MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139227/FO/2024
Date registered valid:	15 March 2024
Proposal:	Retention of front canopy extension
Address:	72 Wilmslow Road, Manchester, M14 5AL
Ward(s):	Moss Side Ward
Applicant:	SSH Property Ltd (Mocha Mood Ltd)
Agent (if any):	Liza Woodray Wharfe Rural Planning Ltd
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	19 December 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 9 April 2024

Standard consultations:
Printed: 5 April 2024 Expired: 26 April 2024

Neighbour notifications
Printed: 5 April 2024 Expired: 26 April 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

72 Wilmslow Road, currently operating as a shisha café under the name of Aura Lounge, forms part of a parade of commercial uses at ground floor. There is residential flats on the floors above, which are access from Aspinall Street to the rear.



Photograph 1 Application site "Aura Lounge" with canopy in situ

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located on Wilmslow Road and takes up an almost central position within the Rusholme District Centre where the predominant uses relate to the night-time economy.

Description of development

The applicant is seeking planning permission to retain a front canopy extension.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby properties (see appendix 1 for the list of properties).

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

Highway Services - Based on the submitted information, Highways raised no objection.

Environmental Health – No objection, requested conditions relating to acoustic insulation and outdoor seating hours.

Issues

Planning History

Appeal Reference: B4215/W/18/3217729
Description: Appeal under section 78 of the 1990 Act as amended against refusal to grant planning permission reference: 121211/FO/2018
Decision: Appeal Allowed 05.06.2019

Application Reference: 121211/FO/2018
Description: Retrospective application for the change of use from restaurant (A3) to mixed use as a restaurant (A3) and shisha cafe (Sui Generis) and retention of raised decking and balustrade, removable screens and retractable awning to forecourt area
Decision: Refused 05.11.2018

Application Reference: 064011/FO/NORTH2/02
Description: Single storey front extension below line of existing canopy, to increase size of existing restaurant
Decision: Refused 13.02.2002

Legislative Issues

Unitary Development Plan for the City of Manchester 1995 (UDP)

The relevant UDP Policy is saved policy DC10.

Policy DC10.1 set out the considerations required for development involving the sale of food or drink for consumption on the premises, or for hot food to be consumed that in determining applications (whether or not other activities, such as a nightclub, are included), the Council will have regard to:

a. the general location of the proposed development, including any reference to the area in other policies in the Plan;

b. the effect on the amenity of neighbouring residents;

c. the availability of safe and convenient arrangements for car parking and servicing;

d. ease of access for all, including disabled people; and

e. the storage and collection of refuse and litter.

DC10.2 advises that the Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local

shopping parades of more than 8 shops or offices.

DC10.3 advises that development will not normally be permitted where:

a. it is proposed outside the general locations mentioned above, or

b. there is a house or flat on the ground floor next to the proposed business, or only separated

from it by a narrow street or alleyway.

DC10.4 Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

Manchester Core Strategy Development Plan Document 2012

The relevant Core Strategy Policies are SP1, DM1, EN1, C5 and C10

Policy SP1 sets down the spatial principles that will guide development in the City. The emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. It goes on to say that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including (amongst others):-

making a positive contribution to the health, safety and wellbeing of residents

Policy DM1 says;

All development should have regard to the following specific issues, (amongst others), for which more detailed guidance may be given within a supplementary planning document:

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.

Policy EN1 requires amongst others that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

Policy C5 relates to the Central Manchester District Centres which includes Rusholme. In respect of Rusholme the policy state that;

Additional retail development will be supported in Rusholme, but this should complement the distinct commercial character of the District Centre. Capacity for additional retail in Rusholme can be adequately provided in other centres, including Hulme and Fallowfield.

The improvement to the quality of the environment in Rusholme and Longsight is a priority to help retain and attract shoppers and visitors.

Policy C10 requires that any new development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.

2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.

3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Adopted April 2007

Paragraph 2.9 raises that the design of shop fronts, security measures, forecourts and signage should contribute to the character, identity, individuality and accessibility of local centres. These elements play a major role in creating the sense of place and image of the area.

Whilst it is important for people to be able to identify specific shops and services, the design of shop fronts and signage should relate to and harmonise with the character of the area within which the building is located.

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

National Planning Policy Framework (December 2024)

Paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 tells us that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 11 Plans and decisions should apply a presumption in favour of sustainable Development and that for decision making this means approving development proposals that accord with an up to date development plan without delay.

Principle of the Proposal

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seeks to ensure that new development in Manchester enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate for its context.

Policy EN1 specially sets out that opportunities for good design to enhance the overall image of the City should be fully realised. These policies are consistent with the guidance in the NPPF which seeks a high standard of design in new development which provides a good standard of amenity of all existing and future occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms to warrant the refusal of the application.

There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable, and it is therefore not possible to approve the application.

Visual Amenity





Photograph 2 (Google Street View) and 3 Site Photographs

The structure shown in the photographs and submitted drawings has been built without the benefit of planning permission.

The development has resulted in a canopy that appear much more prominent and heavier when compared with the neighbouring units and this is shown in photograph 2 and 3. Furthermore the canopy overshadows and obscures all of the front elevation and probably would be better described as a front extension that fully encloses the forecourt.

It is considered that the development as built causes harm to the visual amenity of the host building and to the character of the parade and wider district centre, this is especially notable due to its prominent location on Wilmslow Road. The development therefore has a negative impact upon the visual amenity of not only the host building but that of the adjoining occupiers on the parade and surrounding streets in the area and would not accord with Core Strategy Policies DM1, SP1 and EN1 of the Core Strategy.

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 proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The front canopy extension, by reason of its design, siting and scale, forms a prominent, incongruous, and obtrusive feature within the street scene. It is also considered to cause harm to the visual amenity of the host building and to the character of the parade and wider district centre, this is especially notable due to its prominent location on Wilmslow Road. The development therefore has a negative impact upon the visual amenity of not only the host building but that of the adjoining occupiers on the parade and surrounding streets in the area. The development is therefore contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester (2007), the Places for Everyone Joint Development Plan – 2022 to 2039 and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Top Flat, 119 Wilmslow Road, Manchester, M14 5AN
43 Aspinall Street, Manchester, M14 5UD
123 - 127 Wilmslow Road, Manchester, M14 5AN
74 Wilmslow Road, Manchester, M14 5AL
First Floor, 123 Wilmslow Road, Manchester, M14 5AN
68 - 70 Wilmslow Road, Manchester, M14 5AL
121 Wilmslow Road, Manchester, M14 5AN
119 Wilmslow Road, Manchester, M14 5AN
41 Aspinall Street, Manchester, M14 5UD
39 Aspinall Street, Manchester, M14 5UD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA