

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142884/FO/2025

Date registered valid: 7 May 2025

Proposal: Retention of shopfront, signage and roller shutters, together with canopy to the front with associated metal barriers and associated infrastructure.

Address: Miami Crispy, 5 Meldon Road, Manchester, M13 0TZ

Ward(s): Rusholme Ward

Applicant: Mr Tayyab Akhlaq, Fast Food Operations Ltd

Agent (if any): Mr Russell Adams, Adams Planning + Development Ltd

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 25 June 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 20 May 2025

Standard consultations: Printed: 20 May 2025 Expired: 11 June 2025

Neighbour notifications: Printed: 15 May 2025 Expired: 6 June 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/area

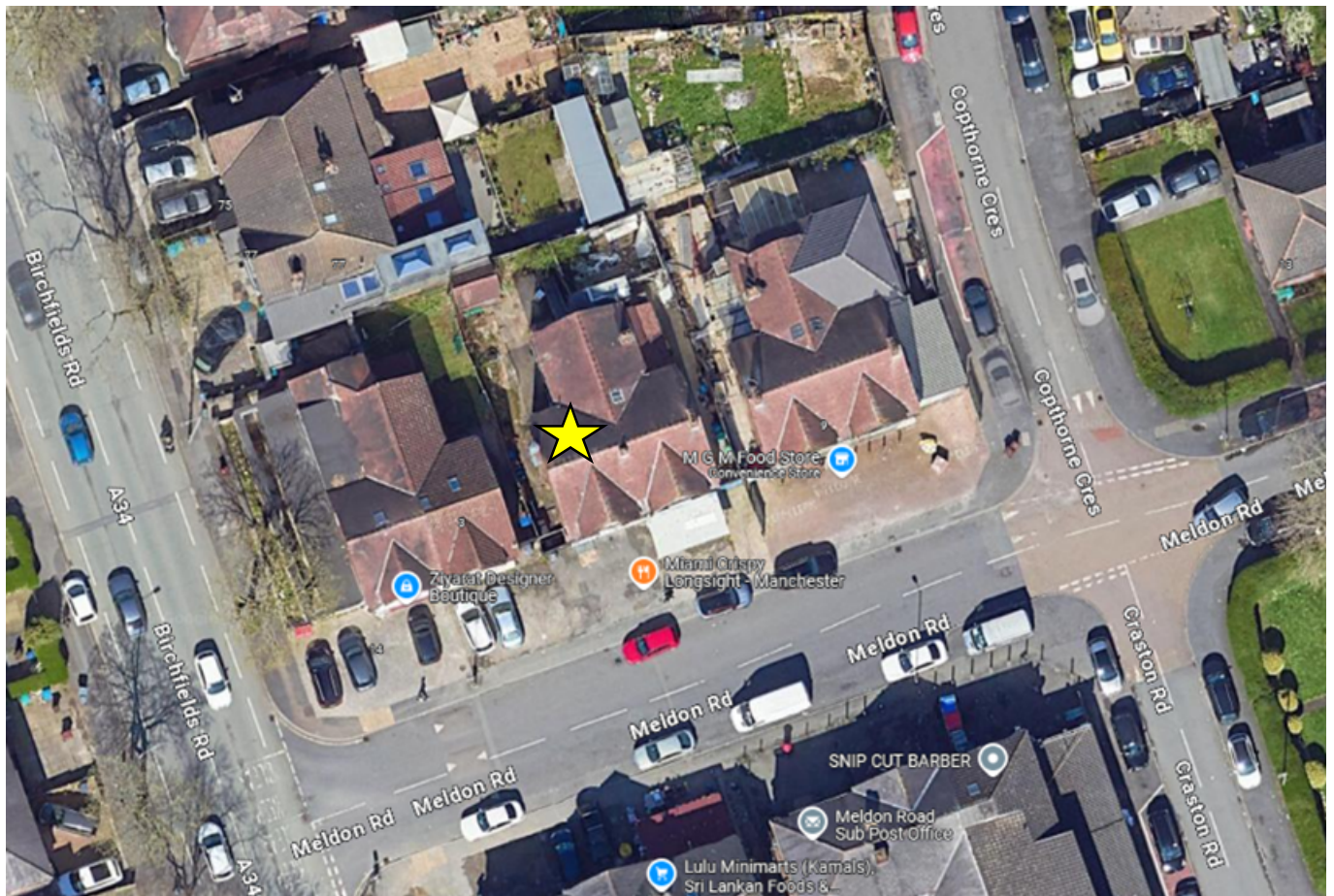
Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey semi-detached property of redbrick with a red concrete tile dual pitch roof and a gable end roof form with white uPVC weatherboarding to the front. Prior to works associated with this application taking place, the property featured white uPVC windows, including a first-floor bay to the front, a tarmacadam forecourt to the front with no associated boundary treatment, a part-brick / part-glazed shopfront with fascia signage above, a two-storey rear outrigger, an extraction flue to the side, and a detached outbuilding within the rear yard. The submitted application form indicates that the property is currently used as a hot food takeaway.

The site is bounded to the north by residential properties, to the east and west by neighbouring commercial units, and to the south by Meldon Road. Situated within the Rusholme ward of Manchester, this portion of Meldon Road features a strong commercial precedent with hot food takeaways, retail units, bars, and restaurants on either side of the highway.



Application site as viewed from Google Maps



Application property, July 2016



Description of development

The applicant has submitted a retrospective application for the retention of shopfront, signage and roller shutters, together with canopy to the front with associated metal barriers.

Planning history

061585/EUC/NORTH2/01 – CERTIFICATE OF LAWFULNESS - Use of premises as a take-away hot food shop with opening times 12.00pm to 11pm Monday to Thursdays, 12.00pm to 11.30 pm Fridays, and 5.00pm to 11.00pm Saturdays and 5.00pm to 10.00pm on Sundays – Approved (23.05.2001).

138064/FO/2023 - Application to amend the opening hours of the premises from: 12.00pm to 11.00pm Monday to Thursdays, 12.00pm to 11.30pm Fridays, 5.00pm to 11.00pm Saturdays and 5.00pm to 10.00pm on Sundays to allow the premises to open during the following hours: 11am to 11pm Sunday to Thursday and 11am to 11.30pm on Friday and Saturday – Approved (18.10.2023).

137624/FO/2023 - Erection of single storey rear extension to form enlarged kitchen – Approved (31.01.2024).

Consultations & Notification Responses

One letter of objection was received from one local resident in response to the application. Their concerns are summarised as follows:

- Rubbish accumulates underneath the canopy from customers eating there.
- The current bin provisions under the canopy are inadequate.
- The current bin gets rolled around by kids.
- A fixed and secure bin needs to be provided, to ensure that it is always available so rubbish can be disposed of appropriately.

Highways Services requested additional information relating to the headroom clearance of the canopy, the land ownership of the forecourt to the front of the property, cycle parking provisions, refuse storage and management and delivery servicing arrangements. Further to this, they indicated that the proposal is unlikely to generate a significant increase in vehicle trips as well as highlighting that the site is accessible via sustainable transport modes. No on-site car parking is associated with the development and pedestrian access is provided via the main entrance along Meldon Road.

Environmental Health requested a condition relating to the control of external areas/outdoor seating be attached to any approval.

Policies

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

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC14 – Shopfronts and Related Signs
- Policy DC26 – Development and Noise

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles

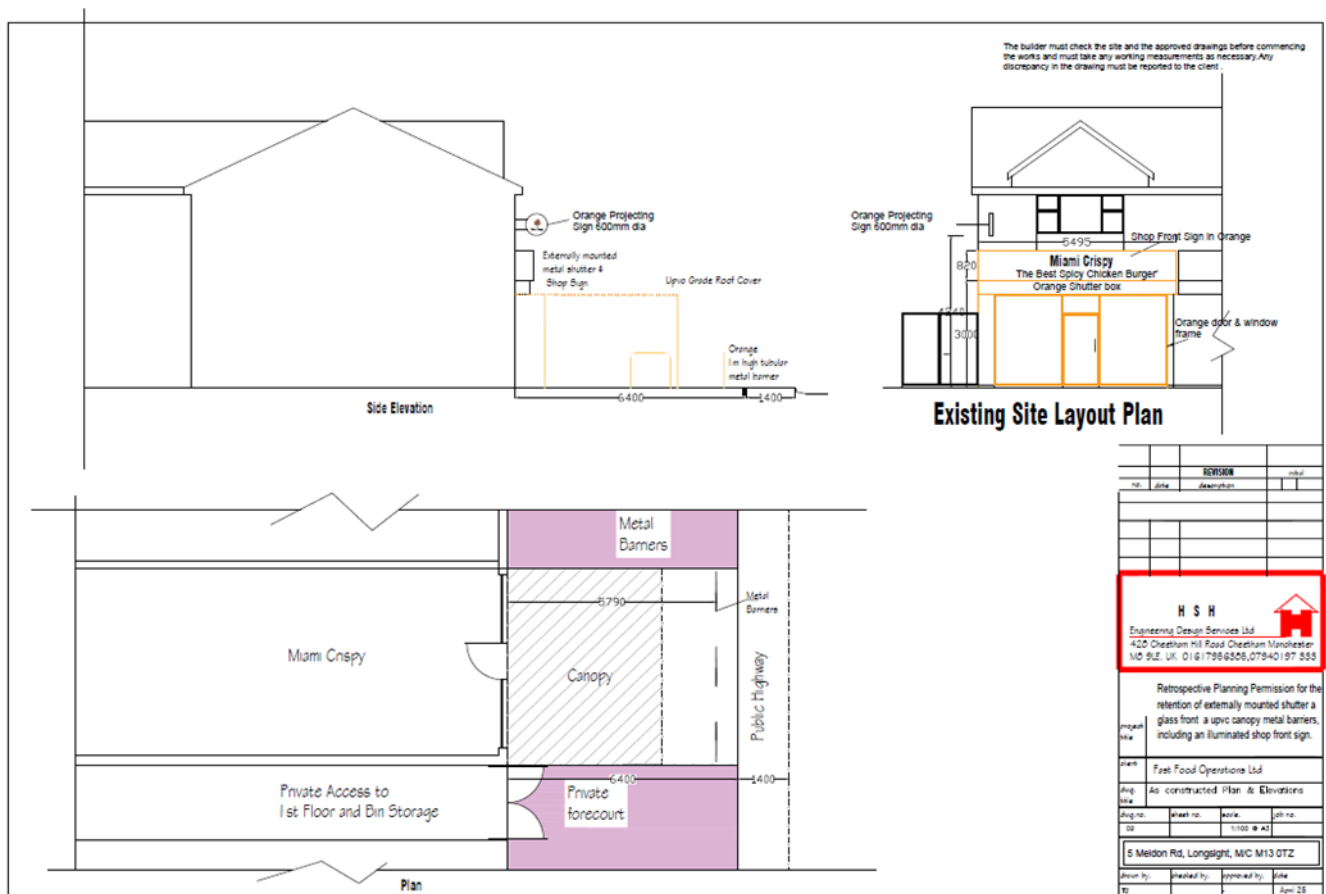
Shopfront and Signage Design Guide (2024)

The National Planning Policy Framework (NPPF, 2024)

- Chapter 12 – Achieving Well-Designed Places

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1: Sustainable Places



Submitted [mislabelled] proposed plan and elevation

Issues

Policies SP1 and DM1 of the Manchester 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.

Principle – Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework reinforces this requirement in paragraphs 2 and 47, whilst paragraph 12 indicates that the presumption in favour of sustainable development does not alter the statutory status of the development plan as a starting point for decision-making and that, where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposal is considered unacceptable and cannot be supported as it conflicts with the development plan policies and associated guidance listed in the preceding section.

It is considered that the bright colouration of the shopfront alterations together with the projecting canopy and associated metal barriers has had an unduly harmful impact upon the visual amenity of the area and character of the street scene as a result of their visual prominence and incongruity with the surrounding area, particularly given that the existing projecting canopies present in this area predominantly represent unlawful and unauthorised additions. Further to this, the projecting canopy and barriers are considered to encourage additional activity outside the premises, resulting in an increase in loitering, comings and goings, and noise disturbance, to the detriment of the residential amenity of the area.

