

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130550/FO/2021
Date registered valid:	7 June 2021
Proposal:	Erection of an external canopy to the front of the premises
Address:	473 Kingsway, Manchester, M19 1NR
Ward(s):	Burnage Ward
Applicant:	Mr Saeid Rahmani, Dana Superstore, 473 Kingsway, Manchester, M19 1NR
Agent (if any):	Mr Mohammed Khan, Ash 4 Homes, Pure Offices Ltd, Brooks Drive, Cheadle Royal Business Park, SK8 3TD
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	20/12/21



Application details

Type of application:	Full Application Consent
Development type:	Minor Other
Date of site visit:	29 July 2021

Standard consultations:

Printed: 21 June 2021 Expired: 12 July 2021

Neighbour notifications

Printed: 3 November 2021 Expired: 17 November 2021

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/area

473 Kingsway is a 2 storey commercial property location close to the Kingsway/Lane End Road junction. It is currently in use as a shop on the ground floor with an after-school tuition business above. The property is located within the Fog Lane/Lane End/Burnage Lane local centre.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

Erection of an external canopy to the front of the premises.

Originally the applicant proposed the installation of roller shutters along the perimeter of the canopy but this element was withdrawn and the proposal amended to canopy only

Consultations & Notification Responses

Local Residents/Businesses – no comments received.

Highway Services – Have made the following comments:

- The proposed canopy is not located on the adopted highway network. As such, a Projection over License will not be required. A sufficient headroom clearance of 2.6m, compliant with the 2.3m minimum, is noted and accepted by Highways.
- The roller shutters are not located on the adopted highway network. As such, a Projection over License will not be required.
- A bin storage area is in place at the rear of the property and kerbside collection noted from the limited waiting bay on Lane End Road north. Bins will to taken to/from the collection point on Lane End Road on collection day. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.
- The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester 0161 234 5004.

Environmental Health – Suggests the imposition of a refuse storage condition.

Greater Manchester Police – GMP recommend that any existing CCTV coverage is reviewed to ensure that proposed new canopy at the entrance does not impede the view of CCTV around the front of the building. Any shutters should be certified to LPS1175

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy C1, *Centre Hierarchy* – The policy states that Local Centres meet local needs for small scale retail and services to meet day-day needs. There are 24 identified local centres, including new local centres at Moston Lane, Collyhurst and Merseybank Avenue. Locations which are not identified in the Local Development Framework but which perform the same function in terms of scale and meeting local needs will also be considered to be local centres.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

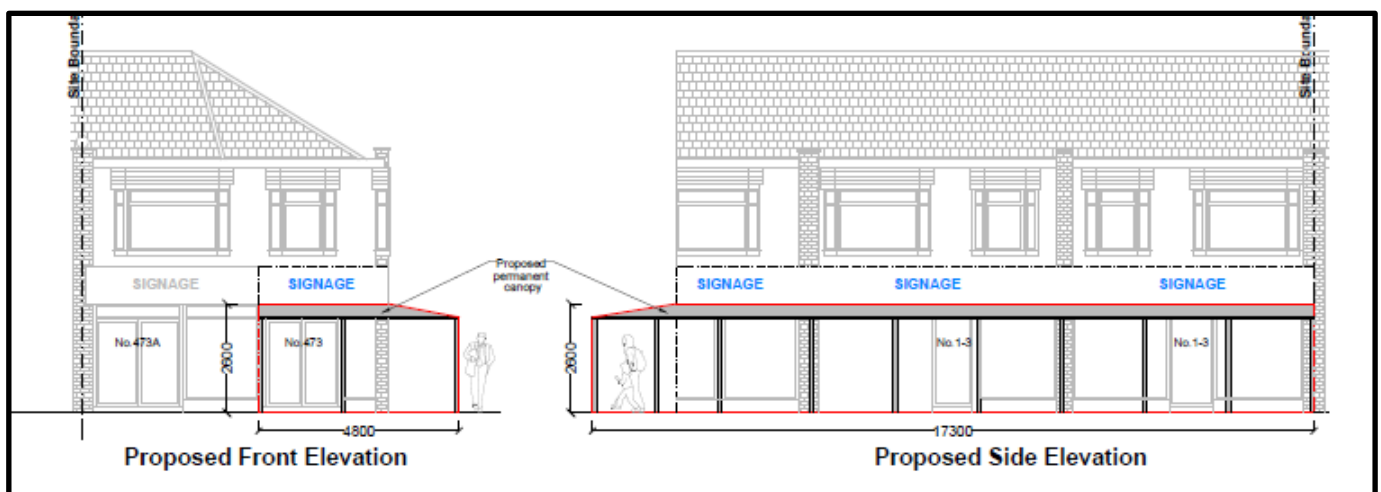
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.

Issues

Design and Siting – The original proposal was for a canopy with shutters in between the pillars, what would effectively have been a single storey extension to the front of the store. Given the solid nature of this extension and the impact this would have upon the levels of visual amenity enjoyed within the vicinity of the site, the applicant was advised to replace this permanent structure with a retractable awning type of canopy. The applicant declined this request and instead removed the shutter element from the proposal and retained the permanent canopy structure.

While there are examples of permanent canopies to the front of shops in south Manchester, they are usually more ornate, associated with the Victorian/Edwardian commercial parades and often located in close proximity to old railway stations. There is only one example of a solid canopy within this local centre and that does not occupy the full width of the shop front and it is not in such a prominent position as this property.

While the applicant has provided few details about the design of the proposal it is likely to consist of metal pillars and a cladding roof, neither of which are prominent throughout this local centre.



The proposed canopy would be sited along the whole length of the shop premises and would form a prominent feature. Given this and the design of the proposal, it is considered that the development would be out of character with the existing commercial parade and form an incongruous feature in the streetscene.

Visual Amenity – Due to the basic design of the proposal, the permanent nature of the structure and the fact the property is located in a prominent position on a major road into the City, it is considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document, the guidance contained within the National Planning Policy Framework and National Design Guide. The applicant was advised that the siting and design of the canopy in this location would not be appropriate as it would have an unduly detrimental impact upon existing levels of visual amenity. As the nature of the proposal was considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The proposed development by reason of its design and siting will form an over dominant and incongruous feature in the street scene and will have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site, contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Pharmacy World Ltd, 2A Lane End Road, Manchester, M19 1WA
5 Lane End Road, Manchester, M19 1WA
4 - 6 Lane End Road, Manchester, M19 1WA
471 Kingsway, Manchester, M19 1NR

2 Lane End Road, Manchester, M19 1WA

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 Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH