

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130392/FO/2021

Date registered valid: 13 May 2021

Proposal: Erection of shop front canopy

Address: 260 Wilmslow Road, Manchester, M14 6JR

Ward(s): Fallowfield Ward

Applicant: Mr J Kashir, Wimmy Foods, 260 Wilmslow Road, Manchester, M14 6JR

Agent (if any): Mrs Clare Gascoigne, Emery Planning Units, 2 - 4 South Park Court , Hobson Street, Macclesfield, SK11 8BS

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 08.07.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 05.07.2021

Standard consultations:

Printed: 21 May 2021 Expired: 11 June 2021

Neighbour notifications

Printed: 21 May 2021 Expired: 11 June 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

The property is a large prominent commercial premises near to the junction of Wilmslow Road and Wilbraham Road in the centre of Fallowfield.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Erection of shop front canopy

Consultations & Notification Responses

Highways – No Objections

Policies

The following policies are considered relevant in the consideration of this application.

- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

- o Policy DM 1 - Development Management

- o Policy SP1 - Spatial Principles

- o Policy EN1 – Design Principles

- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered that the proposal does not accord with the principles of this policy document.

Issues

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policy EN1 sets out that opportunities for good design to enhance the overall image of the City should be fully realised. The policies are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

The proposal is deemed not to accord with policies DM1, SP1 or EN1 of the Manchester Core Strategy.

Visual Amenity

The structure has been built without the benefit of planning permission and is depicted in site photographs.

The development involves a large scale canopy associated with existing use as a retail operator for the external storage of produce.

The design and materials of the canopy are of poor quality, being steel with corrugated sheeting roofing painted black or dark green.

It is considered that the development proposal causes harm to the visual amenity of the host building and to the character of the district centre, having regard to the prominent location in relation to the crossroads, significantly affecting views from adjacent and surrounding properties.

Precedent for similar development has been cited in Rusholme and Levenshulme, it is not considered that the particular site characteristics or the character of the local environs would warrant taking the precedent cited into account.

In terms of visual amenity, it is considered that the development provides a negative impact upon the visual amenity of the adjoining occupiers and surrounding properties in the area and therefore is considered does not accord with Core Strategy Policies DM1, SP1 and EN1.

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 proposals would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Reasons for recommendation to refuse

1) The proposal would by reason of its design form an incongruous and obtrusive feature within the street scene. The development is therefore contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester (2007) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

10 Boland Drive, Manchester, M14 6DS
12 Boland Drive, Manchester, M14 6DS
Flat 11, 5A Wilbraham Road, Manchester, M14 6JS
8 Boland Drive, Manchester, M14 6DS
5B Wilbraham Road, Manchester, M14 6JS
5D Wilbraham Road, Manchester, M14 6JS
Flat 12, 5A Wilbraham Road, Manchester, M14 6JS
Room B Flat 49, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 49, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 4, 5A Wilbraham Road, Manchester, M14 6JS
Flat 5, 5A Wilbraham Road, Manchester, M14 6JS
Room B Flat 47, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 29, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 25, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 25, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 18, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 17, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Ladybarn House, Wilmslow Road, Manchester, M14 6ND
Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Units 1 To 3, Ladybarn House, Wilmslow Road, Manchester, M14 6ND
Room A Flat 46, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 41, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room D Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 33, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 27, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 19, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 17, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 9, 5A Wilbraham Road, Manchester, M14 6JS
Flat 6, 5A Wilbraham Road, Manchester, M14 6JS
Flat 43, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 35, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 28, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 36, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 16, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 48, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 42, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 37, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 36, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 32, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 31, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 23, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 10, 5A Wilbraham Road, Manchester, M14 6JS
Flat 8, 5A Wilbraham Road, Manchester, M14 6JS
Flat 34, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 32, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

[illegible]

Room B Flat 33, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 20, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 23, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 34, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 28, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 37, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 31, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 39, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 33, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 39, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 37, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 18, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 49, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 42, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 7, 5A Wilbraham Road, Manchester, M14 6JS
Flat 3, 5A Wilbraham Road, Manchester, M14 6JS
Flat 2, 5A Wilbraham Road, Manchester, M14 6JS
Flat 48, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 40, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 20, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 17, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 15, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 19, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
14 Boland Drive, Manchester, M14 6DS
Flat 14, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 27, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
258 Wilmslow Road, Manchester, M14 6JR

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) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH