MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141168/FO/2024
Date registered valid:	19 December 2024
Proposal:	Elevation alteration to create a mini kiosk to the front of the building
Address:	100 Wilmslow Road, Manchester, M14 5AJ
Ward(s):	Moss Side Ward
Applicant:	Mr Sam Kane
Agent (if any):	Mr Talat Zeria, HSH Engineering Design Service Ltd
Case officer:	Jake Walther Tel: 0161 234 1632 Email: jake.walther@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**02/04/2025**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 08/01/2025

Standard consultations:
Printed: 6 January 2025 Expired: 27 January 2025

Neighbour notifications
Printed: 6 January 2025 Expired: 27 January 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
The application relates to 100 Wilmslow Road, a 2/3 storey commercial building within Rusholme District Centre. The building is red brick with part 3 storey, part 2 storey massing, it has several commercial units within it with access both on Wilmslow Road and Grandale Street.





Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
Wilmslow Road is a main throughfare linking Oxford Road and the City Centre to the South of Manchester, this section of Wilmslow Road is within Rusholme District Centre and is a busy commercial area, as well as a busy bus, cycle and pedestrian route linking Withington, Fallowfield and Didsbury to the city centre.

Description of development
The applicant is seeking permission for elevation alterations that include the creation of a new kiosk on the front elevation of the property.

Consultations & Notification Responses
Neighbours, as per Appendix 1 – 5no. objections to the proposal, with concerns that can be summarised as follows:

- Pavement is tight already - queuing from the kiosk could exacerbate this.
- Unfair Competition and business rates – the proposed kiosk would not be subject to the same business rates as the brick and mortar neighbouring businesses, creating unfair competition.
- Business practice and trade conduct – Objector raises concerns the applicants do not follow sound business practices, which risks negatively effecting the reputation of the surrounding area.
- Overexpansion of the property – Significant expansion has already taken place, addition a kiosk would further strain capacity

- Impact on bicycle parking – the combination of customer queuing and restricted pedestrian flow may obstruct access to the bike racks which could discourage cycling in the area.
- Aesthetic concerns – The proposed kiosk would detract from the cohesive character of the streetscape
- Environmental concerns – The environmental concerns in the application lack substantiation and the initiatives appear more aspirational than definitive.
- Encroachment on limited public space – public space on this section of road should prioritise unobstructed movements for pedestrians and cyclists, the kiosk could set a precedent for future encroachments into the public space.
- Unnecessary competition – The area is already a densely saturated market with retailers, this kiosk would further saturate the market and harm the existing established businesses.

Environmental Health – No comments

Highways – Concerns regarding pedestrian flow and associated queuing given the high footfall and presence of existing Sheffield Cycle Stands

Policy
The Manchester Core Strategy Development Plan Document 2012-2027 - The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and forms the framework that planning applications are assessed against. We consider the following Core Strategy Policies relevant to this proposal.

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy C2 – District Centres
- Policy C10 – Leisure and Evening Economy

Extant Unitary Development Plan (UDP)
The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy is still considered relevant to this proposal.

- DC26 – Noise

The National Planning Policy Framework (December 2024)
The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective
- a social objective and
- an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- Chapter 8. Promoting healthy and safe communities.
- Chapter 12. Achieving well-designed and beautiful places.

Principle
The principle for elevational alterations to existing businesses can generally be considered acceptable, however, further consideration of the impacts on visual amenity and the highway are required.

Highways and Pedestrian Safety
The application property is situated directly on the pavement of Wilmslow Road, at the heart of the Rusholme District Centre. Wilmslow Road serves as a major thoroughfare from south Manchester to the City Centre, linking universities with student accommodations in Fallowfield and Withington. It also functions as a cycle route from Didsbury to the City Centre and accommodates 10 bus routes that stop along this section. Consequently, the area experiences high levels of footfall, cyclists, and other road users, leading to significant congestion during peak periods.

The section of pavement where the kiosk will be located includes Sheffield stands for cycle parking, a lamppost, a bin, a segregated cycle lane, and is in close proximity to the junction of Glendale Road and Wilmslow Road. This, combined with the high footfall and cyclist numbers during peak times, has the potential to create bottlenecks in pedestrian flow, however, the creation of the unit through internal subdivision could have been achieved without the need for consent. Having regard to the nature of the elevational alterations it does not increase the projection of the existing building on to the pavement. Having regard to the lack of control over the operation of the unit (a busy commercial unit could encourage queuing on the footway with no controls) and a lack on encroachment onto the footpath a reason for refusal for elevational alterations to accommodate a kiosk on the basis of highway safety would not be reasonable and could not be sustained.

Visual Amenity
The host property is located at the end of a terrace fronting Wilmslow Road. The building features red brick construction with detailing on the parapet and above the window and door frames. The terrace comprises retail units at ground level, with a mix of residential and commercial spaces on the upper levels. Business signage is positioned above the ground floor with a range of shopfront, fascia, doorways and signage types in the vicinity of the site, the kiosk would therefore not appear overly incongruous with the existing street scene.

The proposed kiosk is minor in scale, the proposed elevational alterations would not create any additional massing or projections from the existing structure, it is therefore considered that the impact on visual amenity would be negligible.

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: Approve

Article 35 Declaration
Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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

1. 3-year time limit:
The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Specified plans:
The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Location Plans and elevations – 07 October 2024 – Ref: 02
- Proposed elevations – 15 December 2024 – Ref 03A
- Parking layout and waste storage – 07 October 2024 – Ref:05

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

3. Specified materials:
The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour, and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure. Pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

Informative – This consent does not infer any consent for advertisements which would need to be the subject of a separate advertisement consent application.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

104A Wilmslow Road, Manchester, M14 5AJ
165A Wilmslow Road, Manchester, M14 5AP
1A Grandale Street, Manchester, M14 5WS
7A Grandale Street, Manchester, M14 5WS
179 Wilmslow Road, Manchester, M14 5AP
171 Wilmslow Road, Manchester, M14 5AP
169 Wilmslow Road, Manchester, M14 5AP
165 Wilmslow Road, Manchester, M14 5AP
163 Wilmslow Road, Manchester, M14 5AP
161 Wilmslow Road, Manchester, M14 5AP
Ground Floor, 106 Wilmslow Road, Manchester, M14 5AJ
177 Wilmslow Road, Manchester, M14 5AP
First Floor, 102 - 104 Wilmslow Road, Manchester, M14 5AJ
Top Flat, 9 Grandale Street, Manchester, M14 5WS
Top Flat, 179 Wilmslow Road, Manchester, M14 5AP
Top Flat, 167 Wilmslow Road, Manchester, M14 5AP
173 Wilmslow Road, Manchester, M14 5AP
1 Grandale Street, Manchester, M14 5WS
7 Grandale Street, Manchester, M14 5WS
104 Wilmslow Road, Manchester, M14 5AJ
102 - 104 Wilmslow Road, Manchester, M14 5SU
Ground Floor, 100 Wilmslow Road, Manchester, M14 5AJ
First Floor And Second Floor, 100 Wilmslow Road, Manchester, M14 5AJ
Basement, 100 Wilmslow Road, Manchester, M14 5AJ
98 Wilmslow Road, Manchester, M14 5AL
102A Wilmslow Road, Manchester, M14 5AJ
102B Wilmslow Road, Manchester, M14 5AJ
167 Wilmslow Road, Manchester, M14 5AP
175 Wilmslow Road, Manchester, M14 5AP
9 Grandale Street, Manchester, M14 5WS
5 Grandale Street, Manchester, M14 5WS
3 Grandale Street, Manchester, M14 5WS

Appendix 2 – Planning constraints

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