

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136046/JO/2023

Date registered valid: 1 February 2023

Proposal: Variation of condition 5 (EV charging point) attached to planning permission referenced 134022/FO/2022 to allow alteration to the timescale for implementation

Address: 1169 Oldham Road, Manchester, M40 2FU

Ward(s): Miles Platting & Newton Heath Ward

Applicant: McDonald's Restaurants Ltd

Agent (if any): Mrs Sarah Carpenter, Planware Limited

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 March 2023

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 23 February 2023

Standard consultations:

Printed: 7 February 2023 Expired: 28 February 2023

Neighbour notifications

Printed: 7 February 2023 Expired: 28 February 2023

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 application site relates to a single storey detached restaurant (McDonalds) with existing drive-through facility and surface car parking. Access to site is off Oldham Road.

The existing drive through facility is located towards the western side of the site, with an existing customer order point adjacent the Oldham Road / Eagar Street junction.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated on the western side of Oldham Road – a busy, north/south arterial route which links Manchester city centre to north Manchester, Oldham, the M60 motorway and beyond.

The immediate area is mixed use in nature comprising residential dwellinghouses to the rear along Irvin Street and Eagar Street, as well as a terrace of residential properties to the opposite side of Oldham Road. Immediately to the north is vacant, development site, where to the south to the other side of Eagar Steet is a shopfitters and car park, beyond which is Wynsors World of Shoes and a skip hire premises. Directly opposite the site is Kingdom Hall – a Jehova's Witness place of worship. The wider area is largely commercial character, including a number of light industrial warehouses.

Description of development

Variation of condition 5 (EV charging point) attached to planning permission referenced 134022/FO/2022 which allowed for the erection of a small, single storey side extension (18 sqm approx.) to the western elevation of the existing restaurant in order to form a new chiller compound, together with a new bin store extension (6 sqm approx.), elevational alterations, remote corral (20.5 sqm approx.) a shelter to north-western corner of the car park, as well as a number of ancillary works.

Ancillary works comprise new external furniture (benches, tables and chairs), the provision of 2x EV charging points, resurfacing of patio area, small areas of hard-landscaping, a relocated barrier to the drive-thru, a new barrier to the car park and line painting to car park surface and drive thru.

The variation in this case relates to an alteration to the timescale for implementation for the electric vehicle charging points.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – As it's a functioning place already and not new build, the rewording is acceptable.

Issues

Principle

The proposed EV points were voluntarily provided by the applicant as part of the host permission which allowed for a single storey side extension to form a new chiller compound, together with a new bin store, elevational alterations, remote corral and shelter to car park and ancillary works.

As the application site relates to an existing development, rather than a new build, and as the EV points would still be capable of being delivered and an appropriate trigger point for implementation included, the principle of the proposed change to the wording of condition 5 is considered acceptable in this instance.

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

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

- 1) The development must be begun not later than 21 September 2025.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

-Drawings referenced 12824_AEW_0434_0001, 12824_AEW_0434_0002, 12824_AEW_0434_0050/A, XXXX-SA-XXXX-P034, 6132-0001 and 12824_AEW_0434_0004/B, 12824_AEW_0434_0005/B received by the City Council as Local Planning Authority on 9 June 2022 and 29 July 2022 respectively.

-Furniture specification document received by the City Council as Local Planning Authority on 9 June 2022.

-Paving specification (colour charcoal) received by the City Council as Local Planning Authority on 9 June 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

- 3) The development hereby approved shall only be implemented in accordance with the Construction Management Plan produced by Forrest Joinery and Construction Contract Ltd, issued 30 November 2022 and received by the City Council as Local Planning Authority on 2 December 2022, as agreed as part of discharge of condition application referenced CDN/22/0833.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

4) The materials to be used on the external surfaces of the extension hereby permitted, shall match those of the existing building in type, size, colour and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) The electric vehicle charging points shown on drawing referenced 12824_AEW_0434_0004/B, received by the City Council as Local Planning Authority on 9 June 2022, shall be installed and operational within 12 months of the occupation of the extension hereby approved and shall be retained thereafter

Reason - In the interest of air quality, pursuant to policies DM1 and EN16 of the Manchester Core Strategy.

6) a) The development hereby approved shall only be implemented in accordance with the details contained with the Noise Assessment produced by AASW Ltd (Ref: 7754 Rev: 0) dated 4 November 2022 and received by the City Council as Local Planning Authority on 7 November 2022, as agreed as part of discharge of condition application referenced CDN/22/0800.

b) Prior to the operation of any external equipment, a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to saved policies DC26 and DC10 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

7) The development hereby approved shall only be implemented in accordance with the submitted Waste Management Strategy detailed on drawing referenced 12824_AEW_0434_0018 and within the accompanying Refuse Storage and Recycling Statement, received by the City Council as Local Planning Authority on 5 October 2022, as agreed as part of discharge of condition application referenced CDN/22/0717.

Reason - In the interests of amenity and public health, pursuant to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Kingdom Hall Of Jehovah's Witnesses, 1372 Oldham Road, Manchester, M40 1EZ
7 Eagar Street, Manchester, M40 1EP
1400 Oldham Road, Manchester, M40 1EZ
9 Eagar Street, Manchester, M40 1EP
INPOST DELIVERY LOCKER OUTSIDE 1149-1167, Oldham Road, Manchester, M40 2FU
5 Irvin Street, Manchester, M40 1EN
9 Irvin Street, Manchester, M40 1EN
11 Irvin Street, Manchester, M40 1EN
7 Irvin Street, Manchester, M40 1EN
3 Irvin Street, Manchester, M40 1EN
1 Irvin Street, Manchester, M40 1EN
14 Lilmore Avenue, Manchester, M40 1EY
16 Lilmore Avenue, Manchester, M40 1EY
18 Lilmore Avenue, Manchester, M40 1EY
3 Eagar Street, Manchester, M40 1EP
1149 - 1167 Oldham Road, Manchester, M40 2FU
1398 Oldham Road, Manchester, M40 1EZ
5 Eagar Street, Manchester, M40 1EP
1396 Oldham Road, Manchester, M40 1EZ

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 (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA