

Delegated officer report for planning application

Application no.	141891/NMC/2025				
Date registered valid:	14 January 2025				
Proposal:	Non Material Change to planning permission 138730/FO/2023 to update site levels resulting in changes to roof profile				
Address:	Land Bounded By Oldham Road (A62), Old Church Street, The Lid Foodstore And Newton Street In Newton Heath , Manchester				
Ward(s):	Miles	Platting	&	Newton	Heath Ward
Applicant:	Mr D Winsor One Manchester				
Agent (if any):	Mr Andrew Leaver tp bennett				
Case officer:	Jennifer				Atkinson
	Tel:	0161		234	4517
	Email: jennifer.atkinson@manchester.gov.uk				
Recommendation:	Approve				
Date of recommendation:	31 January 2025				

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

This 0.87 hectare site is bounded by Oldham Road (A62) to the north, Old Church Street to the east and the Lidl car park to the south. Dulverton Street bisects the centre of the site. The site consists of vacant, previously developed land once occupied by the Rosesale Building (at the junction of Oldham Road and Old Church Street) and the YES Group building (on the eastern portion of the site). Both buildings have been demolished in recent years. The site is located in Newton Heath and within the boundaries of its district centre. The current condition of the site has a negative impact on the local area and this main radial route.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The surrounding area is a mixture of residential and commercial developments. There are residential properties to the north along Oldham Road. A Lidl food store and associated car park together with Newton Silk Mill, commercial buildings and yard space associated with Martins Craft Bakery and Heart and Graft Coffee to the south. Residential properties and the commercial heart of the district centre beyond this. The Rochdale Canal is located to the rear of the Lidl Supermarket to the south. The area is highly sustainable. The Newton Heath and Moston tram station is a short walk from the application site which provides connections to the city centre as well as Manchester Victoria Train Station and north towards Oldham and Rochdale Town Centres. Newton Heath District Centre is characterised by a number of shops, supermarkets, services and takeaway facilities within a short walk of the application site, largely linear in format and either side of Old Church Street.

Description of development

Non Material Change to planning permission 138730/FO/2023 to update site levels resulting in changes to roof profile

Consultations & Notification Responses

N/A

Issues

The proposed changes are as follows:

- Updated site levels (generally lowered to follow the existing topography) to tie into the existing road level on Dulverton Street.
- Finished floor level (FFL) in affected dwellings lowered to tie into updated site levels.
- Steps introduced between semi-detached and terraced houses to follow the updated site levels (note this isn't steps into houses at main entrances, all thresholds are level). Where possible, roofs across blocks of houses don't step, only the window levels step.
- Boundary treatments amended to incorporate retaining walls where required

This is considered in more detail below:

Levels across the site have been amended and typically lowered to tie into the existing road level on Dulverton Street. The proposed amendments to levels do not have any impact on the use, scale, mix or spatial arrangement of the development.

Steps introduced between semi-detached and terraced houses to follow the updated site levels (note this isn't steps into houses at main entrances, all thresholds are level). Where possible, roofs across blocks of houses don't step, only the window levels step.

The boundary treatments highlighted below have been amended to incorporate retaining walls where required.

The changes are considered acceptable and would not materially alter the appearance of the development or their architectural quality.

The changes are considered to be non material in nature.

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 proposed seeks to update site levels resulting in changes to roof profile.
- 2) The development hereby approved shall be carried out in accordance with the following additional drawings:

T8170D0040I5, T8170D0041I4, T8170D0042I5, T8170D0043I5, T8170D2151I5,
T8170D2251I5, T8170D3151I3, T8170D4151I5, T8170D5151I5, T8170D5251I5,
T8170D6251I3, T8170D6252I3, T8170D0020I3, T8170D0030I6, T8170D0051I5, T8170D0052I5
and T8170D0053I5

all received by the City Council, as Local Planning Authority, on the 14 January 2025

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

2) 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.

11) The boundary treatments shall be carried out in accordance with drawing T8170D0040I5 received by the City Council, as Local Planning Authority, on the 14 January 2025. The approved details shall be implemented as part of each phase of the development and be in place prior to the first occupation of the relevant phase of the development.

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

25) Prior to the first occupation of each phase of the development hereby approved the relevant areas of the car parking layout as indicated on drawing T8170D0020I3 received by the City Council, as Local Planning Authority, on the 14 January 2025, shall be surfaced, demarcated and made available. The approved car parking layout shall be implemented and thereafter retained and maintained.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

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 -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA