

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 138817/NMC/2023

**Date registered valid:** 13 December 2023

**Proposal:** Non-material amendment to planning approval reference 136892/FO/2023 in order to reduce the height of the proposed fence by 0.8 metres

**Address:** 11 Ladybarn Road, Fallowfield, Manchester, M14 6WN

**Ward(s):** Fallowfield Ward

**Applicant:** Mr Nick Howarth, Howarth Timber & Building Supplies

**Agent (if any):** Mr Andrew Staunton, Richard Eves Architects

**Case officer:** Joshua Lee  
Tel: 0161 219 2851  
Email: [joshua.lee@manchester.gov.uk](mailto:joshua.lee@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 21/12/2023

## Application details

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** Not applicable.

**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**

Proposal relates to a 4470m<sup>2</sup> commercial premises on Ladybarn Road. The premises is currently in use as a timber yard and builders merchant occupied by Howarth Timber & Building Suppliers. The site features a large, detached building with storage shed attached. The site features detached outbuildings for additional storage with hardstanding for vehicle access and stock storage. The building was formerly known as Harburg House.

**Listed building:** Not applicable

**Conservation area:** Not applicable

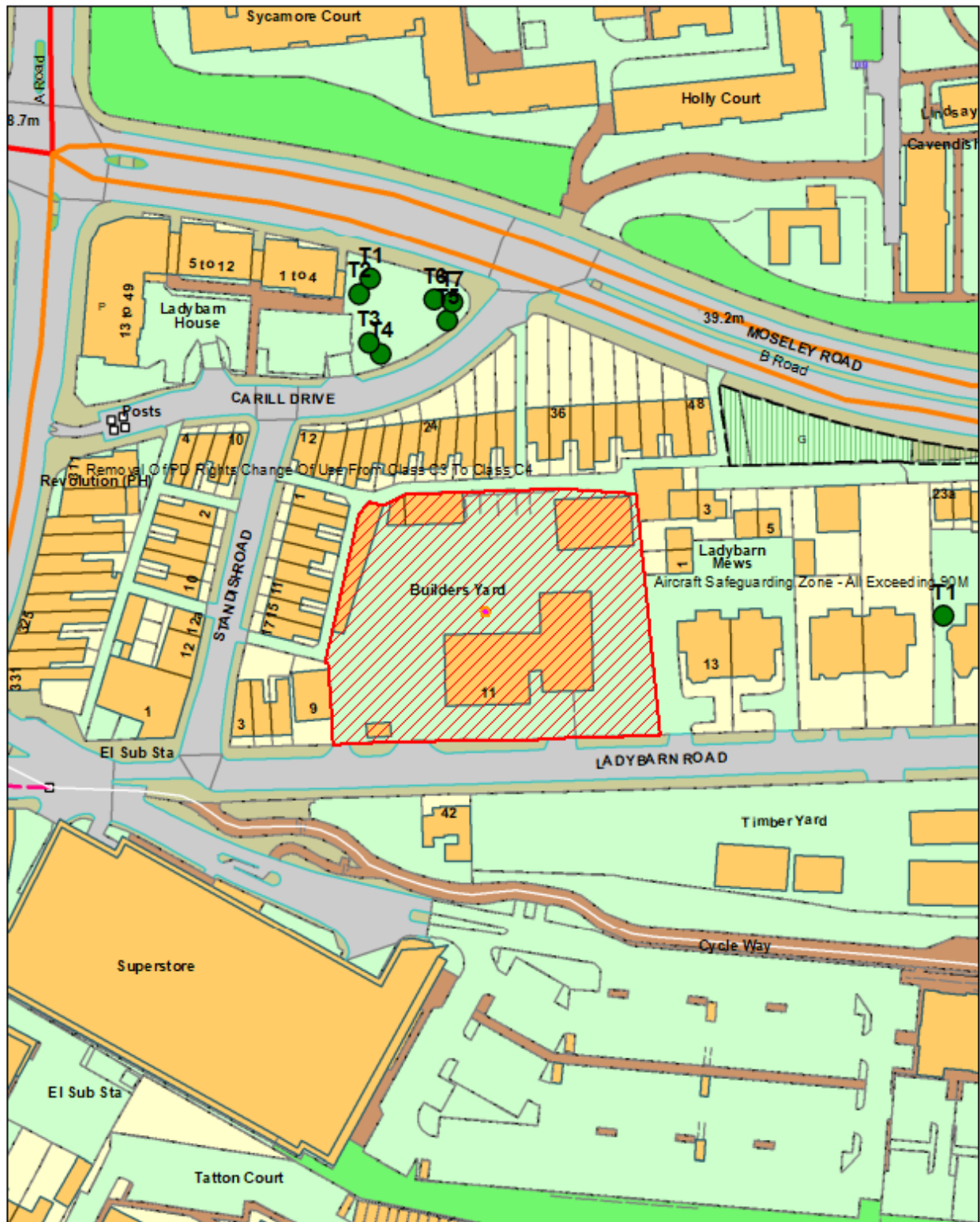
**Tree Preservation Order:**            **Not applicable**



