

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 143137/FO/2025

**Date registered valid:** 6 June 2025

**Proposal:** Covered canopy with concealed security shutters to the front of the existing shop

**Address:** 14 Kingsway, Manchester, M19 2DD

**Ward(s):** Rusholme Ward

**Applicant:** Mr Muzafar Hayat

**Agent (if any):** Mr Mohammed Taghlebi

**Case officer:** Janet Lawless  
Tel: 0161 234 4535  
Email: [janet.lawless@manchester.gov.uk](mailto:janet.lawless@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 31 July 2025

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Retail

**Date of site visit:** 28<sup>th</sup> July 2025

### **Standard consultations:**

Printed: 13 June 2025      Expired: 4 July 2025

### **Neighbour notifications**

Printed: 13 June 2025      Expired: 4 July 2025

### **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**

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

The property that is the subject of this application is a 2 storey end of terrace brick built commercial property identified as 14 Kingsway in the Rusholme ward of the City. The property comprises of commercial unit to the ground floor currently operating as a ladies fashion shop, with residential accommodation above. The remainder of the units within the terrace comprise of hairdressers, educational facility, car parts shop and large grocers. The properties sit back of pavement with a forecourt frontage and layby parking. There are bollards delineating the public and private defensible space. There is an existing access to the frontage for the residential accommodation to the upper floors. The other door on the frontage is for access to the commercial unit at the ground floor.

### **Description of area**

The remainder of the area is residential in nature. To the north of the site is Kingsway Avenue, whose gardens run alongside the property at number 14 Kingsway.

### **Description of development**

The proposal is for the erection of a single storey front extension to be used as an additional showroom with concealed roller shutters. The extension would be erected to the existing shop front and project out over the open forecourt by 4.5 metres and occupy the full width of the commercial unit by 6.3 metres.

## **Consultations & Notification Responses**

Local Residents were informed one objection has been received, the main points of which are summarised. The property is a corner shop unit adjacent to the alleyway. Having this front canopy would restrict pathways and the rear ginnel. There are also entrances to the residential flats on the front of the buildings that lead to the residential flats above. If other shops were to do the same, there would be ginnels between the shops that would create safety and security issues.

Highways-Verification is required with regards to the ownership of the land that the extension is proposed to be built on as the Councils land registry record appears to indicate that the area lies outside of the applicant's ownership.

Greater Manchester Police- no comments received

## **Policies**

The National Planning Policy Framework December 2024. 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

c) approving development proposals that accord with an up to date development plan without delay or

d) 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  
1/ the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed or  
2/ 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan including any neighbourhood plans that form part of the development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Places for Everyone Plan. This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP Strat9 Southern Areas. This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed brownfield land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 to 2027 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 DM1, Development Management This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance  
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.

Community safety and crime prevention. Design for health.

Vehicular access and car parking.

Effects relating to biodiversity, landscape, archaeological or built heritage.

Flood risk and drainage.

Manchester Shop Front and Signage Design Guide- Shopfronts throughout the City have a significant impact on the retail and visitor experience and the character of our environment. When well designed and well-integrated within their context shopfronts can have a positive impact on our environment and the commercial success of individual businesses.

High-quality and well-considered shopfronts and advertisements should therefore be an aspiration for all involved in the commission, design and installation of shopfronts.

## Issues

**Principle of the Proposal.** It is acknowledged that businesses may seek to expand their floorspace in response to changing operational needs. However, such aspirations need to be balanced against any potential harm attributable to the development. In this case, the installed canopy has led to the formation of an unduly prominent addition to number 14 Kingsway which has had a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site. The principle of the development is therefore considered to be unacceptable.

**Design and Siting** - The forecourts of this commercial parade remain undeveloped apart from the property at 2-4 Kingsway. However the structure that has been constructed at that property is not as approved in the 2009 consent. While it appears that the adjoining property (2-4 Kingsway) has a solid structure erected on its forecourt it should be noted that only a canopy was approved in this location and the roller shutters have been installed without the appropriate planning permission.

It is considered that erecting a solid structure on the forecourt would create a feature out of character with the parade, this in turn would have a detrimental impact upon the current levels of visual amenity enjoyed in the locality. In light of this the design and siting of the proposed extension is considered unacceptable.

The development thereby represents a harmful departure from the character of the original building. Given the above concerns the design of the proposed canopy is not considered to be acceptable in this location.

The impact of a fixed canopy is more significant than a retractable one as it cannot be retracted to allow the appearance of the building to be returned to its original form at the end of daily trading. This is particularly significant given the defined building line of properties forming the parade along this part of Kingsway which continues along the same building line for the residential properties commencing in the block of number 16 Kingsway onwards. It is considered that the development thereby has a disruptive impact and is an incongruous feature within the street scene. The 4.5 metres front projection of the canopy, and the 6.3m width reduces the characteristic sense of spaciousness that exists to the front of this parade. Given these concerns, the siting of the development is unacceptable. To conclude, the design and siting of the canopy would be out of character with the existing commercial parade and form an incongruous feature in the street scene.

**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.

**Crime and Security-** The formation of a fixed projecting canopy presents opportunities for anyone engaging in criminal activity as it results in a tunnelling effect whereby persons could hide alongside the recessed area which is located adjacent to the residential access. Should this therefore be replicated by others this would multiply that effect. Any criminal activity against the property or people entering or egressing the residential access would be hidden from general view. This would impact particularly during the hours of darkness, particularly outside of trading hours.

**Pedestrian Safety** - The proposal has the potential to interfere with the sightlines of vehicles pulling out from the side road (rear of Kingsway Avenue) some of these properties have garages and parking to the rear which would could create issues regarding pedestrian and highway safety within the vicinity of the site.

### **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:** Refuse

### **Article 35 Declaration**

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application. The proposal is considered to be contrary to the development plan, and national and local policies and therefore refused in a timely manner.

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

1) The erection of a single front extension in the terrace by virtue of its siting, design and materials would form an over dominant, incongruous and visually intrusive feature in the street scene to the detriment of the visual amenity of the area. The primary character of the area is residential and this would impact upon the visual amenity that should be reasonably be expected to enjoy by the neighbouring residents. The proposed development is therefore contrary to the provisions of policy DM1 of the Core Strategy of the Local Development Framework. The guidance contained in the National Planning Policy Framework supports refusal.

2) The proposed development, due to the solid nature of the structure and its siting adjacent to the entrance to adjoining residential accommodation, would have a detrimental impact upon the overall levels of security and community safety encountered within the vicinity of the site, the proposal is therefore considered to be contrary to Policy DM1 in the Core Strategy Development Plan Document.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services

Greater Manchester Police

Flat 2, 4A Kingsway, Manchester, M19 2DD  
Flat 1, 4A Kingsway, Manchester, M19 2DD  
2A Kingsway, Manchester, M19 2DD  
Chemist, 10 Kingsway, Manchester, M19 2DD  
Flat D, 191 Slade Lane, Manchester, M19 2AE  
Flat C, 191 Slade Lane, Manchester, M19 2AE  
KINGSWAY SUPERSTORE LTD, 2 - 4 Kingsway, Manchester, M19 2DD  
Flat C, 193 Slade Lane, Manchester, M19 2AE  
Flat A, 191 Slade Lane, Manchester, M19 2AE  
Top Flat, 8 Kingsway, Manchester, M19 2DD  
Top Flat, 6 Kingsway, Manchester, M19 2DD  
Flat 1, 14 Kingsway, Manchester, M19 2DD  
Flat 6, 1 Kingsway, Manchester, M19 2UX  
Flat 3, 1 Kingsway, Manchester, M19 2UX  
Top Flat, 10 Kingsway, Manchester, M19 2DD  
Basement And Ground Floor, 8 Kingsway, Manchester, M19 2DD  
1 Kingsway, Manchester, M19 2UX  
Flat B, 191 Slade Lane, Manchester, M19 2AE  
12 Kingsway, Manchester, M19 2DD  
10 Kingsway, Manchester, M19 2DD  
16 Kingsway, Manchester, M19 2DD  
Flat A, 193 Slade Lane, Manchester, M19 2AE  
Flat B, 193 Slade Lane, Manchester, M19 2AE  
8 Kingsway, Manchester, M19 2DD  
Flat 8, 1 Kingsway, Manchester, M19 2UX  
Flat 7, 1 Kingsway, Manchester, M19 2UX  
Flat 5, 1 Kingsway, Manchester, M19 2UX  
Flat 4, 1 Kingsway, Manchester, M19 2UX  
Flat 2, 1 Kingsway, Manchester, M19 2UX  
Flat 1, 1 Kingsway, Manchester, M19 2UX  
9 Kingsway, Manchester, M19 2BZ  
7 Kingsway, Manchester, M19 2BZ  
11 Kingsway, Manchester, M19 2BZ  
189 Slade Lane, Manchester, M19 2AE  
3 Kingsway Avenue, Manchester, M19 2DH  
1 Kingsway Avenue, Manchester, M19 2DH  
195 Slade Lane, Manchester, M19 2AE  
7 Kingsway Avenue, Manchester, M19 2DH  
5 Kingsway Avenue, Manchester, M19 2DH  
5 Kingsway, Manchester, M19 2BZ  
6 Kingsway, Manchester, M19 2DD  
Flat Above, 12 Kingsway, Manchester, M19 2DD

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Area Team Boundary - Name: SOUTH AREA