

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 140415/FO/2024  
**Date registered valid:** 25 July 2024  
**Proposal:** Erection of replacement shop canopy including security shutters  
**Address:** 12 - 16 Bury Old Road, Manchester, M8 9JN  
**Ward(s):** Crumpsall Ward

**Applicant:** Mr Muhammad Zeb, Buraaq Foods Ltd  
**Agent (if any):**  
**Case officer:** Harriet Aidoo  
Tel: 0161 234 4532  
Email: harriet.aidoo@manchester.gov.uk

**Recommendation:** Refuse  
**Date of recommendation:** 19 September 2024

## Application details

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 14 August 2024

## Standard consultations:

Printed: 1 August 2024      Expired: 22 August 2024

## Neighbour notifications

Printed: 1 August 2024      Expired: 22 August 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

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

## Description of site / building / area

The application relates to a pitched roofed, semi-detached building situated along Bury Old Road. The building relates to a former McDonalds Restaurant. It is understood the building was converted to its present retail use via permitted development rights. The host building is presently occupied by a retail food store (Kashmir Mart).



(Google street view image – June 2024)

The building is predominantly of masonry construction, with concrete banding along pitch fascia level. To the rear is a service yard and car parking with access from Crescent Road.

The premises incorporates a shopfront to Bury Old Road, with existing canopy - consented in 2006 (ref no. 078731/FO/2006/N1). To the front is a forecourt for the display area for goods, which is covered by the canopy subject to this application.

The application site is situated along the eastern side of where Cheetham Hill Road and Bury Old Road merge - along the (A665), a main north/south arterial route which links north Manchester with the city centre. The site also lies within the defined district centre of Cheetham Hill - a bustling hub dominated by various commercial uses, including retail, food and drink, office uses.

Immediately to the north, the application premises is adjoined by a similar retail food store, also incorporating a canopy over the forecourt. It is understood that this canopy was refused planning permission in 2021, (ref. no. 128922/FO/2020), but granted consent on appeal, (Appeal ref. no. 21/02564/REF).

To the south is Old Crumpsall Library, A Grade II listed building, last in use as a community centre. The building now vacant was constructed in the Edwardian Baroque style and incorporates 3 wide bays and consists of projected wings embracing a central entrance lobby with projected porch, stone quoins to the wings and high stepped stone parapet.

### **Planning History**

- CDN/18/0851 - Discharge of condition 2 attached to planning permission 118352/FO/2017, APPROVED, 01/2019.
- 118352/FO/2017 - Pavement Outside 12-16 Bury Old Road, Retrospective application for the retention of freestanding ATM, APPROVED, 02/2018.
- 118353/AO/2017 - Pavement Outside 12-16 Bury Old Road, Retention of 6 no. non illuminated vinyl signs to freestanding ATM, APPROVED, 02/2018.
- 078731/FO/2006/N1 - Retrospective application for erection of canopy over forecourt at front of property, APPROVED, 09/2006.
- 053480/FO/NORTH1/97 - Elevational alterations to form ice cream servery, APPROVED, 01/1998.
- 049342/AO/NORTH1/96 - Projecting double sided banner sign over front entrance and a non-illuminated free standing sign unit at the rear of the building, APPROVED, 04/1996.
- 047733/AO/NORTH1/95 - A) Projecting double-sided banner sign over front entrance B) Non-illuminated information sign at rear of building, Application Not Proceeded With, 07/1995.
- 032062 - A) Illuminated double sided projecting box sign to Cheetham Hill Road and Paisley Terrace elevations B) Illuminated fascia name & motif sign to Paisley Terrace elevation C) 2 illuminated fascia name signs to Cheetham Hill Road elevation D) Illuminated mot, APPROVED
- 032063 - Construction of new shop fronts to Cheetham Hill Road and Paisley Terrace elevations, APPROVED

## **Description of development**

The submitted application proposes a replacement shop canopy including security shutters.

The proposed canopy is of a simple design constructed from powder coated metal stanchions with a metal corrugated roof. The front and sides of the canopy would be enclosed by metal roller shutters.

The planning officer's site visit of 14/08/24 revealed a replacement canopy in situ, and therefore further clarification was sought from the applicant.



(View of the application premises - Officer site visit - 14/08/24)

The applicant has advised that projecting pillars above the roof elevation of the canopy would be removed and be flush with the roof elevation of the canopy. It is also intended to use grey colouration of the pillars and fenestration in situ for the and security shutters. (correspondence dated, 28/08/24 and 04/09/24).