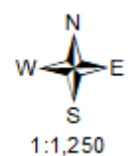
*Figure 1. Photo of existing site*

## **Description of area**

The proposal relates to a 4470m<sup>2</sup> commercial premises on Ladybarn Road. The site is in a mixed commercial/residential area of the Fallowfield ward of Manchester. The site has residential terraces immediately bordering the site. Opposite the site sits a separate timber yard of a similar nature. A large Sainsburys supermarket sits southwest of the site at the junction of Ladybarn Road and Wilmslow Road.



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## Description of development

The applicant proposes the Non-material amendment to planning approval reference 136892/FO/2023 in order to reduce the height of the proposed fence by 0.8 metres.

The original application was for the erection of a 3.8m green painted steel palisade fencing to the South-eastern corner of the site replacing an existing boundary wall and fence.

The nonmaterial amendment would drop the height of the fence to 3.0m.

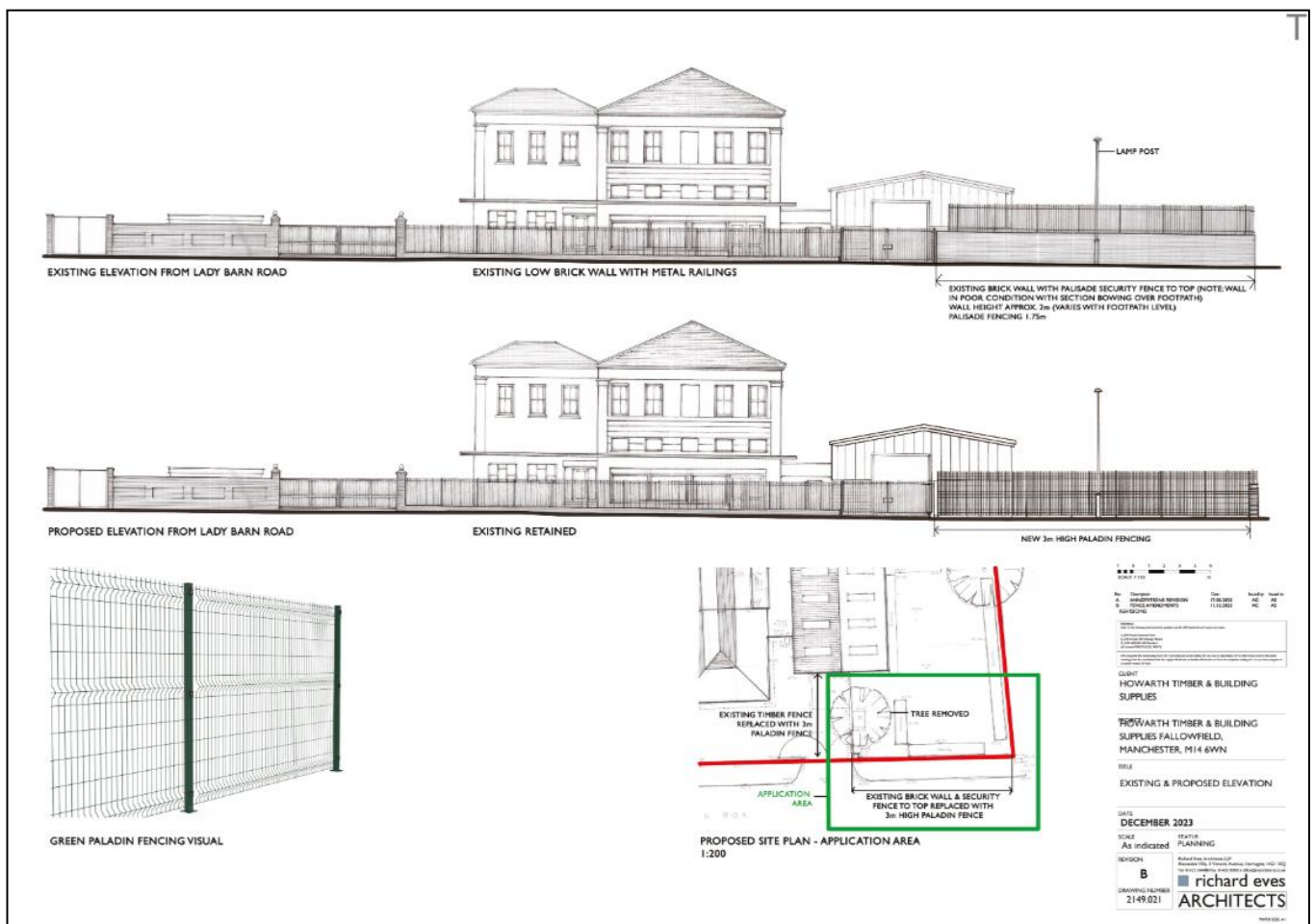


Figure 2. Proposed development

## Planning History

### 136892/FO/2023

Description: Erection of 3.8m high palisade fencing, following removal of the existing boundary wall and fencing.

Decision: Approved 05/07/2023

**048418/FO/CENTL2/95**

Description: 2 storey extension to existing building to form storage warehouse, trade counter display area and offices.

Decision: Approved 19/10/1995

**041711**

Description: Erection of single storey building to form new dry store after demolition of existing building. Decision: Approved 08/09/1992

**032910**

Description: Erection of a warehouse for the storage of plumbing materials.

Decision: Approved 07/12/1988

**F15493**

Description: Single-storey extension to office building to form a rest room and toilet facilities.

Decision: Approved 20/05/1981

## **Consultations & Notification Responses**

No consultations or notification are required for a non-material amendment.

## **Policies & Principle**

### **Summary of relevant policy**

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In this case the application is for a non material amendment so the following policies are considered relevant.

*National*

- [Town and Country Planning Act 1990](#) – The 1990 Town and Country Planning Act governs land development in England and Wales. It is a central part of English land law in that it concerns town and country planning in the United Kingdom. We consider the following sections relevant to this proposal.
  - Section 96A - Power to make non-material changes to planning permission

## **Town and Country Planning Act 1990**

### **Section 96A – Non material amendment**

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).

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 136892/FO/2023 to allow for the erection of 3.8m high palisade fencing, following removal of the existing boundary wall and fencing.

The suggested changes are minor, reducing the height of the approved fence by 0.8m to 3.0m. The change is not expected to cause significant harm.

## **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 amendment is considered acceptable minor in nature and would have no more impact upon either visual or residential amenity than the approved scheme. For the above reasons, it is considered that any harm as the result of the proposal to be less than substantial.

### **Recommendation: Approve**

### **Condition(s) to be attached to decision for approval**

#### **1. Non-material amendment**

The proposed amendments relate to the following: amendment to reduce the height of the proposed fence by 0.8 metres of the fence previously approved on application 136892/FO/2023 at 11 Ladybarn Road, Fallowfield, Manchester, M14

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.

## 2. Amended Specified plans

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

|                                  |             |          |            |
|----------------------------------|-------------|----------|------------|
| a. Drawing - Site Plan           | 13 Dec 2023 | 2149.020 |            |
| b. Drawing - Existing & Proposed | 13 Dec 2023 | 2149.021 | ELEVATIONS |
| c. Drawing - Existing & Proposed | 13 Dec 2023 | 2149.022 | ELEVATION  |

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.

## Appendix 1 – List of consultees & neighbours notified

None

## Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA