

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 127802/PS/2020

**Date registered valid:** 20 August 2020

**Proposal:** Prior Approval for the creation of a new pedestrian access to railway at Oldham Road

**Address:** Oldham Road (north Of Junction With Queens Road), Manchester

**Ward(s):** Ancoats & Beswick Ward

**Applicant:** Michael Gradwell, Network Rail

**Agent (if any):**

**Case officer:** Steven McCoombe  
Tel: 0161 234 4607  
Email: [s.mccoombe@manchester.gov.uk](mailto:s.mccoombe@manchester.gov.uk)

**Recommendation:** No Objection

**Date of recommendation:** 28 September 2020

## **Application details**

**Type of application:** Prior Approval (Other)

**Development type:** Notifications

**Date of site visit:** 8 September 2020

### **Standard consultations:**

Printed: 24 August 2020    Expired: 14 September 2020

### **Neighbour notifications**

Printed: 24 August 2020    Expired: 14 September 2020

### **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**

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

## **Description of area**

The site lies close to the junction with Queens Road and situated adjacent to the main arterial north/south route of Oldham Road.

The immediate area is mixed use in nature, including light industrial uses, including an industrial building adjacent to the access and a site recently cleared following the demolition of a fire damaged warehouse.

## **Description of development**

Prior Approval is sought for the installation of a 2.4m high Paladin steel gate situated Oldham Road, approximately 200m to the north east of the Queens Road junction. The gate will involve the formation of a 1.5m wide opening in the existing brick wall to the northern side of Oldham Road.

The application is made pursuant to Part 18, Class A of the General Permitted Development Order 2015.

The proposed gate comprises a weld mesh, Paladin design and will facilitate maintenance access for staff to Network Rail operational land. The application follows recent permission

granted for the construction of new railway overbridge crossing Queens Road, including new maintenance access associated earthworks and fencing (125706/FO/2019)

The works are part of a wider programmes of aimed at supporting an increase of railway lines speeds as part of the Transpennine route upgrade.

Following visual amenity concerns surrounding the Palisade gate style originally submitted, revised drawings were submitted to substitute the Palisade gate with that of a Paladin, weld mesh style gate.

## **Consultations & Notification Responses**

Local Residents/Occupiers – No representations received.

Highway Services - The access is for staff to access the railway for maintenance and operational purposes and is to be positioned to the northern side of the A62 Oldham Road (in a location approximately 200m to the north east of the Queens Road junction). It will comprise of a 2.4m high gate which is inward opening.

From a highway perspective we have no issues with this proposed staff entrance.

## **Policy**

The following policy and guidance is considered relevant to the consideration of this application:

Policies DM1 and SP1 of the Core Strategy.

## **Issues**

### Principle

The proposed works are permitted development under Part 18, Class A (Miscellaneous development - development under local or private Acts or Order) of the Town and County Planning (General Permitted Development) Order 2015. Work are permitted but not limited to the construction of the railway, but including 'all other acts necessary for making, maintaining, altering or repairing and using the railway'.

Prior approval should only be considered on the basis of the the design and siting of the proposed works. Under Condition A2, prior approval cannot be refused unless the Council is satisfied that the development ought to be and could reasonably be carried out elsewhere on the land, or the design or external appearance would injure the amenity of the neighbourhood and is reasonable capable of modification so as to avoid such injury.

The proposed development will facilitate railway works and subsequent maintenance and forms an important element of an overall programme of railway improvement works as part of a Transpennine rail route upgrade, which will support an increase of railway lines speeds to deliver faster and more frequent rail services between Manchester and Leeds.

### Impact on the Highway

Highway Service have confirmed the proposal is satisfactory and there is no issue from a highway perspective.

## Visual Amenity

Due to the existing industrial backdrop, the minor nature of the intervention with the boundary wall and given that the proposed gate will reflect existing boundary treatment around the site, it is not considered that there would be any significant or harmful impact to visual amenity or the appearance of the street-scene.

Due to concerns around the visual impact of an originally proposed Palisade gate, revised drawings have been submitted to substitute the gate with that of a Paladin gate which offers an enhanced, less visually intrusive solution, whilst also being superior in security terms.

## General Amenity

There are no residential properties within an immediate proximity of the site. Given the busy nature of the adjacent road, the neighbouring existing access to industrial premises and anticipated levels of activity, is not believed that any comings and goings from the use of the access gate will have a harmful or injurious impact to nearby occupiers, including adjacent industrial uses.

## Climate Change

The proposal will have no material impact upon climate change.

## **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:** No Objection

## **Article 35 Declaration**

None Required.

## **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

1) The City Council is satisfied that this development has been sited and designed to minimise any impact to the amenity of the neighbourhood or the operation of the highway. Accordingly, the proposal complies with policies SP1 and DM1 of the Core Strategy. The application is

hereby granted in accordance with the submitted information and details shown on drawings numbered 151667-TSA-2-MVL1-DRG-T-LP-160002/P01.1, FLA/SR1/18/005/C and 151667-TSA-02-MVL1-DRG-T-LP-160002/P02.1 received on 20 August 2020, 24 September 2020 and 28 September 2020 respectively.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services

Cohens Furniture Auctions Ltd, New Street, Manchester, M40 8AW  
497 Oldham Road, Manchester, M40 5AA  
495 Oldham Road, Manchester, M40 5AA

## **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 - Not Affected  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: NORTH1