

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141323/FO/2024
Date registered valid: 31 October 2024
Proposal: Retention of front and side external canopy.
Address: 338-340 Dickenson Road, Manchester, M13 0NG
Ward(s): Longsight Ward

Applicant: Mr Mohammed Hussain
Agent (if any): Mr Farhan Rama Archirama Ltd
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 23 December 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 14 November 2024

Standard consultations:

Printed: 4 November 2024 Expired: 25 November 2024

Neighbour notifications

Printed: 4 November 2024 Expired: 25 November 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application property forms part of a cluster of four Class E units, three of which form a more formal parade situated at the south-east junction of Dickenson Road and Albert Place. The site is located outside, but close to the western boundaries of Longsight District Centre. The opposite north and west sides of Dickenson Road comprises a mix of residential and commercial uses formed in distinctive bay fronted houses. The area to the west of the site (along Dickenson Road and returning to Albert Place) is predominantly residential. The application property is used as a ground floor retail shop (Class E).

The application property has two storeys with brick elevations with a grey slate pitched roofscape. The application property presents shopfronts with roller shutters to Dickenson Road and returning to Albert Place. The application property and adjoining units are related to continuous building line formed by the respective elevations to Dickenson Road. These elevations are separated from the back of pavement by forecourt areas.

Fig.1 – Views of the application site from Dickenson Road and Albert Place

Description of development

The application seeks to retain an installed canopy that projects from the Dickenson Road elevation, extends the angled entrance to the shop and returns along the Albert Place elevation. The canopy has a maximum projection of 2.5 metres and is positioned 2.47 metres above ground level. Projecting linear box signage is positioned the space between the top of the canopy and the alignment of the sills to first floor windows. This signage appears to have been installed without the appropriate advertising consent. The canopy roof comprises of a metal frame supported by cantilevered posts. The roof has been formed using profiled metal sheeting. The canopy projects above the forecourt area to facilitate the external display of goods for sale.



Fig.2 – Elevations with canopy presented to Dickenson Road and Albert Place

Site history

- i. 123910/FO/2019 - Refused - 31.07.2019 -340 Dickenson Road, Manchester, M13 0NG
Proposed erection of a single storey extension to front of existing shop. to form additional retail space, including installation of roller shutters
- ii. 107258/FO/2014/N2 - Approved - 09.01.2015 Tumblewash , 338 Dickenson Road, Longsight, Manchester, M13 0NG
Change of Use of ground floor from laundrette to Opticians (A1 Use)

Consultations & Notification Responses

Local residents – One email has been received. The installation of the canopy is not objected to providing that it does not obstruct natural light to neighbouring businesses.

Highways – No objection based on the following comments.

- i. The proposed canopies will be placed over a private area of hardstanding and will not project across the adopted highway. Therefore, a projection over license will not be required.
- ii. Adequate headroom clearance will be made for any pedestrians passing beneath and close to the canopy. Adequate footway width and distance to the carriageway has been retained adjacent to the canopy.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 7). The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. The NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually (as set out in paragraph 8):

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2). The statutory status of the development plan remains as the starting point for decision making (paragraph 12). The following aspects of the Framework are relevant.

- i. Section 6: Building a strong, competitive economy - States that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 85). In this case, the application property incorporates proportionate trading space, and it is not apparent that the extension is required to sustain the viable use of the business. The development would have an incongruous relationship to the existing building and the character and amenities of the surrounding area, and these considerations are significant.
- ii. Section 8: Promoting healthy and safe communities - States that planning decisions should aim to promote social interaction and achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion (paragraph 96). It is not apparent that the development has increased the risk of localised crime. However, the visual harm caused by the development would be unacceptable and thereby contrary to the objectives of section 8.
- iii. Section 12: Achieving well-designed places - States that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 131). It also states that development should function well in the long term and add to the overall quality of the area and lead to the formation of places that are safe, inclusive and accessible and promote health and well-being (paragraph 135). The design and appearance of the canopy has not been appropriately related to the existing building and its context. The development would thereby fail to accord with section 12.
- iv. Section 14: Meeting the challenge of climate change, flooding and coastal change - The site is in flood zone 1 and it is not apparent that the development would result in an increased risk of flooding.

Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters - The PPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. All necessary local consultation has been undertaken.
- ii. Design - Good quality design is an integral part of sustainable development. It is considered that the development presents a contemporary building with a configuration that balances the functional requirements of the proposed mix of uses within a coherent design. The design of the development is not considered to be appropriate for the reasons set out in this report. The above objectives would not, therefore, be accorded with.
- iii. Flood Risk Planning and Flood Risk - As stated the development is in flood zone 1 and would not present an apparent increased risk of flooding or additional drainage requirements.
- iv. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making. In this case, harm to residential amenity would be attributable to the appearance of the development and its relationship to the surrounding context. The above objectives would therefore not be accorded with.

Places for Everyone - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024 and was subsequently approved on 21st March 2024. Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance. The following policies are relevant:

Policy JP-P1 - Sustainable places - Discusses amongst other things, the need to ensure that development responds to the needs of all parts of society. In this case, significant emphasis has been placed upon the harmful visual impact of the development. Given these concerns, it is not considered that policy JP-P1 would be accorded with.

