MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141325/NMC/2024
Date registered valid:	21 October 2024
Proposal:	Non-material amendment to Conditions 2 (List of Plans), 14 (Materials) and 15 (Landscaping) attached to planning application 139860/JO/2024, to reposition feeder pillars, power bank, ACU, Air/Water Machine and changes to materials
Address:	Corner Of Reliance Street And Oldham Road, Manchester, M40 1EZ
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Iduna Evci Asset Co 1 Limited
Agent (if any):	Mrs Larna Smith, Avison Young
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**13.11.2024**

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The application site is a cleared area of land comprising hardstanding and scrub with boundary railing fence surrounding the site. A vehicular access point is evident on Reliance Street and onto Oldham Road serving the site that used to contain a petrol filling station. The site lies within the defined Newton Heath District Centre boundary although separated by the remainder of the district centre by Oldham Road which comprises four lanes of traffic (2 lanes in either direction) at this point. There are double yellow lines on the Oldham Road frontage, with no parking restrictions present on Reliance Street except those protecting the junction with Oldham Road. To the east is a light controlled junction with Droylsden Road and keep clear boxes protect the right turn from Oldham Road into Reliance Street. There are pavements to the Oldham Road and Reliance Street frontage.

To the immediate west of the site is a four storey residential apartment block (083536/FO/2007/N1) which was developed as part of a wider residential redevelopment comprising two storey dwellinghouses and taller apartment blocks. To the rear (north) is a two storey retail unit (Class E) and associated car parking area whilst on the opposite side of Reliance Street to the east is a car wash facility and MOT testing premises. To the south on the opposite side of Oldham Road is a construction site associated with the development of previously cleared land for the provision of 100 no. apartment block (4/5 storeys) with ground floor commercial uses and 39 no. two and three storey dwellinghouses (125990/FO/2020).

Description of development
Planning approval 136359/FO/2023 was granted in May 2023 for the redevelopment of the application site for "Change of use of site and creation of an electric forecourt comprising 16 no.

electric vehicle charging points (Sui Generis use), with associated canopy/bio-diverse roof structure, erection of single storey retail unit (Use Class E), hard and soft landscaping, access arrangement and other associated infrastructure."

A subsequent variation of condition application was approved which included changes to the position and size of the retail unit on the site omission of the canopy roof over the EV charging spaces and reorganisation of the parking spaces.

Since the original planning approval, the applicant has sought to discharge a number of conditions associated with the permission and this was reflected in the conditions attached to planning approval 139860/JO/2024, including the need to verify the external plant and equipment to be installed at the site to ensure it met the levels set out in the approved acoustic report.

The current non-material amendment application seeks a number of amendments to the approved scheme and these include:
1. relocation of the feeder pillar and power banks;
2. relocation of the air conditioning unit (AC Unit);
3. relocation of the air and water machine (for motor vehicles);
4. introducing a 'Energy Green RAL 150 60 60' colouring option to the canopies;
5. introducing a timber materials to the canopies ;
6. amending the approved buff coloured tarmac with black tarmac;
7. amending the approved galvanised powder coated steel edging with a locally sourced reclaimed red brick
8. Re-arranged landscaping on site with no reduction in landscaped areas or proposed planting

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

It is considered that the proposed amendments are non-material in nature in this instance, it is noted that supporting external equipment is being relocated but this is generally in locations where other external equipment was proposed, as such given the placement of this equipment away from the road frontage it is not considered that there would be material visual impacts. The planning approval is subject of a number of conditions to ensure installed external equipment does not give rise to unacceptable impacts on the nearest noise sensitive receptors and these conditions would still require to be satisfied. As such the relocated external equipment is not considered to give rise to unacceptable impacts on residential amenity.

Changes to surfacing material colour to a standard tarmacadam finish would not be discernible from the main street frontage and as set out within the supporting documents would provide a surface that would have greater longevity in terms of the quality of finish than that approved.

As such the proposed amendments are considered to be non-material in nature and amended conditions are proposed to reflect these changes.

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 polices 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

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

1) The proposed amendments relate to:
1. relocation of the feeder pillar and power banks;
2. relocation of the air conditioning unit (AC Unit);
3. relocation of the air and water machine (for motor vehicles);
4. introducing a 'Energy Green RAL 150 60 60' colouring option to the canopies;
5. introducing a timber materials to the canopies ;
6. amending the approved buff coloured tarmac with black tarmac;
7. amending the approved galvanised powder coated steel edging with a locally sourced reclaimed red brick
8. Re-arranged landscaping on site with no reduction in landscaped areas or proposed planting

2) Following an assessment of the details submitted, the Council 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 have no significant material impact upon the appearance on the development within the streetscene or character of the wider area. It is also considered that the proposals would not have any impact on the amenity of nearby residential properties.

Conditions to be amended

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
Drawing references:
Oldham Road - Discharge of Condition 14 (Materiality) OCTOBER 2024 received 21st October 2024

DR-A-3.1001 P19 PROPOSED SITE PLAN
612 - AT - ZZ - XX - DR - A - 3.2001 P10 EAST ELEVATION
612 - AT - ZZ - XX - DR - A - 3.2002 P9 WEST ELEVATION
612 - AT - ZZ - XX - DR - A - 3.2003 P8 SOUTH ELEVATION
612 - AT - ZZ - XX - DR - A - 3.2004 P8 NORTH ELEVATION
612 - AT - ZZ - XX - DR - A - 3.3001 P7 SECTION AA
612 - AT - ZZ - GR-DR - A -3.1002 P10 ROOF PLAN
L_101 F PLANTING PLAN
All as received by the City Council as local planning authority on the 21st October 2024

Planting schedule 10.06.2024 Revision D
Be.EV - RELIANCE STREET . MANCHESTER 07 06 2024 REVISION G PLANTING - UPDATED LAYOUT
BE.ev Reliance Street, five year maintenance and management plan, FFLO Landscape Architects, 19 06 24 Revision B
Biodiversity Net Gain Assessment, Reliance Street, Manchester, Issued: June 2024 Lucion Delta-Simons Project No: 87687.544956
Design and Access Statement June 2024 Rev G
STEON - Neon Flex Steon Datasheet - 3
STEON - Harrier LED Steon Datasheet - 8
900350-002 Rev 3 Electricity North West
A3 ENW MM 02 GA Envico Engineering Ltd
All as received by the local planning authority on the 21 June 2024

CDN/24/0369 -Condition discharge document - : Noise Impact Assessment, Reliance Street, Manchester, Issued: April 2024, Lucion Delta-Simons Project No: 87687.544957 As received by the local planning authority on 7th May 2024

CDN/23/0645 - Condition discharge document - Outline Construction Management Plan 22nd September 2023 and including revised site logistics plan and Traffic Management Plan received by the local planning authority on 16th January 2024

CDN/23/0602 - Condition discharge documents - United Utilities Risk Assessment Guidance, Remediation & Verification Strategy March 2023, prepared by Delta-Simmons, Geo-Environmental Risk Assessment December 2022, prepared by Delta-Simmons, Preliminary Geo-Environmental Risk September 2022, prepared by Delta-Simmons received on the 4th September 2024

Local Labour Agreement ref PP-11652074 prepared by Avision Young
Noise Impact Assessment prepared by Delta-Simons Project No: 22-1496.03 87687.544957 Issued 17th May 2023 (Issue no.4)
Preliminary Geo-Environmental Risk Assessment prepared by Delta-Simons Project No: : 22-1496.01 Issued 27th September 2022 (Issue No.1)
Geo-Environmental Risk Assessment prepared by Delta-Simons Project No: 22-1496.04 / 87687.546937 Issued 22nd December 2022 (Issue No.1)
Remediation & Verification Strategy prepared by Delta-Simons Project No:87687.557155 Issued 16th March 2023 (Issue No.1)
STEON Lighting report STP08261

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.

14) The development hereby approved shall be carried out in accordance with the schedule of materials as detailed within the document titled "Oldham Road - Discharge of Condition 14 (Materiality) OCTOBER 2024" as received by the City Council as local planning authority on the 21st October 2024.

Reason -In the interests of the visual amenity and character of the area pursuant to policy DM1 and SP1 of the Core Strategy.

15) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing references: L_101 Rev F, 10 06 2024 REVISION G PLANTING - UPDATED LAYOUT, Landscape Maintenance and Management Plan 19 06 24, and "Oldham Road - Discharge of Condition 14 (Materiality) OCTOBER 2024"; shall be implemented not later than 12 months from the date of commencement of works. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

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
Manchester Cathedral Ownership - Manchester Cathedral Newton Heath Manor
Area Team Boundary - Name: NORTH AREA