MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138911/FO/2023
Date registered valid:	22 August 2024
Proposal:	Erection of single storey front extension
Address:	80 Bury Old Road, Manchester, M8 5BW
Ward(s):	Crumpsall Ward
Applicant:	Mr Dana Hassan, Krakow Skelp Ltd
Agent (if any):	Mr Talat Zeria, HSH Engineering Design Service Ltd
Case officer:	Ellie Knowles Tel: 0161 219 6633 Email: ellie.knowles@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**17 October 2024**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 20 September 2024

Standard consultations:
Printed: 27 August 2024 Expired: 17 September 2024

Neighbour notifications
Printed: 27 August 2024 Expired: 17 September 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

80 Bury Old Road comprises of a ground floor retail unit contained within a two storey terrace of commercial properties. The application property is of a mid-century period design, with brickwork and cobalt blue panel detailing at first floor. The unit is presently occupied by a supermarket selling Polish related goods. The first floor is used for ancillary storage. The total floor area of the existing unit is 478sqm.

There is a pedestrian forecourt area to the front of the buildings up to the footway and in the case of no.80 this features a retractable canopy structure.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The host premises fronts onto Bury Old Road – a main north/south arterial route leading into and away from Manchester city centre.

The site is situated at the heart of Cheetham Hill district centre, in area dominated by various commercial uses, including retail, food and drink, office uses.

To the rear, the site is bounded by a large Tesco supermarket and associated car park.

Description of development

Planning permission is sought for the erection of a single storey front extension to the existing retail unit. The proposed extension which measures 37 sqm (10.6m width x 3.5m depth) is to enable the display of goods (fruit and vegetables) to the front of the unit.

The proposed extension incorporates a flat roof, 3m in total height and would be constructed in clear toughened glazing with an internally mounted security shutter. An electronic sliding double door would be inserted in the principal elevation fronting the forecourt.

Consultations & Notification Responses

Local responses
None

Consultee responses

Highway Services – No objections subject to clarification of land ownership and confirmation of sufficient 3m clearance from existing street furniture.

Environmental Health – No objections subject to a refuse management condition.

MCC Flood Risk Management – No objections.

Greater Manchester Police – No comments received.

Salford City Council – No objections.

Relevant Planning History

At the application site –

129680/FO/2021 – Erection of single storey extension to existing retail unit, including retention of raised ground and creation of level platform to the rear. Approved 06.04.2021.

127379/FO/2020 – Erection of single storey rear extension to form ancillary storage space associated with the existing retail unit, including ground excavation work and site levelling. Approved 29.09.2020.

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

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

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
EC 1 – Employment and Economic Growth in Manchester
EC 2 – Existing Employment Space
EN 1 – Design Principles and Strategic Character Areas
EN 19 – Waste

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

DC14 – Shop Fronts and Related Signs

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD
- MCC Shopfront and Signage Design Guide

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 6 – Building a strong sense of character
- Section 12 – Achieving well-designed places

Issues

Principle of development:

Development plan policy recognises the site as being within Cheetham Hill district centre and therefore proposed development which supports economic growth in the area are generally welcomed. However, in considering the provision of front extensions it is important that the design and choice of materials results in a high quality scheme, that does not materially harm the character of the street scene.

Impact on visual amenity and the streetscene:

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."

In this instance, it is acknowledged that there are no precedents for single storey front extensions on the commercial units within the Cheetham Hill District Centre, notably none between Seymour Road and Sandy Bank Road. Thus, any permanent structure of the size proposed would appear incongruous and be visually intrusive, not in keeping with adjoining commercial properties, contrary to saved UPD policy 14.1.

The proposed single storey front extension would project markedly forward of the front elevations of the buildings by 3.5m towards the footway and across the entire width of the application property. With its projection forward of the building line and its size, it would be noticeably prominent in the streetscene.

The submitted drawings do not show the roller shutters in operation. In the absence of these design details, the LPA are concerned that the proposed internal roller shutters may give rise to a largely solid appearance, further exacerbating visual amenity concerns regarding the incongruous and prominent development. Given that the nature of such roller shutters is that they allow only for limited visibility.

Manchester City Council's Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) (SPD) and advise that design should respect and be informed by location and, with regards to shutters, their design and visual impact must be considered so they do not reduce the appearance of the street. Furthermore, Manchester City Council's Shopfront and Signage Design Guide advise "poorly designed new shopfronts and signage that fail to take the opportunities available for improving the character and quality of building and local area are unlikely to be supported." In this instance when the form, extent and prominence of the proposed single storey extension and internal roller shutters are combined,

this would result in a discordant and intrusive appearance that would significantly detract from the streetscene along this main route. As a consequence, it would also obscure views of adjacent businesses, which would further detract from the sense of place.

As such, it is considered that the proposal would have an unacceptable effect on the character and appearance of the area. It would not, therefore, comply with 'Saved' Policy DC14 of the Manchester City Council, Unitary Development Plan for the City of Manchester (1995) (UDP) and Policies DM1, SP1, EN1 and EC1 of the Core Strategy Development Plan Document (2012) (CS) which, collectively, seek for development to follow the principles of good design and reinforce and enhance local character, including in relation to development on main routes. Similarly, it would not comply with the SPD in respect of its advice on character and context, or with related guidance in the National Planning Policy Framework (Framework).

Impact on residential amenity:

This part of Cheetham Hill is dominated by commercial operations and is identified within policy as being suitable for such businesses.

Due to the detached position of the nearest residential neighbourhood and the context of the site's immediate surroundings, it is not believed that there would be any significant, adverse effect upon the living conditions of nearby occupiers in terms of increased levels of activity and any associated noise and disturbance. Any impact could be mitigated though the use of planning conditions to amenity impacts.

Highways:

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

Conclusion:

The proposed front extension would have an unacceptable impact on the character of the area and would therefore be contrary to Council policy regarding design.

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

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 in 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 proposed single storey front extension would appear as a highly visible, intrusive addition to the street-scene, which in turn would be harmful to visual amenity and the character of the main radial route of Bury Old Road. The proposed development would be constructed with minimal design intent and represents a poor response to the existing built form, projecting forward of the established Bury Old Road building line, and obscuring other businesses from view. As such, the proposed development is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies DM1, SP1, EN1 and EC1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD), Shopfront and Signage Design Guide (SPD) and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Salford City Council

1 Sandy Bank Road, Manchester, M8 5BW
84 Bury Old Road, Manchester, M8 5BW
74 Bury Old Road, Manchester, M8 5BW
Betfred, 78 Bury Old Road, Manchester, M8 5BW
82 Bury Old Road, Manchester, M8 5BW
76 Bury Old Road, Manchester, M8 5BW
20 Bury Old Road, Manchester, M8 5BW
21 Bury Old Road, Manchester, M8 5BW
22 Bury Old Road, Manchester, M8 5BW
Bank House, George Street North, Salford, M7 4PL

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA