

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128922/FO/2020

Date registered valid: 15 April 2021

Proposal: Retrospective application for the installation of a canopy to the Bury Old Road elevation, together with elevational alterations and installation of roller shutters.

Address: 18 Bury Old Road, Manchester, M8 9JN

Ward(s): Crumpsall Ward

Applicant: Mr Khan Ariana Superstore and Bakery 18 Bury Old Road, Manchester, M8 9JN

Agent (if any): Mr Darren Pomfret, Manchester Building Design Ltd, 8 Gas Street, Hollingworth, Hyde, SK14 8JD

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

Recommendation: Refuse

Date of recommendation: 28 July 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 21 April 2021

Standard consultations:

Printed: 20 April 2021 Expired: 11 May 2021

Neighbour notifications

Printed: 7 July 2021 Expired: 14 July 2021

Site notice

Posted: 21 April 2021 Expired: 12 May 2021

Press advert

Published: 27 April 2021 Expired: 18 May 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a two storey, semi-detached building, situated at the corner of Cheetham Hill Road and Crescent Road – a traffic signalised junction. The building relates to a former bank, understood to have been converted to the present retail use via permitted development rights.

The host building is presently occupied by a retail food store (Ariana Superstore) at ground floor level, with ancillary space to the first floor.



The building is predominantly of masonry construction, with concrete banding at fascia level and roof parapet level. To the rear is a service yard enclosed by a metal gate and brick wall.

The premises incorporates a shopfront to Bury Old Road, with a further shopfront to Crescent Road, which has been bricked up and which incorporates roller shutters. To the front is a forecourt for the display area for goods, covered by the unauthorised canopy subject to this application.

To the front, the site adjoins the public footway which incorporates two, centrally positioned street trees and street lighting column.

Immediately to the south, the application premises is adjoined by a similar, retail food store, also incorporating an unauthorised canopy over the forecourt. It is understood that due to the passage of time, this canopy is immune from enforcement action.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated along the eastern side of Cheetham Hill Road (A665) – a main north/south arterial route which links north Manchester with the city centre.

The site lies within the defined district centre of Cheetham Hill - an area dominated by various commercial uses, including retail, food and drink, office uses.

Description of development

Retrospective planning permission is sought for the installation of a cantilevered canopy, incorporating a lean-to roof, which projects from the front face of premises to cover the associated, private forecourt. The canopy extends across the full width of the shopfront and comprises trapezoidal, corrugated steel sheeting, supported by a steel frame and includes black, UPVC rainwater goods.

Attached to the underside of the canopy is a non-illuminated fascia sign which wraps around the side of the canopy and which has been subject to a separate application for advertisement consent.

In addition, retrospective permission is sought for elevational alterations, namely, new shopfront windows and externally mounted roller shutters to the front and side elevations.

The application as originally submitted included a proposed rear extension to house a staircase, together with new boundary treatment to the external yard. These elements have subsequently been removed from the proposal to allow the retrospective elements to be determined in isolation. It is anticipated that the other elements will come forward as a separate application.

Procedural

The application has been determined on the basis of drawings referenced 18/20-15/A, 18/20-01/A, 18/20-03/F and 18/20-05/E, received by the City Council as Local Planning Authority on 2 July 2021.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health - No comments.

Highway Services - Confirmation is requested that the new canopy, when extended, will not overhang the adopted footway or carriageway. If not, then the canopy covers an area of private forecourt and therefore does not require a footway over-sail license.

Pedestrian access to the building will be via the existing main entrance located on Bury Old Road. Access into the building is via an automatic sliding door at a level threshold. This is acceptable.

Greater Manchester Police (Design for Security) – It is recommended that new roller shutters are certified to LPS1175.

Planning History

128923/AO/2020

Installation of internally illuminated front and side fascia signs. *Approved 18 May 2021.*

111510/AO/2016/N1

Installation of replacement internally illuminated fascia signs to side and front elevations together with projecting box sign, non-illuminated information signs and internally illuminated ATM sign. *Approved 29 April 2016.*

098846/AO/2012/N1

Installation of externally illuminated fascia sign, 2no. externally illuminated hanging signs and associated ATM signage to replace the existing. *Approved 4 May 2012.*

052466/FO/NORTH1/97

Installation of a 0.9m diameter, white, wall mounted satellite dish antenna. *Approved 26 August 1997.*

064034/FO/NORTH1/02

Raising public footpath to enable disabled access. Erection of external lighting to elevation. *Approved 19 March 2002.*

050826/AO/NORTH1/96

Illuminated A.T.M. surround. *Approved 21 October 1996.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes

Policy SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

In addition, the following UDP policy is considered relevant:

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

Policy E3.3 refers to the Council looking to upgrade the appearance of the city's major radial routes.

National Planning Policy Framework (July 2021)

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application is Section 12– ‘Achieving Well-Designed Places’.

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes on to state that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’.

Issues

Principle

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

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

Design and the Impact to Visual Amenity

Design plays a critical part in the acceptability of proposed development. Great emphasis is placed on development that respects local character, quality of design, the relationship with existing and neighbouring buildings and sense of place.

In this instance, it is believed that the design of the canopy is unsympathetic to its surroundings and as a result of its the appearance and position forward of the main building line to the front of

the building, would have harmful impact to visual amenity and the appearance of the street-scene.

It is considered that the canopy is of a poor design that incorporates low quality materials. In conjunction with its prominent position to the back of pavement, the proposed canopy fails to take opportunities for improving the quality of the area and would therefore undermine the Council's policy objectives of improving the appearance of its neighbourhoods and the city's main arterial routes.

It is maintained that the canopy represents creates a highly intrusive, prominent feature which clutters the frontage to the premises. This in turn presents a visually harmful feature.

Whilst it is acknowledged that there are other canopies and overhangs to the front of premises nearby, these are not considered material to the consideration of this application, due to their materially different design, differing use of material and differing circumstances surrounding their lawfulness.

In addition, the proposal includes the retention of external roller shutters to the shopfront facing Bury New Road and to the side elevation facing Crescent Road.

There is concern that if the canopy was to be removed, the front of the building would be exposed to reveal an externally mounted roller shutter. The roller shutter to the side elevation fronting Crescent Road is already exposed.

It is considered that the roller shutters and associated box housing, due to their solid appearance, coupled with their bulkiness - arising from the external box housing, present a negative and oppressive feature. The roller shutters due to a lack of perforation, do not allow views through to the inside of the property when closed and at such times the shutters create a 'dead' frontage which detracts visually from the wider street scene and appearance of the wider area. Together with the use of materials and the prominence of the shutter housing beyond the plane of the walls, combines to create a negative frontage to the host building and this in turn fails to improve the appearance of the area.

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

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The canopy, by virtue of its position forward of the main building line to Bury Old Road, coupled with the use of materials, creates an unduly intrusive and unattractive feature in the street-scene along a key radial route, to the detriment of visual amenity. The proposed development is therefore contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

2) The proposed roller shutters to the front and side elevations of the host building, together with the associated external, box housing, is of an intrusive, negative appearance, which by virtue of their prominence, design and use of unsympathetic, solid materials, has detrimental impact on the character and appearance of the street scene, adjacent to a key arterial route. This in turn fails to improve the character and quality of the area in which the premises located. As such, the proposal is contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Flat 3, 589A Cheetham Hill Road, Manchester, M8 9JE
Flat 4, 591B Cheetham Hill Road, Manchester, M8 5EJ
Flat 3, 591B Cheetham Hill Road, Manchester, M8 5EJ
Flat 2, 591B Cheetham Hill Road, Manchester, M8 5EJ
Flat 1, 591B Cheetham Hill Road, Manchester, M8 5EJ
591A Cheetham Hill Road, Manchester, M8 5EJ
591 Cheetham Hill Road, Manchester, M8 5EJ
Flat 2, 589A Cheetham Hill Road, Manchester, M8 9JE
Flat 1, 589A Cheetham Hill Road, Manchester, M8 9JE
Poundstretcher, 20 Bury Old Road, Manchester, M8 5BN
United Garage, St Mark's Lane, Manchester, M7 4FE
Crumpsall Clinic, Humphrey Street, Manchester, M8 9JS
First Floor And Second Floor, 585 Cheetham Hill Road, Manchester, M8 9JE
Black Resource Centre Adjacent 8, Bury Old Road, Manchester, M8 9JN
12 - 16 Bury Old Road, Manchester, M8 9JN
589B Cheetham Hill Road, Manchester, M8 9JE
R/o, 595 Cheetham Hill Road, Manchester, M8 5EJ
589A Cheetham Hill Road, Manchester, M8 9JE
Iceland Frozen Foods, 22 Bury Old Road, Manchester, M8 5BN
Worldwide Foods, Crescent Road, Manchester, M8 9JX
599 Cheetham Hill Road, Manchester, M8 5EJ
585 Cheetham Hill Road, Manchester, M8 9JE
587 Cheetham Hill Road, Manchester, M8 9JE
593 Cheetham Hill Road, Manchester, M8 5EJ
597 Cheetham Hill Road, Manchester, M8 5EJ
589 Cheetham Hill Road, Manchester, M8 9JE
595 Cheetham Hill Road, Manchester, M8 5EJ

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1