

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140359/FO/2024

Date registered valid: 13 August 2024

Proposal: Retention of elevational alterations to the ground floor front and side elevations, together with the installation of externally mounted equipment to the side elevation

Address: Ground Floor, 440-442 Wilmslow Road, Manchester, M20 3BW

Ward(s): Old Moat Ward

Applicant: Mr Abdullah Khan

Agent (if any): Mr Hatami Orya Architectural Studios

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 1 November 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 20 September 2024

Standard consultations:

Printed: 16 August 2024 Expired: 7 September 2024

Neighbour notifications

Printed: 16 August 2024 Expired: 7 September 2024

Site notice

Posted: 11 October 2024 Expired: 1 November 2024

Press advert

Published: 20 August 2024 Expired: 10 September 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application property is a ground floor commercial unit within a two-storey red brick commercial building standing upon a prominent corner between Wilmslow Road and Queen Street West within the Withington District Centre and Withington Conservation Area. The property is located within a Victorian terrace of properties, which have a regular building line at ground floor but a variation of building line at first floor with the adjacent property having a set back at first floor to the application property. St Pauls Primary School lies approximately 220m to the south east of the application property.

There is no history of advertisement consents for the signs existing on the application property.



Figure 1. The application property, October 2024

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable

Description of area

The site is set within the high street of Withington (District Centre) and forms part of the Withington Conservation Area.

Withington District Centre comprises a range of commercial uses and other services including library at its northern end, a Methodist Church, bank, and, local convenience store at its southern end. The centre comprises a number of food and drink premises as well as hot food takeaway outlets. Wilmslow Road bisects the centre and is a major radial route serving residential areas in south Manchester and the city centre to the north. The road as it runs through the District Centre is visually narrowed by virtue of the back of pavement commercial buildings that line the road.

The site is situated opposite the Grade II Listed Withington Methodist Church. The Grade II Listed Methodist Church has aesthetic as well as communal significance to the area and is a building of fine architectural and historic significance that contributes in a positive manner to the character and appearance of the conservation area itself.

Description of development

The proposal relates to the retention of new shopfront, external roller shutters and wall mounted M&E Unit to the side elevation (see Figure 1).

The new shopfront comprises a dark grey powder coated Aluminium frame with glazing and relocated primary entrance doorway.



Figure 2. The application property principal elevation, October 2024

Consultations & Notification Responses

Local responses

Three letters of representation were received, including representations from a local resident, Withington Village Regeneration Partnership (WVRP) and Cllr Gavin White, which raised the following concerns:

- The design and appearance of the new shopfront and signage is not in keeping with the conservation area of Withington, is poorly designed and is detrimental to the visual amenity of the high street.

- The unauthorised placement of the air conditioning unit on a prominent gable wall is not suitable in this location in the conservation area too.
- The business is also displaying many of their goods on the street and all around the store without permission too.
- WVRP strongly objects to this application in the heart of the Withington Village Conservation Area and share the exact same comments as Withington Civic Society (as detailed in this report).

These are material planning considerations which will be addressed in the appraisal.

- WVRP object strongly to the signage on the building. The signage is similar to the type identified in the Withington Shopfront Enhancement Guide, within the WCARP, as being for removal. - *Whilst the LPA duly note the existence of unauthorised advertisement at this property, it is not within the remit of this planning application for shopfront external alterations and plant.*

Consultee responses

Withington Civic Society –

The Society strongly objects to this application.

The frontage would appear to be directly at odds with the stated aspirations for the district centre streetscape set out in clear and unambiguous terms in Withington Village Framework of 2021.

Furthermore, the Withington Conservation Area Regeneration Plan (WCARP) of 2024 specifically refers to shopfronts and signage. The application site is situated within a terrace that the Plan identifies as benefitting from future improvement. The new as yet unapproved shopfront does nothing to improve the building.

