

Growth & Development

Delegated officer report for planning application

Date registered valid: 8 August 2023

Address: Land Off Oldham Road (A62), Dulverton Street, Holyoak Street And Droylsden Road , Manchester

Applicant: Mr Jason Turner TP Bennett

Agent (if any): Mr Jason Turner TP Bennett

Recommendation: Approve

Date of recommendation: 13 September 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

This 1.10 hectares site is bounded by Oldham Road (A62) to the north, Droylsden Road to the east, the Lidl car park and Holyoak Street to the south and Dulverton Street to the west. The site consist of two individual parcels of land which are open grassland and a two storey building formerly occupied by the YES Group (now demolished). The site is located in the Newton Heath and within the boundaries of its district centre.

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 single storey Farmfoods and associated car park to the east off Droylsden 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. The partially derelict former Rosedale Building is located to the west of the site with 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 amendment to planning permission 135383/JO/2022 to refer to most up to date archaeology works, update the phasing plan, omit the substation from phase 1 works, reposition block 6, omit enclosure to refuse store and amendments to boundary treatment

Consultations & Notification Responses

N/A

Issues

The proposed changes can be summarised as follows:

- Variation of Condition 3 wording (archaeology) so that it refers to the most recent archaeological investigations report approved in March 2023 as opposed to the previous April 2022 version.
- The boundary for Phase 1 of the scheme has now changed and the Phase 2 proposals have changed, such that they are not going to be implemented in their current approved form and will be the subject of a separate planning application due to be submitted shortly (also covering Phase 3 and, west of Dulverton Street). An updated Phasing Plan is therefore being submitted for approval, to replace the previously approved version (as listed in planning condition no. 2).
- Omission of the Substation within Phase 1.
- Relocation of Block 6 so that the MCC-owned CCTV pole can be retained in situ.
- Omission of masonry enclosure to bin collection areas, which will now be provided with contrasting paving and signage to signify the collection point.
- Amendment of boundary treatments to west of phase 1 to accommodate emerging proposals for phase 2 and 3.

The proposed changes have been considered and are 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 proposal seeks to refer to most up to date archaeology works, update the phasing plan, omit the substation from phase 1 works, reposition block 6, omit enclosure to refuse store and amendments to boundary treatment.

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.

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

- T8130D002016, T8130D002212, T8130D003014, T8130D004014, T8130D005111, T8130D005212 and T8130D005311 received by the City Council, as Local Planning Authority, on the 4 August 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.

3) The development hereby approved shall be carried out in accordance with the Written Scheme of Investigation prepared by Archaeological Research Services Ltd stamped as received by the City Council, as Local Planning Authority, on the 22 December 2020 (as approved under CDN/20/0860).

The completion of the archaeology works has been confirmed as part of Archaeological investigations report stamped as received by the City Council, as Local Planning Authority, on the 30 March 2022 (as approved under CDN/22/0197) and the Archaeological investigations received by the City Council and associated information as set out on the submitted application forms, as Local Planning Authority, on the 7 March 2023 (as approved under CDN/23/0161)

Reason- To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible pursuant to policy EN3 of the Manchester Core Strategy (2012), saved policy DC20 of the Unitary Development Plan for the City of Manchester (1995) and NPPF.

11) The boundary treatments for each phase of development shall be carried out in accordance with drawing T8130D004014 as received by the City Council, as Local Planning Authority, on the 4 August 2023. 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 treatments for each phase of development 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).

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 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