

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140645/FO/2024
Date registered valid: 29 July 2024
Proposal: Installation of canopies to the shop frontages
Address: 366 Great Western Street, Manchester, M14 4BY
Ward(s): Moss Side Ward

Applicant: Mr Ahmad
Agent (if any): Mr Lazo
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 23 September 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19th September 2024

Standard consultations:

Printed: 9 August 2024 Expired: 31 August 2024

Neighbour notifications

Printed: 9 August 2024 Expired: 31 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

Description of site/building

The property that is the subject of this application is identified as 366 Great Western Street. It is a brick built end of terrace property that occupies a corner position at the junction of Great Western Street and Ossory Street. The brickwork is originally a red brick, some of which now has a painted finish. The ground floor is currently in use as a small supermarket, with residential accommodation to the first floor. This is accessed from the door on the side elevation off Ossory Street, whilst the supermarket is accessed off Great Western Street.

There are pedestrian barriers to the Great Western Street frontage with zig zag lines and a signal controlled pedestrian crossing. The host property sits to the back of pavement with a small forecourt area. There has previously been a single storey extension on the side and rear of the property, and is accessed off Ossory Street, that appears to also sell some form of hot food. There is currently a cantilevered canopy on the frontage. There is no dedicated parking for the property with vehicles currently parking on the pavement adjacent to the pedestrian safety barriers to the front of the unit and on the surrounding roads.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The proposal site is a double unit within a terrace of 8 units, this is replicated on the opposite side of Great Western Street. The remainder of the area is predominantly residential with properties comprising of bay fronted terraced properties with yards to the rear. There is no in curtilage parking provision with residents being reliant upon on street parking provision. There are some small pockets of retail units to serve the local area. The property is on a good sustainable transport network and is accessible by alternative modes of transport to the car. The proposal site is located within the Moss Side ward of the City.

Description of development

The proposal is for the erection of a canopy to run the full length of the Great Western Street elevation and part of the Ossory Street elevation. The canopy would comprise of steel frames with security shutters enclosing the unit and forming the elevation on Great Western Street elevation and Ossory Street elevations. The roof above would comprise of steel corrugated sheeting.

Consultations & Notification Responses

Local Residents were informed- No representations have been received.

Highways-The proposal involves the instalments of canopies to the northern and eastern side of the property.

The submitted plans indicates that the length of the proposed canopy to the frontage of the site is 8085mm. The length of the proposed canopy to the eastern side of the site is 3088mm.

The plans also indicate that the proposed canopies will extend to a maximum projection of 1850mm. This appears to be within the site boundary and not over the adopted highway. However, it would be useful if the applicant could clarify whether the canopy extends within the site boundary or over the adopted highway?

Highways also requests that further information and plans are provided by the applicant on the proposed canopy. Is the canopy retractable and what is the headroom clearance of the proposed canopies?

Following the submission of additional information, it is noted that the canopy will not be retractable. It will be on a steel frame enclosed by roller shutters and the proposed canopy will extend to the back of the pavement.

There are concerns over the precedent of the canopy structure on what is currently uncluttered area. In addition, there are cars which currently park on the pavement behind the safety barriers close to the crossing as there are TROs on the highway.

Issues

Policy

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 are Section 8 Promoting Healthy and Safe Communities and Section 12- 'Achieving Well-Designed Places'.

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 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)

Principle

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

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.

In this instance, it is believed that the design of the canopy is unsympathetic to its surroundings and as a result of its appearance, materials and position forward of the main building line to the front of the building, would have harmful impact to visual amenity and the appearance of the street scene.

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 would therefore undermine the Council's policy objectives of improving the appearance of its neighbourhoods.

It is maintained that the canopy would create a highly intrusive, prominent feature which clutters the frontage to the premises and is invasive when viewed within the context of the street scene. The street is predominantly residential with smaller pockets of commercial interspersed. The

next block along is residential and the proposed canopy as a permanent structure presents as a visually harmful feature.

In addition, the proposal includes the introduction of external roller shutters to the shopfront to both elevations, these are proposed as solid and it is considered that this would therefore be used for continuous storage of goods. This therefore removes the active frontage during the times that the premises are closed, due to the storage of the stock, it would not allow for views through to the inside of the property when closed and at such times would create a dead frontage which detracts visually from the wider street scene and appearance of the wider area which in turn fails to improve the appearance of the area.