In addition, Manchester City Council has produced a Shopfront Design Guide of 2024. This is now a material consideration which must be taken into account in planning applications. See for example page 6 “Planning work to shopfronts” where the document states:

“In the context of the historic environment, particularly when dealing with listed buildings, buildings in conservation areas and non-designated heritage assets, the design, detailing and quality of new shopfronts and alterations to existing shopfronts should preserve or enhance the building and the area where they are located. The works should follow best practice guidance and be sympathetic to their context and location.”

This is clearly not the case in respect of the already undertaken work in this instance. The previous shopfront was timber which is an appropriate material for the conservation area. The shopfront subject of the application is aluminium which is inappropriate to a 19th century building and the wider conservation area. Furthermore, the new roller external shutters are bulky, obtrusive, and result in “dead space” when they are shut. It would be more appropriate to site roller shutters behind the window. The existence of other similar roller shutters and shopfronts does not justify further harm. The air conditioning unit is on a prominent corner elevation and is unattractive and at odds with the period facade. The alterations fail to preserve let alone enhance the conservation area. There are no public benefits to outweigh the harm. Furthermore, we object strongly to the signage on the building. As explained on the Historic England website, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, if an advertisement is in a conservation area the local planning authority must pay

special attention to the desirability of preserving or enhancing the character or appearance of that area.

The proposed (in fact already installed) signage in this case is completely inappropriate having regard to the size, colour and style. Furthermore, the signage is similar to the type identified in the Withington Shopfront Enhancement Guide, within the WCARP, as being for removal.

See the pictures below:





The signage is clearly in conflict with the aims of the Council in respect of its conservation area regeneration. We would also refer to the Appeal Decision dated 23rd August 2024. That decision of course refers to this very building.

Finally, it is difficult to understand the purpose of the externally mounted equipment to the side elevation. Presumably this constituted air extraction which was relevant to the premises previous purpose as a fast food takeaway. It does not seem to be relevant to the present use. It is clutter which should be removed, as should the goods for sale presently cluttering the pavement.

Environmental Health – No objection subject to a condition relating to external plant.

Relevant Planning History

At the application site –

138656/FO/2023 – Retrospective change of use of property to Hot Food Takeaway (Sui Generis). Refused 19.01.2024.

138657/AO/2023 – Installation of internally illuminated fascia signage to front and side. Refused 19.01.2024 and Appeal Dismissed (ref: **APP/B4215/Z/24/3338863**). On the grounds of harmful impact to the historic environment and negative effect upon the visual amenities of the area.

135663/JO/2022 – Variation of condition 1 attached to planning permission 104105/FO/2013/S1 to allow increase in opening hours to 11.00 to 03.00 hrs daily. Refused 16.05.2023.

Enforcement matters

ENF/12034/13 – Change of use from shop to café

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

Local Planning Policies

Places for Everyone (2022-2039) – 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.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places
JP-P2 – Heritage

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
C 2 – District Centres
C 6 - South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington
EN 1 – Design Principles and Strategic Character Areas
EN 3 – Heritage (partially superseded by PfE)

The relevant saved **UDP** policies for this application are:

DC14 – Shop Fronts and Related Signs
DC18 – Conservation Areas
DC19 – Listed Buildings

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD
- Outdoor advertisements and signs: a guide for advertisers (2007)
- Manchester City Council Shopfront and Signage Design Guide (2024)
- Design for Access 2

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 7 – Ensuring vitality of town centres
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Issues

Principle of development:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change 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 retrospective development is not considered acceptable and is in conflict with the aforementioned development plan policy which seeks to ensure satisfactory design, protect visual amenity, safeguard the character and appearance the conservation area and setting of heritage assets

Impact on visual amenity and the Conservation Area:

The proposal that is subject to this application is for the retention of a new Aluminium shopfront, external roller shutters and external MEP equipment to the commercial premises at 440-442 Wilmslow Road.

Saved UPD policy DC14.1 advises that “in determining applications relating to these premises for canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.”

