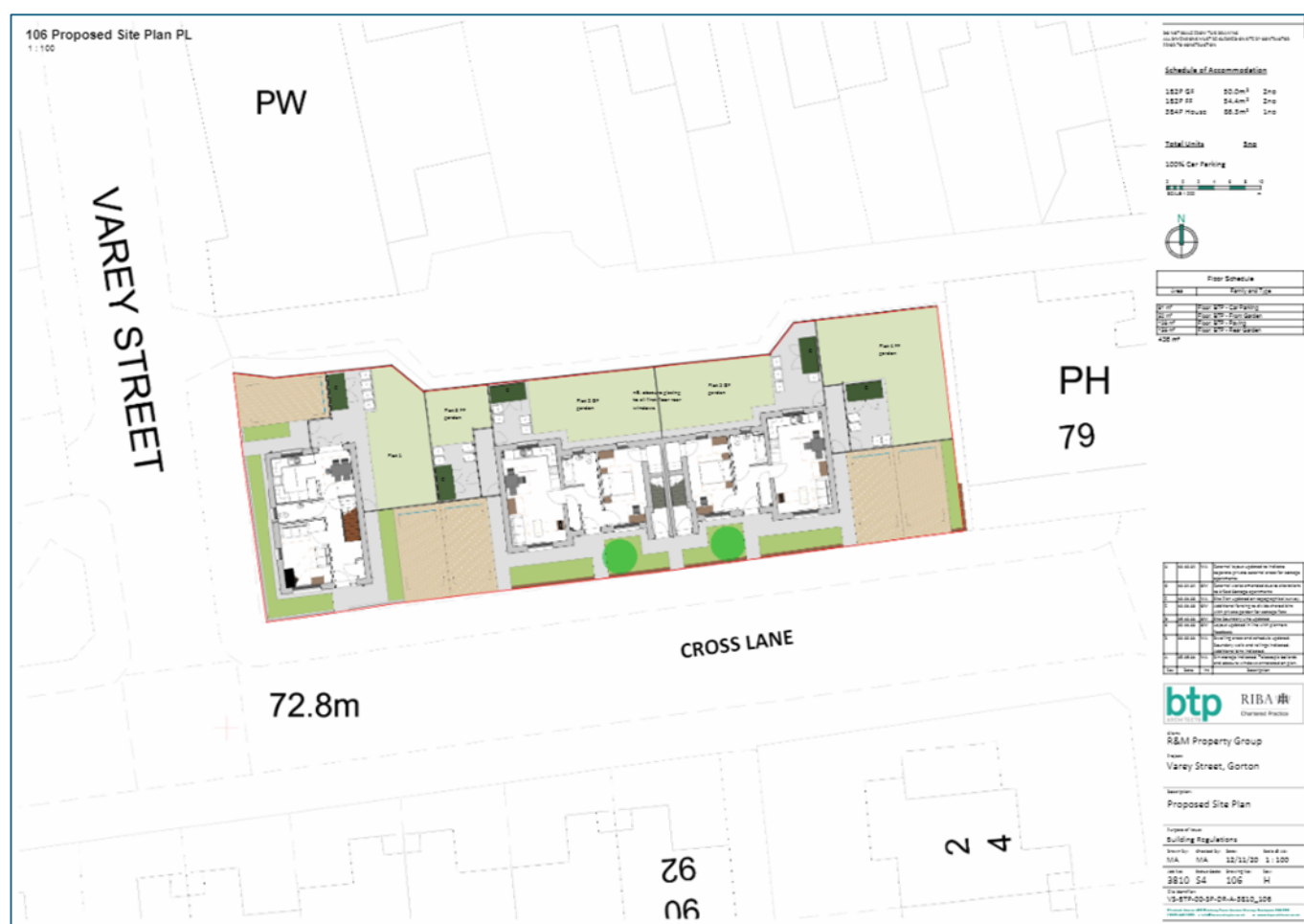
DESCRIPTION OF AREA

The area is a mix of predominantly residential properties on the side roads and on the opposite side of Cross Lane, and commercial and residential on the frontage of Cross Lane. There is a public house (The Cotton Tree) with a small beer garden area to the east of the site. However, the seating area does not belong to the public house and actually forms part of the development site. The rear of the site comprises of the Gospel church hall and semi-detached and terraced properties on Highmead Street

DESCRIPTION OF DEVELOPMENT

Non-material amendment application to planning approval reference 139774/JO/2024 to allow: amendment of fence lines / boundaries to create individual rear gardens for residents

The change is proposed to reduce / omit the service charges that would have to be levied against residents for maintenance of communal garden spaces.



PLANNING HISTORY

139774/JO/2024

Description: Variation of Conditions 2 (specified plans) and 7 (car parking) attached to planning permission 136204/FO/2023 to allow change to footprint of dwelling.

Decision: Approved 06/06/2024

136204/FO/2023

Description: Erection of 1 x 3 bed house and 4 x 1 bed cottage flats (Class C3) with associated car parking and landscaping.

Decision: Approved 02/08/2023

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

Not required for a nonmaterial amendment application.

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 139774/JO/2024 Variation of Conditions 2 (specified plans) and 7 (car parking) attached to planning permission 136204/FO/2023 to allow change to footprint of dwelling. 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 139774/JO/2024, 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 AMENDMENT

The proposed amendments relate to the following: Non-material amendment to planning permission reference Non-material amendment application to planning approval reference 139774/JO/2024 to allow: amendment of fence lines / boundaries to create individual rear gardens for residents at Land At The Junction Of Varey Street And Cross Lane, Manchester. 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. | Application Form | 17 Feb 2025 | | APPLICATION FORM |
| b. | Drawing - Site Plan | 17 Feb 2025 | 106 | PROPOSED |
| c. | Drawing - Proposed | 17 Feb 2025 | 107 | 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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA