MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141473/FO/2024
Date registered valid:	8 November 2024
Proposal:	Retrospective application for the installation of a canopy over forecourt to create covered area for existing commercial premises.
Address:	276 Barlow Moor Road, Manchester, M21 8HA
Ward(s):	Chorlton Park Ward
Applicant:	Mr Afif Haj-Omar
Agent (if any):	Mr Nadir Khan NK Architects
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	26 February 2025



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 November 2024

Standard consultations:
Printed: 12 November 2024 Expired: 3 December 2024

Neighbour notifications
Printed: 12 November 2024 Expired: 3 December 2024

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

276 Barlow Moor Road is a 2 storey end-terraced commercial property, located in a parade to the south of the Barlow Moor Road and Mauldeth Road West junction. The property is currently in use as a retail shop and restaurant with residential accommodation above.

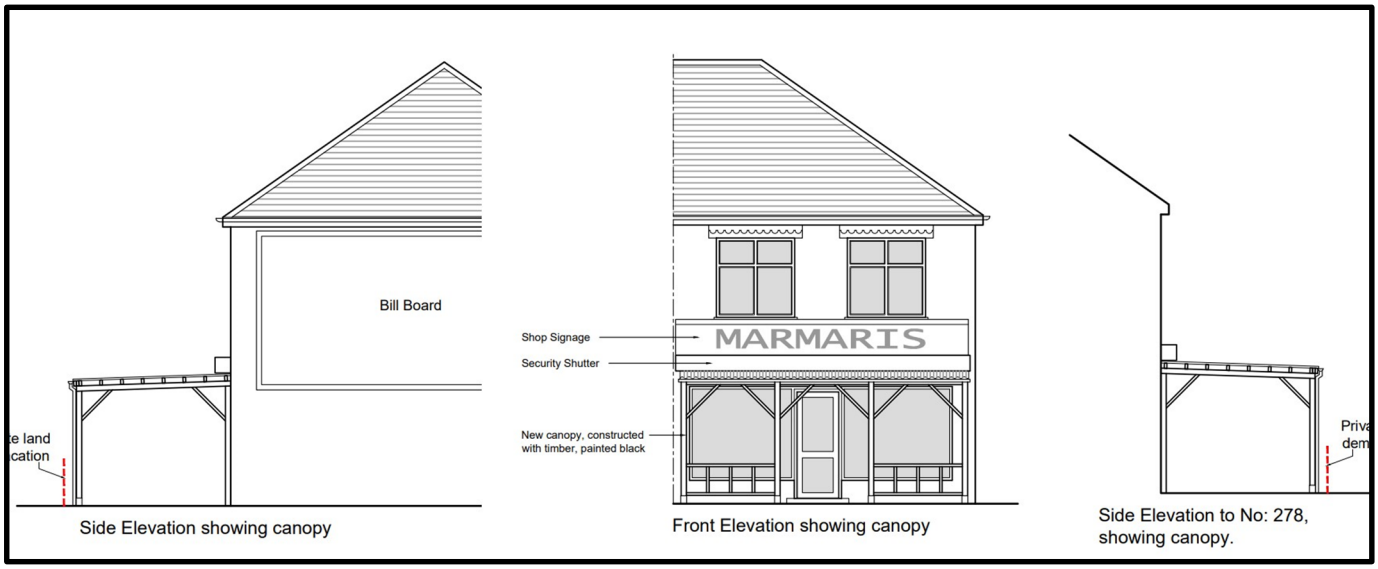


To the southeast of the property there is a doctor's surgery, while to the northwest lies the remaining commercial parade. To the northeast there are rear gardens to a number of dwellings on Hough End Avenue. On the opposite side of Barlow Moor Road there are 2 storey semi-detached dwellings.

Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant is seeking retrospective planning permission for the erection of a timber framed canopy to the front of the premises. The applicant has stated that work to erect the canopy started on 1st July 2024.



Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Chorlton Civic Society – Object to the application for the following reason:

- The recently erected canopy, by virtue of its poor design, materials and prominence, detracts from the character of the streetscene.

Highway Services – Have made the following comments:

- The canopy will cover a private forecourt to the front of the site. 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 is provided which is accepted by Highways.
- The access points remain as existing which is acceptable to Highways.

Environmental Health – Suggests the imposition of noise insulation conditions.

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:

i. 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
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, 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.

The 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 -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 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.

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 no. 276 Barlow Moor Road 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 – While there are examples of permanent canopies to the front of shops in south Manchester, they are usually more ornate and associated with Victorian/Edwardian commercial parades. This canopy has been constructed from black painted timber and topped by plastic corrugated roofing. The form and appearance of the canopy does not achieve a satisfactory quality of design or a cohesive relationship to the application property and its context. 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 Barlow Moor Road. It is considered that the development thereby has a disruptive impact and is an incongruous feature within the streetscene. The 3.12 metres projection of the canopy, 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 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.

Crime and Security – The formation of a fixed projecting canopy presents opportunities for loitering beneath it. There is, therefore, a potential for the application site to become a focal point for anti-social behaviour, and disturbance, particularly outside of trading hours.

Pedestrian Safety – The proposal does not raise any pedestrian safety concerns.

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 polices 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 principle of the application proposals is contrary to the adopted development plan and would not improve the social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make the development acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

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 streetscene 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
Flat Above, 278 Barlow Moor Road, Manchester, M21 8HA
Bargain Booze, Ground Floor, 278 Barlow Moor Road, Manchester, M21 8HA
Flat Above, 282 Barlow Moor Road, Manchester, M21 8HA
First Floor Flat, 276 Barlow Moor Road, Manchester, M21 8HA
Top Flat, 280 Barlow Moor Road, Manchester, M21 8HA
280 Barlow Moor Road, Manchester, M21 8HA
46 Houghend Avenue, Manchester, M21 7SB
339 Barlow Moor Road, Manchester, M21 7QH
337 Barlow Moor Road, Manchester, M21 7QH
335 Barlow Moor Road, Manchester, M21 7QH
331 Barlow Moor Road, Manchester, M21 7QH

274 Barlow Moor Road, Manchester, M21 8HA
282 Barlow Moor Road, Manchester, M21 8HA
284 Barlow Moor Road, Manchester, M21 8HA
274A Barlow Moor Road, Manchester, M21 8HA
44 Houghend Avenue, Manchester, M21 7SB
333 Barlow Moor Road, Manchester, M21 7QH

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