In terms of the submitted plan, the proposed replacement canopy and combined shutters would measure approximately 15750mm wide x 2850mm deep x 3100mm maximum height - (2400mm to eaves). The canopy would incorporate a lean-to roof, which projects from the front face of premises to cover the associated, private forecourt. The canopy and combined shutters extend across the full width of the shopfront, whilst the shutters also enclose the private forecourt along front and side elevations. The canopy comprises trapezoidal, corrugated steel sheeting, supported by a steel frame of grey colouration, whilst the shutters would comprise of traditional steel with a tube motor, also grey colouration, (correspondence, dated 04/09/24).

## **Procedural**

The application has been determined on the basis of drawings referenced:

- Location Plan, DRAWING No. FO 06245903/4.; Existing Elevations, DRAWING No. FO 06245903/1.; Proposed Site and Roof Plan, all received by the City Council as Local Planning Authority on 1 July 2024.
- Proposed Layout Plan, DRAWING No. FO 06245903/2. A, and Supporting Information, both received by the City Council as Local Planning Authority on 25 July 2024.

## **Consultations & Notification Responses**

### **1. Neighbours**

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received on this occasion.

## 2. Highways

The proposed replacement canopy including security shutters is located to the front of the site within the boundary. The proposed sign extends to a maximum projection of 2850mm within the site boundary. As such, a Projection over License will not be required. A sufficient headroom clearance, compliant with the 2.50m minimum, is noted and accepted by Highways.

## **Policy**

### Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. 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.

Policy EN3 (Heritage) – states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that

developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

In addition, the following UDP policy is considered relevant:

#### Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

Policy E3.3 (To Enhance the City's Environment) refers to the Council looking to upgrade the appearance of the city's major radial routes.

Policy DC14.1 (Shop Fronts and Related Signs) - In determining applications relating to these premises for shopfronts, security grilles, advertisement signs, canopies and awnings, the council will seek to ensure that the proposals are in keeping with the character of the building and adjoining buildings, of adjoining shop fronts, where appropriate, and of the area within which the premises are located. This policy applies to all retail premises and to other commercial premises, which have similar physical characteristics e.g. betting shops, banks, building society offices, optician's premises etc.

Policy DC19.1 (Listed Buildings) - relates to development affecting listed buildings. The City Council will have regard to the desirability of security the retention, restoration, maintenance and continued use of such buildings and to protect their general setting. External or internal alterations which in the opinion of the Council affect the architectural or historic character of a building will not be permitted

#### Places for Everyone Greater Manchester Joint Development Plan (March 2024)

Places for Everyone Joint Development Plan was published in March 2024 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts.

The Plan forms part of the Development Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

Policy JP-P1: Sustainable Places is of relevance. This states:

We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:

1. Distinctive, with a clear identity that:

- A. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;
- B. Enables a clear understanding of how the place has developed; and

C. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

### National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application is Section 12– ‘Achieving Well-Designed Places’.

Paragraph 135 states:

*‘Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*

Paragraph 139 goes on to state that:

*‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’.*

In relation to the impact of the neighbouring listed building, paragraph 203 states further:

*‘In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness’.*

## **Issues**

### **Principle**

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 proposed 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 area and setting of heritage assets.

### **Design and the Impact to Visual Amenity**

Design plays a critical part in the acceptability of proposed development. Great emphasis is placed on development that respects local character, quality of design, the relationship with existing and neighbouring buildings and sense of place.

It is considered that the design of the canopy is unsympathetic to its surroundings as a result of its appearance and its position to the front of the building, immediately to the back of pavement. This in turn has a harmful impact to visual amenity and the appearance of the street-scene.

It is considered that the canopy is of a sub-standard design that incorporates poor quality materials to a frontage adjacent to a main arterial route within a district centre.

In conjunction with its prominent position to the back of pavement, the proposed canopy fails to take opportunities for improving the quality of the area and therefore undermines the Council's policy objectives of improving the appearance of its neighbourhoods and the city's main arterial routes.

It is further considered that the proposed canopy detracts from the architectural features and setting of the neighbouring listed building to the south (Old Crumpsall Library).

Whilst it is acknowledged that this building has become somewhat neglected and longer appears as it is used to, policy and guidance seeks to safeguard the setting of heritage assets.

There is an aspiration that this listed building would one day be returned to its original condition and development such as that proposed only serves to harm its setting and exacerbate the negative feel of the street-scene.

The impact would also be greater when the premises is closed and when the roller shutters are down. This would effectively create an austere, dead frontage immediately to the back of pavement within a vibrant district centre.

It is maintained therefore that the proposed canopy and associated roller shutters represents a highly intrusive, prominent feature which clutters the frontage to the premises, adversely affecting the character and appearance of the street-scene and visual amenity in general.

Whilst it is acknowledged that there are other canopies and overhangs to the front of premises nearby, these are not considered material to the consideration of this application due to their materially different design, differing use of material and differing circumstances surrounding their lawfulness.

## **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 and proactive 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 have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The canopy, by virtue of its position forward of the main building line to Bury Old Road, coupled with the use of materials and its enclosure by roller shutters, would create an intrusive and unattractive feature in the street-scene along a key radial route. This in turn would have a harmful impact to visual amenity and the appearance of the street-scene, contrary to saved policies E3.3, DC14.1 and DC19.1 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1, EN3 and SP1 of the Manchester Core Strategy, policy JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework (NPPF).

### **Appendix 1 – List of consultees & neighbours notified**

## Highway Services

Robert Crawford (printers), Back St Marks Lane, Manchester, M8 4FW  
First Floor, 597 Cheetham Hill Road, Manchester, M8 5EJ  
Basement, 597 Cheetham Hill Road, Manchester, M8 5EJ  
Flat 2, 2 Copthall Lane, Manchester, M8 9EP  
Flat 1, 2 Copthall Lane, Manchester, M8 9EP  
Flat 4, 591B Cheetham Hill Road, Manchester, M8 5EJ  
Flat 3, 591B Cheetham Hill Road, Manchester, M8 5EJ  
Flat 2, 591B Cheetham Hill Road, Manchester, M8 5EJ  
Flat 1, 591B Cheetham Hill Road, Manchester, M8 5EJ  
591A Cheetham Hill Road, Manchester, M8 5EJ  
591 Cheetham Hill Road, Manchester, M8 5EJ  
United Garage, St Mark's Lane, Manchester, M7 4FE  
3A Robin Hood Street, Manchester, M8 9JG  
Flat 2, 575 Cheetham Hill Road, Manchester, M8 9JE  
Flat 1, 575 Cheetham Hill Road, Manchester, M8 9JE  
20 Bury Old Road, Manchester, M8 5BN  
Flat 2, 589A Cheetham Hill Road, Manchester, M8 9JE  
First Floor And Second Floor, 581 Cheetham Hill Road, Manchester, M8 9JE  
8A Bury Old Road, Manchester, M8 9JN  
Iceland Frozen Foods, 22 Bury Old Road, Manchester, M8 5BN  
579 Cheetham Hill Road, Manchester, M8 9JE  
577 Cheetham Hill Road, Manchester, M8 9JE  
589A Cheetham Hill Road, Manchester, M8 9JE  
Worldwide Foods, Crescent Road, Manchester, M8 9JX  
3 Robin Hood Street, Manchester, M8 9JG  
5 Robin Hood Street, Manchester, M8 9JG  
1 Robin Hood Street, Manchester, M8 9JG  
589B Cheetham Hill Road, Manchester, M8 9JE  
Rear Of, 595 Cheetham Hill Road, Manchester, M8 5EJ  
599 Cheetham Hill Road, Manchester, M8 5EJ  
585 Cheetham Hill Road, Manchester, M8 9JE  
587 Cheetham Hill Road, Manchester, M8 9JE  
593 Cheetham Hill Road, Manchester, M8 5EJ  
First Floor And Second Floor, 585 Cheetham Hill Road, Manchester, M8 9JE  
Crumpsall Clinic, Humphrey Street, Manchester, M8 9JS  
581 Cheetham Hill Road, Manchester, M8 9JE  
Dental Practice, 569 Cheetham Hill Road, Manchester, M8 9JE  
Westland House, 581 Cheetham Hill Road, Manchester, M8 9JE  
Flat 1, 589A Cheetham Hill Road, Manchester, M8 9JE  
597 Cheetham Hill Road, Manchester, M8 5EJ  
8B Bury Old Road, Manchester, M8 9JN  
10 Bury Old Road, Manchester, M8 9JN  
Flat 3, 589A Cheetham Hill Road, Manchester, M8 9JE  
595 Cheetham Hill Road, Manchester, M8 5EJ  
583 Cheetham Hill Road, Manchester, M8 9JE  
18 Bury Old Road, Manchester, M8 9JN  
6B Bury Old Road, Manchester, M8 9JN  
6A Bury Old Road, Manchester, M8 9JN  
589 Cheetham Hill Road, Manchester, M8 9JE  
575 Cheetham Hill Road, Manchester, M8 9JE  
573 Cheetham Hill Road, Manchester, M8 9JE  
571 Cheetham Hill Road, Manchester, M8 9JE

## **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

Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA

Area Team Boundary - Name: NORTH AREA