On this basis, the proposal is considered to conflict with the principles set out under saved policies DC14 and DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, the Shopfront and Signage Design Guide, and chapter 12 of the National Planning Policy Framework.

Shopfront alterations – existing plans and elevations depicting the property prior to works associated with this application taking place have not been provided. However, from reviewing historic photographs together with the proposed drawings, it can be assumed that the shopfront alterations included:

- Replacement of the previous Meldon Road frontage, consisting of 1no. door and 1no. window surrounded by redbrick, with a contemporary shopfront consisting of full-height clear glazing, a centralised inward-opening glass door, and orange metal framing.
- Retention of the existing external box roller shutter, as indicated in the submitted Design and Access Statement, painted orange to match the metal framing.
- Installation of new orange-coloured fascia-level signage.

Whilst elements of the shopfront alterations are considered to be acceptable, including the installation of a contemporary glazing design with centralised features, arguably the unacceptable elements of the shopfront override this, thus warranting the refusal of this application. The bright orange colouration of the shopfront and its associated signage is considered to form an overly prominent and visually incongruous feature within the street scene, which is out-of-keeping with the appearance of the surrounding commercial properties and shopfronts, most of which feature more appropriate and muted colour palettes. Further to this, it should be noted that the Council does not typically support externally mounted security grilles or shutters due to their overly bulky and industrial appearance and efforts should be made to improve this intervention to the property, rather than retain it. For these reasons, it is considered

that the shopfront alterations have had an unduly harmful impact upon the visual amenity of the area as well as the character and appearance of the application property itself.

On this basis the shopfront alterations are considered to conflict with saved policy DC14 of the Unitary Development Plan for the City of Manchester, which stipulates that new shopfronts should 'respect the characteristics of the building on which they are located and the character of the general area', and policies SP1 and DM1 of the Manchester Core Strategy which indicate that development should 'make a positive contribution to neighbourhoods... creating well-designed places that enhance or create character', through employing 'appropriate siting, layout, scale, form, massing, materials, an detail'. Further to this, the shopfront alterations conflict with the principles established under Manchester's Shopfront and Signage Design Guide which indicates that 'new shopfronts and alterations to existing shopfronts should be considered in the context of the whole building and the street scene' with new shopfronts 'reflect[ing] and respond[ing] positively to the architectural expression and proportions of the existing building' and reading cohesively with the existing street scene, as well as chapter 12 of the National Planning Policy Framework.

Canopy and metal barriers – existing plans and elevations depicting the property prior to works associated with this application taking place have not been provided. However, from reviewing historic photographs together with the proposed drawings, it can be assumed that the projecting canopy measures to 4.298m in length, 5.448m in width, with a flat roof height of 2.588m. It is sited along the boundary with No.7 Meldon Road and maintains a gap of 2.921m to the boundary shared with No.3 Meldon Road. It is constructed of orange metal framing with a uPVC grade roof cover. A 1m-high tubular orange metal barrier is located on either side of the canopy, with a further 3no. barriers located directly in front of the canopy. The submitted plans indicate that a footway width of at least 2m is retained between the front barriers and the adjacent public highway.

The overall design and appearance of the projecting canopy and associated metal barriers is considered to be unacceptable on the basis that their bright orange colouration, poor-quality roofing material and scale and massing has resulted in an overly prominent and visually incongruous feature within the street scene, which is out-of-keeping with the appearance of the surrounding commercial properties and shopfronts, and which 'ignores the architectural form of the frontage', contrary to saved policy DC14 of the Unitary Development for the City of Manchester and Manchester's Shopfront and Signage Design Guide which indicates that canopies should be appropriately and discretely located and finished to match existing features in order to minimise their bulk, visual clutter and ensure a congruous appearance.

Moreover, whilst No.7 Meldon Road, No.6 Meldon Road and No.12 Meldon Road exhibit projecting canopies to the front, it should be noted that none of these additions benefit from planning permission, therefore, a lawful precedent for works of this type in this area does not exist. It should also be highlighted that, in 2013, a retrospective application for the erection of a canopy with security shutters to side elevation of No.12 Meldon Road was refused and subsequently enforced, securing the removal of the previous canopy at this location, under 103992/FO/2013/S1. For these reasons, it is considered that the projecting canopy and associated metal barriers have had an unduly harmful impact upon the visual amenity of the area as well as the character and appearance of the application property itself.

The projecting canopy and associated metal barriers are also considered to have had an unduly harmful impact upon the residential amenity of the area as they encourage additional activity, loitering, comings and goings and associated noise disturbance to take place outside of the premises. This increase in activity and resultant noise is considered to have had an unduly harmful impact upon the wellbeing and quality of life of nearby occupiers of residential properties, included the dwellinghouses located to the north and the flats located above the

commercial units of Meldon Road, to the detriment of their residential amenity, and is therefore considered unacceptable.

On this basis the projecting canopy and associated metal barriers are considered to conflict with saved policy DC26 of the Unitary Development Plan for the City of Manchester which indicates that 'developments likely to result in unacceptably high levels of noise will not be permitted', policies SP1 and DM1 of the Manchester Core Strategy, which indicate that all development should 'make a positive contribution to the health, safety and wellbeing of residents' with consideration given to the effects of development upon 'amenity including... noise', and chapter 12 of the National Planning Policy Framework which indicates that development should create a 'high standard of amenity for existing and future users'.

Conclusion – for the reasons specified above, it is considered that the proposal is unacceptable due to its inappropriate design choices together with its visual prominence and incongruity with the surrounding area which has had an unduly harmful impact upon the visual amenity of the area as well as the overall character and appearance of the application property and surrounding street scene. Further to this, the proposal is also considered to have had an unduly harmful impact upon the residential amenity of the area as a result of it leading to additional activity, loitering, comings and goings, and noise disturbance outside of the premises.

The proposal therefore conflicts with the principles set out under policies SP1 and DM1 of the Manchester Core Strategy which stipulate that development in all parts of the City should "make a positive contribution to neighbourhoods of choice" by "creating well-designed places that enhance or create character" with consideration given to "appropriate siting, layout, scale, form, massing, materials and detail" as well as "the character of the surrounding area". The proposal also fails to satisfy the requirements of chapter 12 of the National Planning Policy Framework which highlights that developments should be "visually attractive as a result of good architecture [and] layout" and "sympathetic to local character... including the surrounding built environment".

The agent of the application was informed of the above issues and the City Council's intent to refuse the application. Due to the retrospective nature of the application, it was not possible to negotiate an acceptable scheme.

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

The proposal does 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.

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

1) The proposed shopfront alterations, projecting canopy and associated metal barriers, by reason of their inappropriate scale, massing, design and materials, would introduce detrimental visual elements to the street scene, and would form an overly dominant, visually incongruous and obtrusive structure which would not be sympathetic to the appearance of the application property or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, the Shopfront and Signage Design Guide, policy JP-P1 of the Places for Everyone joint development plan document and chapter 12 of the National Planning Policy Framework.

2) The proposed projecting canopy and associated metal barriers would lead to an increase in the levels of activity associated with the premises, including increased loitering outside the premises, increased 'comings and goings', and noise disturbance. This in turn would have a

detrimental impact upon the residential amenity of neighbouring occupiers, contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the provisions of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat At, 9 - 11 Meldon Road, Manchester, M13 0TZ
1A Meldon Road, Manchester, M13 0TZ
6 Meldon Road, Manchester, M13 0TZ
Floor Above, 6 Meldon Road, Manchester, M13 0TZ
Top Flat, 7 Meldon Road, Manchester, M13 0TZ
5A Meldon Road, Manchester, M13 0TZ
3 Meldon Road, Manchester, M13 0TZ
9 - 11 Meldon Road, Manchester, M13 0TZ
1 Meldon Road, Manchester, M13 0TZ
8 Meldon Road, Manchester, M13 0TZ
4 Meldon Road, Manchester, M13 0TZ
7 Meldon Road, Manchester, M13 0TZ
77 Birchfields Road, Manchester, M13 0XX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA