MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 138646/NMC/2023 |
| **Date registered valid:** | 24 November 2023 |
| **Proposal:** | Non material amendment to planning permission 127971/FO/2020 to reconfigure internal floor spaces with associated elevational alterations together with modifications to use of roof terrace. |
| **Address:** | 271 Oldham Road, Manchester, M40 7PS |
| **Ward(s):** | Miles Platting & Newton Heath Ward |
| **Applicant:** | MPH Ancoats Ltd |
| **Agent (if any):** | Mr Jonathan Mumby Enabl |
| **Case officer:** | Jennifer Atkinson<br>Tel: 0161 234 4517<br>Email: jennifer.atkinson@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | 27 December 2023 |

**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**

The site is a rectangular plot which currently accommodates a car wash. It is located on Oldham Road, which is a primary route into Manchester. In the vicinity of the site it is a four lane road with dividing island, meaning that for vehicles, site access is limited to left turns in and out of the site. The site is bounded by Oldham Road to the east; the Collyhurst compound rail yard to the west; a vacant plot to the north; and two-storey commercial buildings with residential use above to the south.

The site accommodates a former petrol filling station structure, erected in the 1990s, which has been in use as a hand car washing enterprise for around twenty years. The remainder of the site is derelict, overgrown and in a poor state of repair.

**Listed building:** Not applicable

**Conservation area:**

**Tree Preservation Order:**

**Description of area**

The surrounding area is fragmented. Study of the historic urban grain indicates that the area was previously densely developed with terraced housing and a mix of leisure uses including pubs, clubs and theatres.

The area was subject to extensive demolition in the late 1950s, with the existing built form being predominantly low rise and two-storey houses built in the 1960s and 1970s. There are a number of 13-storey residential towers in the area.

Oldham Road lacks a consistent, active frontage in this location due to the extent of historic demolition, leaving vacant, derelict plots. The residential uses to the south on Oldham Road are oriented away from the road, instead presenting their frontages to Droitwich Road and Fir Street.

The surrounding area is predominantly comprised of dwellings. Non-residential development is pepper-potted across the area, as it has been historically. The adjacent rail yard is used for storage. There is a church opposite the site on Oldham Road. Further scattered commercial uses include an MOT garage, a hot food takeaway, convenience store and pharmacy.

**Description of development**

Non material amendment to planning permission 127971/FO/2020 to reconfigure internal floor spaces with associated elevational alterations together with modifications to use of roof terrace.

**Consultations & Notification Responses**

n/a

**Issues**

The proposed changes can be summarised as follows:

- Internal alterations including reduction in the size of the residents entrance to allow reconfiguration of two of the first floor, two bedroom apartments to form, two, three bedroom townhouses.
- Internal alterations to reconfigure the position of the waste and plant locations (the store sizes stay the same);
- External alterations to facilitate the creation of the two townhouses including new entrance, window and pedestrian gate.
- The roof terrace would become a private terrace for the 2 bed corner apartments.

The proposed changes are considered to be acceptable. The introduction of large living accommodation is welcome. The change would not affect the overall number of residential units in the scheme. The associated elevational alterations would replicable the townhouses which are already have entrances onto Oldham Road.

The internal layout of the waste and plants room is minor as is the alterations for the private amenity areas.

The alterations 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 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

**Article 35 Declaration**

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

1) The proposed seeks to reconfigure internal floor spaces with associated elevational alterations together with modifications to use of roof terrace.

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.

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

   220-LYR-XX-00-DWG-L-3001 Rev 2, 2075-ABWA-Z1-01-DR-A-(20)-0101 P05, 2075-ABWA-Z1-GF-DR-A-(20)-0100 P04 , 2075-ABWA-ZZ-ZZ-DR-A-(20)-0200 P03, 2075-ABWA-ZZ-ZZ-DR-A-(20)-0201 P03, 220-LYR-XX-00-DWG-L-1000 REV 3 and Design and Access Statement received by the City Council, as Local Planning Authority, on the 24 November 2023

   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.

   21) Notwithstanding drawing 2075-ABWA-Z1-GF-DR-A-(20)-0100 P04 received by the City Council, as Local Planning Authority, on the 24 November 2023 respectively, prior to any above ground works, details of the location and waste management arrangements shall be submitted for approval in writing by the City Council, as Local Planning Authority.

   The approved details shall be implemented prior to the first occupation of the residential element of the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the residential element of the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

27) Prior to the first occupation of the development hereby approved the car parking layout as indicated on drawing 2075-ABWA-Z1-GF-DR-A-(20)-0100 P04 received by the City Council, as Local Planning Authority, on the 24 November 2023, 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).

28) Prior to the first occupation of the development hereby approved, the 120 cycle spaces shall be implemented and made available in accordance with drawing 2075-ABWA-Z1-GF-DR-A-(20)-0100 P04 received by the City Council, as Local Planning Authority, on the 24 November 2023. The cycle spaces shall be retained and maintained for as long as the development remains in use.

Reason - To ensure there is sufficient cycles provision at the development and the residents in order to support modal shift measures pursuant to policies SP1,T1, T2 and DM1 of the Manchester Core Strategy (2012).

35) Prior to the first occupation of the development, details and specification of 7kw fast charging electric car charging points for each car space as shown on drawing 2075-ABWA-Z1-GF-DR-A-(20)-0100 P04 received by the City Council, as Local Planning Authority, on the 24 November 2023 shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details shall then be implemented and be in place prior to the first occupation of the residential element of the development.

Reason - In the interest of air quality pursuant to policies SP1 and EN16 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
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: CENTRAL