Policy JP-S4 - Flood risk and the water environment - States that in locating and designing development to minimise the impacts of current and future flood risk. The site is in flood zone 1 and would present an apparent increased risk of flooding or additional drainage requirements.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment

of the proposed development has been given to the following aspects of the PPG, which have not been appropriately responded to:

- i. Consultation and pre-decision matters
- ii. Design
- iii. Health and well-being

The core principles and policy guidance contained within the National Planning Policy Framework and National Planning Policy Guidance have been directly related to the assessment of the potential impact of the development on amenity and character of the area.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.' The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for the City. In this case, the relevant principles relate to the extent the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

It is not considered that the proposed development makes a positive contribution to the character of the adjacent retail parade or the surrounding residential area or the amenities of its residents. Policy SP1 would not be accorded with.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester should meet high standards of urban design and opportunities for good design, which enhance the overall image of the City should be fully realised. It is not considered that the canopy, which has been installed relates appropriately to the building or the surrounding context. Policy EN1 has not, therefore, been accorded with.

Policy EN 14 (Flood Risk) - States that in line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding. The application sites located in Flood Zone 1 and it is not apparent that the development would present an additional risk of flooding.

Policy EN19 (Waste) - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;

- ii. The sustainable waste management needs of the end user will be met.

The development has already been implemented and construction waste, therefore, is not a material consideration. The development does not affect matters in regard to waste management.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- o Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection.

It is not considered that the development accords with policy DM1, due to its inappropriate siting, design and appearance. It is thereby incongruously related to the application building and neighbouring properties, and the character of the streetscene.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires the local planning authority demonstrates how it has engaged with the applicant prior to the determination of the planning application. In this case, the application has been determined within the statutory timescale. In this instance 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.

Principle of the development - It is acknowledged that businesses may seek to expand floorspace to 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 projection of the installed canopy has led to the formation of an unduly prominent addition to the application property and its setting. The resulting harm relates to both the Dickenson Road frontage and the returning elevation to Albert Place (where the development represents an intensified intrusion of retail use into a more residential context). The principle of the development is therefore considered to be unacceptable.

Siting –The formation of retractable awnings to neighbouring properties is acknowledged. However, the impact of the formation of a fixed canopy is more significant as it cannot be retracted to allow the appearance of the building to be returned to its original configuration at the end of daily trading. This is particularly significant given the defined building line of properties forming the parade presented to Dickenson Road. It is considered that the development thereby has disruptive impact, and is an incongruous feature within the streetscene. The 2.5 metres projection of the canopy and the use of the related forecourt for the display of goods, reduces the characteristic sense of spaciousness that has previously defined the parameters of the application property and its relationship to the adjacent junction. Given these concerns, the siting of the development is unacceptable.

Design – The canopy has been constructed in profiled metal sheeting that departs from the materials used in the composition of the application building. 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. Furthermore, the canopy combined with extensively displayed projecting signage (above it) to the Dickenson Road and Albert Place elevations has added to a sense of visual clutter. This is highly significant, as the development has given the application property undue prominence at junction that forms an intersection of retail and residential uses. Given the above concerns the design is not considered to be acceptable in this location.

Residential amenity - As discussed, it is considered that the development has caused significant harm to residential amenity, due to its visual prominence and departure from the character of the existing and neighbouring built form. The development has not achieved a satisfactory quality of design that would be required to improve the relationship of the application site to the streetscene (thereby causing further harm to the amenities of the area).

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 and accessibility – Highways have confirmed that the canopy provides satisfactory clearance (headroom) above ground level. The use of cantilevered supporting posts has negated the need for columns that may have resulted in obstructions within the forecourt. The canopy is contained within the private forecourt and therefore does not encroach on to the adopted highway.

Conclusion – The retention of the canopy would be unacceptable due the harm caused to residential and visual amenity attributable to its design, appearance and siting.

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 application has been determined within the statutory timescale. In this instance 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.

Reasons for recommendation to refuse

1) The front canopy extension, by reason of its design, appearance, siting and scale forms an unduly prominent, incongruous, and obtrusive addition to the application property. It is poorly related to the characteristic arrangement of adjacent parade of shops, and the wider streetscene. The development therefore has a negative impact upon the character and composition of the host building and is thereby harmful to the residential and visual amenities of the area, including the amenities of occupants of houses along Albert Place, contrary to policies DM1, EN1 and SP1 of the Core Strategy for the City of Manchester and policy JP-P1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

Appendix 1 – List of consultees & neighbours notified

Highway Services

342 Dickenson Road, Manchester, M13 0NG
325 - 327 Dickenson Road, Manchester, M13 0NR
338A Dickenson Road, Manchester, M13 0NG
336 Dickenson Road, Manchester, M13 0NG
344 Dickenson Road, Manchester, M13 0NG
340 Dickenson Road, Manchester, M13 0NG
4 Albert Place, Manchester, M13 0SQ
2 Albert Place, Manchester, M13 0SQ
1 Albert Place, Manchester, M13 0SQ
331 Dickenson Road, Manchester, M13 0NR
329 Dickenson Road, Manchester, M13 0NR

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