

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134022/FO/2022

Date registered valid: 29 July 2022

Proposal: Erection of single storey side extension to form new chiller compound, together with new bin store, elevational alterations, remote corral and shelter to car park and ancillary works

Address: 1169 Oldham Road, Manchester, M40 2FU

Ward(s): Miles Platting & Newton Heath Ward

Applicant: McDonalds Restaurants Limited, 11-59 High Road, East Finchley, London, N2 8AW

Agent (if any): Mrs Sarah Carpenter, Planware Limited, St Andrews Street, 33 St Andrews Street South, Bury St Edmunds, IP33 3PH

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

Recommendation: Approve

Date of recommendation: 21 September 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 2 August 2022 Expired: 23 August 2022

Neighbour notifications

Printed: 2 August 2022 Expired: 23 August 2022

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.



The area of proposed works predominantly relates to the western side of the site which lies immediately opposite a shopfitters and surface level car park on the opposite side of Eagar Street.

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

Planning permission is sought 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.) and 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 application has been submitted in tandem alongside a slightly altered proposal - 134655/FO/2022.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Flood Risk Management – No condition is advised. An 'informative' is recommended in relation to surface water drainage.

Environmental Health – Conditions are advised with respect to external equipment, construction hours and waste management.

Greater Manchester Police (Design for Security) – It is advised that all external fittings are installed to 'Secured by Design' certification. Various security measures are recommended.

Highway Services - The revised pedestrian access/egress arrangements are acceptable, as are the kerb amendments to the internal road layout and the provision of new knee rail fencing.

It is considered that there are no traffic implications as a result of the small footprint increase for the chiller compound and extended bin store. It is assumed that the existing waste collection protocols will be maintained.

The drawings indicate that two new electric vehicle charge units are proposed, and which is supported. It is recommended that each are a minimum of 22kW.

No objection to the new corral and shelter within the car park.

Should the planning application be approved it is required that a Construction Management Plan be conditioned.

Cadent – An 'informative' is advised with respect to potential Cadent assets.

Planning History

111930/FO/2016/N1

Reconfiguration of 'drive thru' lane with changes to the car park layout, the creation of a new outside seating area, elevational alterations and the erection of a single storey infill extension. *Approved 20 June 2016.*

106806/JO/2014/N1

Variation of condition 2 attached to previously approved planning permission 066088/JO/NORTH1/02 to allow opening hours of 07:30 to 23.00 7 days a week. *Approved 7 November 2014.*

100915/FO/2012/N1

Reconfiguration of the car park to allow for minor alteration to the drive thru to provide a side-by-side order point, with the installation of 2 no Customer Order Displays (COD) and elevational alterations following partial demolition of existing building. *Approved 10 December 2012.*

098366/JO/2012/N1

Application to vary condition number 5 attached to original application ref number 37548 to allow extended morning opening for a temporary period of 12 months for 6:30 am to 11:00 pm Monday to Saturday. *Refused 14 March 2012.*

091260/FO/2009/N1

Refurbishment of restaurant including elevational alterations and changes to parking layout. *Approved 12 November 2009.*

075334/JO/2005/N1

Variation Of Condition 5 of planning permission ref 37548 to allow opening hours between 7.00am to 11.00pm seven days a week. *Approved 2 June 2005.*

074052/JO/2004/N1

Variation Of Condition 5 of planning permission 066088/JO/NORTH1/02 approved 6th November 2002 to allow extended opening hours 6.00am - midnight seven days a week. *Approved 24 January 2005.*

066088/JO/NORTH1/02

Variation of condition 5 of planning permission F37548 to extend hours of opening on Sundays from 10.00 am - 11.00 pm to 7.30 am - 11.00 pm. *Approved 6 November 2002.*

050468/FO/NORTH2/96

Single storey extension to form third service booth. *Approved 28 August 1996.*

049303/FO/NORTH2/96

Single storey extension to form third service booth. *Refused 2 April 1996.*

047671/FO/NORTH2/95

Erection of a draught lobby to front entrance of premises. *Approved 11 May 1995.*

043279/FO/NORTH2/93

Extension to existing car park. *Approved 29 June 1993.*

039676

RESERVED MATTERS Details of siting, design, external appearance, means of access and landscaping for the erection of a restaurant (Class A3), drive thru facilities and parking together with ancillary staff storage and office facility approved in outline. *Approved 14 October 1991.*

037548

Erection of restaurant (Class A3) with landscaping, drive through facilities and parking together with ancillary staff storage and office facility. *Approved 21 February 1991.*

037547

Erection of restaurant (Class A3) with landscaping, drive through facilities, parking together with ancillary staff storage and office facility. *Approved 21 February 1991.*

F17186

Change of use from former saw mills and joinery workshop to form unit for manufacture of quilting; unit for food depot; unit for rubber grinding and unit for use as a brewery. *Approved 26 May 1982.*

Policy

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

- Saved policies E3.3, DC10 and DC26 of the Unitary Development Plan for the City of Manchester;
- Policies DM1, EC1, EC2, EN8, EN14, EN19 and SP1 of the Manchester Core Strategy;
- The Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF).

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise.

In this case, the proposed development is considered acceptable and compliant with the aforementioned policy and guidance. Specifically, policies EC1 and EC2 of the Core Strategy which seeks to encourage the enhancement of employment space.

The proposed development will lead to the retention, refurbishment and improvement of an existing restaurant facility which serves the immediate area, as well as pass by trade along Oldham Road.

The proposed extension is minor in scale in contrast to the existing building and would have a negligible impact upon the character and appearance of the area, or that of the host building.

Given existing activities at the site and the existing environmental context, the principle of the proposal and ancillary works are believed to be acceptable and compliant with the aforementioned policy and guidance. Specific planning issues are outlined further below.

Noise and Residential Amenity

The proposed extension is to accommodate a new chiller compound involving replacement refrigeration condensers to those currently site at roof level. Whilst there are no residential properties that immediate face onto the proposed extension, there are nearby properties along Eagar Street and Irvin Street.

The applicant has submitted a noise assessment which indicates that the proposed chiller condensers will be 13 dBA quieter than the units they will replace, with an overall noise reduction at the nearest sensitive receiver (NSR) of 8 dB. It is anticipated that the replacement plant will create no more than 26 dB LAeq at the NSR, which more than 5 dB below the minimum night-time background noise which exceeds the Council's noise requirements.

In principle it is not considered that the proposed equipment would give rise to any undue noise impact. However, Environmental Health still require a background noise level data which informed the assessment. A condition requiring an updated assessment along with the need for verification report upon completion has been included which will require further detail to be agreed prior to first operation of the equipment. On balance, given the use of more modern equipment and the assessment provided to date, noise impact is not considered to be significant.

Design, Scale and Appearance and Impact to Visual Amenity

The proposed extension is single storey and comprises a modest amount floorspace (18 sqm), incorporating a flat roof, with materials to match the existing restaurant No windows are proposed.

Given the position of the store which is separated from the street by the drive-thru lane, coupled with the small size of the extension and use of matching materials, it is considered that the

scale and appearance of the extension will assimilate effectively into the fabric of the existing building with limited impact to visual amenity.

The proposed bin store is to be screened by timber panels and the remote coral is situated to the north-western corner of the site in place of an existing enclosure. In the context of the existing development, the impact to visual amenity is considered negligible. The same applies to the elevational changes and external works which reflect the current storey design and layout.

Climate Change

Given the existing context, the limited nature of the proposed works and as the proposal includes 2 new electric vehicle charging points, it is not believed there would be any significant uplift in impact that would give rise to climate change effects.

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 the expiration of three years beginning with the date of this permission.

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) Prior to the commencement of development, a construction management and demolition management plan outlining working practices during development shall be submitted to and approved in writing by the City Council as Local Planning Authority, which for the avoidance of doubt should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management plan.

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 prior to first occupation of the extension hereby approval 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) Notwithstanding details submitted, externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the development an updated scheme shall be submitted which takes account of existing background noise level data. This shall be submitted to and approved in writing by the City Council as Local Planning Authority in

order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences.

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) Notwithstanding details submitted, prior to above ground development commencing, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. This shall include:

- Estimated volumes and types of waste produced by the development;
- Details of internal and external stores for both waste and recycling, including any plans and designs;
- Location of the proposed collection point and details of the route the collection vehicle will take;
- Details of number and capacity of bins proposed and collection frequency;

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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.

Informatives

1) Greater Manchester Police (Design for Security) advised the following:

- All new external fittings (i.e. shutters, windows or doors, cycle storage) should be certified to Secured by Design standards;
- All aspects of the proposed extension, particularly doorways should be illuminated with dusk til dawn lighting;
- Coverage for any CCTV systems and alarms will need to be reviewed to check all areas of the development are covered.

2) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register online at: www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

3) The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

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