The application building is a 19th century domestic development constructed in traditional materials and set on a prominent corner within the conservation area, with a positive contribution to its overall significance on account of its appearance, layout, design, scale and relationship to neighbouring structures. The lack of national designation of the building, limited to those assets of very high architectural and historic significance, does not evidence its lack of

significance, as indicated in the heritage statement.

The proposal and submitted heritage statement has been reviewed by MCC Heritage & Urban Design. Given the contents, it is considered that the heritage statement is insufficient, failing to meet the paragraph 200 of the NPPF. As it fails to adequately address the heritage significance of the Withington Conservation Area, as derived from its character, townscape streetscene, and the contribution that the site makes to the conservation area. In addition, the statement fails to set out the full scope of the external alterations proposed, their impact, and how these respond to the Local Plan Policies and national guidance, in specific regards to Policies EN3, DM1, SP1 of the Core Strategy, Policies JP-P1 and JP-P2 of the Places for Everyone and saved UDP Policy 18.1, which set out the presumption for the protection and enhancement of heritage assets and the requirement of well-designed and high quality design that enhance or create character.

The submitted document does not provide any clear and convincing justification in support of the proposed works, which would cause a degree of harm to the conservation area. Albeit the harm is considered to be less than substantial in NPPF terms, it would be on the medium level of the spectrum, and not outweighed by the public benefits of the development, as none are considered to apply to the works proposed.

The former shopfront, as noted in the heritage statement, was of a timber construction, and featured a more balanced frame and stallriser, a key traditional element of shopfront design. The retrospective shopfront design is not considered to represent a high-quality example, on account of its poor proportions (in particular the unbalanced distribution of the windows to Wilmslow Road and the overtly narrow door to corner, with no fanlight), finish, material and lack of any meaningful stallriser. Therefore, the replacement shopfront, now in situ, has failed to preserve the positive elements of the site (former more balanced timber frame with stallrisers) and fails to protect the character of the conservation area, through the installation of a poorly balanced aluminium shopfront, with no stallriser and finished in a colour incongruous within its setting.

The installation of external solid roller shutters fronting Wilmslow Road is considered an inappropriate intervention within the context of the Withington conservation area. The retrospective works introduce an obtrusive new intervention into the local streetscene (on account of location, depth and position), which result in an austere, 'dead' frontage and erodes the site's passive surveillance, as well as adds undue clutter to the existing frontage, failing to preserve or enhance the special significance of Withington Conservation Area and to be sympathetic to and enhance the local character of the vibrant district centre.

The proposed location of the AC unit is considered inappropriate in this context, on a prominent and exposed corner gable within the conservation area and affixed to original elevation of a 19th century building, which makes a positive contribution to the conservation area. There is no information supplied to justify its location. On this point, it is noted that the commercial unit under consideration (no.440-442 Wilmslow Road) extends to the rear of the site, with the rear elevation considered a more appropriate location for any extraction units and MEP equipment due to its discrete position away from the main streetscene and key views.

The application site has been subject to a previous refusal for the retention of internally illuminated fascia signage to front and side of front canopies (planning ref: 138657/AO/2023), on the grounds of harmful impact to the historic environment and negative effect upon the visual amenities of the area. And subsequent appeal which was dismissed by the Planning Inspectorate (ref: APP/B4215/Z/24/3338863).

Whilst not within the remit of this planning application, concerns have been raised by representations with regards to the unauthorised fascia signage, in the form of internally illuminated acrylic box signage (see fig.1). The LPA consider this advertisement wholly inappropriate in the context of the Withington conservation area. As it fails to add positively and integrate with the proportions of the existing building and align with the signage of the neighbouring properties, creating a clearly discordant intervention in its context. On account of its finish, colour and depth, the existing signage detracts from the positive contributors of the area's special significance, including the traditional features of its historic buildings such as 440-442 Wilmslow Road, and is excessive in local views and streetscene, failing to fit in and contribute positively to the local amenity and its sense of place. This signage is considered to illustrate the negative effects of inappropriate and excessive signage, as set out in paragraph 141 of the NPPF and would not be supported if applied for under advertisement consent.

The retrospective proposals cannot be supported on heritage and urban design grounds, failing to meet Policies EN3, DM1 and SP1 of the Core Strategy, Policies JP-P1 and JP-P2 of the Places for Everyone, saved UPD Policies DC14.1 and DC18.1 and the guidance within Sections 12 and 16 of the NPPF. The submitted heritage statement fails to give appropriate weight to the conservation area as a designated heritage asset, with this work identified as harmful to its special significance. In addition, it is considered that proposal fails to deliver a high-quality and sympathetic new intervention in its context, in accordance with Manchester City Council Shopfront and Signage Design Guide. This applies to all the external alterations and works proposed, including the AC unit, new shopfront and roller shutters, all of which cannot be supported on account of design, location and appearance, and their individual and cumulative adverse impact on the conservation area, setting of a listed building and the local amenity.

Impact on residential amenity:

The retrospective shopfront alterations would be sited a reasonable distance away from the nearest residential properties, which would be located within the application property's loft space and at first-floor level of the surrounding units. It is therefore understood that the proposal would have a minimal effect upon the residential amenity of the area, with limited impacts on outlook, light, and privacy.

Impact on Highway Safety:

The proposed development would not interfere with the existing parking provision on street, as such is considered acceptable in this regard.

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

Officers have worked with the applicant in a positive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns cannot be overcome, given that the principle of development is unacceptable. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. The retrospective external alterations, including the installation of new aluminium shopfront, external roller shutters and M&E unit, by virtue of the poor design, location and appearance, and their individual and cumulative adverse impact, would result in an alteration which is not appropriate to the architectural language and character of the building. This would have an unduly harmful impact on the visual amenity of the property and result in less than substantial harm to the appearance of the Conservation Area without the required public benefits to outweigh this harm. The proposal is therefore considered contrary to the MCC Shopfront and Signage Design Guide (2024), the provisions of policies EN3, DM1 and SP1 of the Core Strategy (2012), Policies JP-P1 and JP-P2 of the Places for Everyone, saved UPD Policies DC14.1 and DC18.1 (1995) and the guidance within Sections 12 and 16 of the NPPF (2023).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Heritage & Urban Design
Withington Civic Society

Flat 6, Marsh House, 2 Swinbourne Grove, Manchester, M20 4DB
Flat 5, Marsh House, 2 Swinbourne Grove, Manchester, M20 4DB
Flat 4, Marsh House, 2 Swinbourne Grove, Manchester, M20 4DB
Flat 3, Marsh House, 2 Swinbourne Grove, Manchester, M20 4DB
Flat 2, Marsh House, 2 Swinbourne Grove, Manchester, M20 4DB
Flat 1, Marsh House, 2 Swinbourne Grove, Manchester, M20 4DB
443A Wilmslow Road, Manchester, M20 4AN
Flat At, Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
444 Wilmslow Road, Manchester, M20 3BW
444A Wilmslow Road, Manchester, M20 3BW
Withington Contact Centre, Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
Assist Care, Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
440 Wilmslow Road, Manchester, M20 3BW
443 Wilmslow Road, Manchester, M20 4AN
442 Wilmslow Road, Manchester, M20 3BW
Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
437 Wilmslow Road, Manchester, M20 4AN
446 Wilmslow Road, Manchester, M20 3BW
First Floor, 440 Wilmslow Road, Manchester, M20 3BW
Flat 13, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 12, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 10, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 11, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 9, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 8, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 2, 441 Wilmslow Road, Manchester, M20 4AN
Flat 4, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 3, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 2, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 1, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 7, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 6, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 5, 4 Swinbourne Grove, Manchester, M20 4DA
Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
1 Queen Street West, Manchester, M20 3BQ
Flat 1, 441 Wilmslow Road, Manchester, M20 4AN
441 Wilmslow Road, Manchester, M20 4AN
3 Queen Street West, Manchester, M20 3BQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Withington Conservation Area 1983
Area Team Boundary - Name: SOUTH AREA