Residential Amenity

There is a strong established building line along the frontage of both Great Western Street and Ossory Street. The residential properties adjacent to the host property along both streets have small gardens to the front of the property, and strong features of bay windows to the ground and first floors. There are no features that sit forward of that established building line. It is considered that the prominent positioning of the enclosed canopy forward of this detracts from this strong building line and being in such close proximity to the residential properties is considered to have a detrimental impact upon the residential amenity that should be reasonably expected to be enjoyed by those neighbouring properties. In addition, there is currently only ad hoc storage of materials upon the adjacent forecourts, however this would present a very large area for permanent storage of stock, which in turn would generate additional comings and goings from employees and customers and the noise associated with such additional activity, and should this enclosed area become the precedent within this small commercial block would have a cumulative impact upon the openness of these forecourts used as temporary storage / display areas during opening hours, but currently contribute to the wide openness of the pavement when the businesses are closed.

Safety

The creation of the enclosed area would result in two recessed areas one to the Ossory street elevation and one to the Great Western Street elevation. The areas created have the potential to become areas of anti-social behaviour, where people would be hidden from view in order to carry out malicious or anti-social acts.

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

It is considered that the fundamental proposal is considered unacceptable, and a revised scheme could not address the issues. The proposal is considered to be contrary to the development plan and therefore refused in accordance with both local and national policies 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 both Great Western Street and Ossory Street, creates an unduly intrusive and incongruous feature in the street-scene, to the detriment of visual amenity. The proposed development is therefore contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

2) The canopy, by virtue of its size and position forward of the main building line to both Great Western Street and Ossory Street, would result in an oppressive impact upon both the residential amenity that should be reasonably expected to be enjoyed by the occupants of the nearby residential accommodation and the adjoining commercial units. It would have detrimental impacts upon the level of pedestrian safety within the vicinity of the site due to the resultant recessed areas. The proposed development would increase the retail area and result in an increase in operational, pedestrian and vehicular noise and activity in close proximity to residential uses and is therefore contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, and policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services

5 Deramore Street, Manchester, M14 4DT
4 Ossory Street, Manchester, M14 4BX
11 Ossory Street, Manchester, M14 4BX
Flat Over, 319 Great Western Street, Manchester, M14 4BZ
Massawa Cafe, 356 Great Western Street, Manchester, M14 4BY
Top Flat, 311 Great Western Street, Manchester, M14 4BZ
352A Great Western Street, Manchester, M14 4BY
319 Great Western Street, Manchester, M14 4BZ
313 Great Western Street, Manchester, M14 4BZ
6 Roberts Avenue, Manchester, M14 4DA
5 Ossory Street, Manchester, M14 4BX

Flat Above, 362 Great Western Street, Manchester, M14 4BY
Flat Above, 360 Great Western Street, Manchester, M14 4BY
360 Great Western Street, Manchester, M14 4BY
Top Flat, 358 Great Western Street, Manchester, M14 4BY
358 Great Western Street, Manchester, M14 4BY
Flat Above, 317 Great Western Street, Manchester, M14 4BZ
Flat Above, 313 Great Western Street, Manchester, M14 4BZ
Flat Above, 309 Great Western Street, Manchester, M14 4BZ
Flat 2, 354A Great Western Street, Manchester, M14 4BY
Flat 1, 354A Great Western Street, Manchester, M14 4BY
2 Ossory Street, Manchester, M14 4BX
15 Ossory Street, Manchester, M14 4BX
13 Ossory Street, Manchester, M14 4BX
8 Roberts Avenue, Manchester, M14 4DA
4 Roberts Avenue, Manchester, M14 4DA
2 Roberts Avenue, Manchester, M14 4DA
9 Ossory Street, Manchester, M14 4BX
7 Ossory Street, Manchester, M14 4BX
3 Ossory Street, Manchester, M14 4BX
1 Ossory Street, Manchester, M14 4BX
317 Great Western Street, Manchester, M14 4BZ
315 Great Western Street, Manchester, M14 4BZ
311 Great Western Street, Manchester, M14 4BZ
309 Great Western Street, Manchester, M14 4BZ
364 Great Western Street, Manchester, M14 4BY
352 Great Western Street, Manchester, M14 4BY
3 Deramore Street, Manchester, M14 4DT
1 Deramore Street, Manchester, M14 4DT
362 Great Western Street, Manchester, M14 4BY
6 Ossory Street, Manchester, M14 4BX
354 Great Western Street, Manchester, M14 4BY

Appendix 2 – Planning constraints

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