

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138963/FO/2024
Date registered valid: 8 January 2024
Proposal: Erection of retail pod within car park
Address: Morrisons , Wilbraham Road, Manchester, M21 0UA
Ward(s): Chorlton Park Ward

Applicant: Wm Morrison Supermarkets Ltd
Agent (if any): Ms Carolyn Attwood-Parry, Peacock + Smith
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 29 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 12 January 2024

Standard consultations: Printed: 9 January 2024 Expired: 30 January 2024

Neighbour notifications: Printed: 9 January 2024 Expired: 30 January 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a portion of the private car park situated within the curtilage of the Morrisons supermarket located at No.418B Wilbraham Road in the Chorlton Park ward of Manchester. The site sits adjacent to a busy high street located at the eastern end of Chorlton district centre and is in relatively close proximity to Chorlton Metrolink tram stop, South West Manchester Cricket Club, and Barlow Moor Road (B5217).



Figure 1. Proposed site of development.



Figure 2. Proposed site of development.



Figure 3. Proposed site of development, as viewed from Albany Road.



Figure 4. Proposed site of development.

Description of development

The applicant is seeking permission for the erection of a retail pod within the site's existing car park.

Planning history

138964/AO/2024 - Installation of three internally illuminated fascia signs and four non-illuminated wall signs to proposed retail pod.

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Highways made the following comments in response to the application:

- The proposed retail pod extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway. The retail pod will be located to the northeast of the Albany Road access.
- The proposed trips to the retail pod are likely to coincide with existing travel and parking patterns. The pod will offer services such as key cutting, shoe repairs and engraving on the premises. It is accepted that no highway concerns in terms of safety or capacity are considered likely to arise.
- The current on-site parking offering is to be reduced by 2 parking spaces and as such, Highways have no concerns regarding vehicular build up on-street. At the end of the building's use on this site, the pod would be removed, and the original car parking bays reinstated.
- The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the Council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Environmental Health made no objection to the proposal requesting that conditions relating to hours of use, deliveries, servicing and collection hours, NSE6 (external plant, equipment, and servicing) and refuse be attached to the decision notice.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC22 – Footpath Protection

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy C6 – South Manchester District Centres – Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington

The National Planning Policy Framework (NPPF, 2021)

- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 12 – Achieving Well-Designed Places

The Inspectors’ Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors’ Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is ‘sound’.

You can view the Inspectors’ Report on the GMCA’s website at [Places For Everyone - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://greatermanchester-ca.gov.uk/places-for-everyone). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors’ Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is 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.

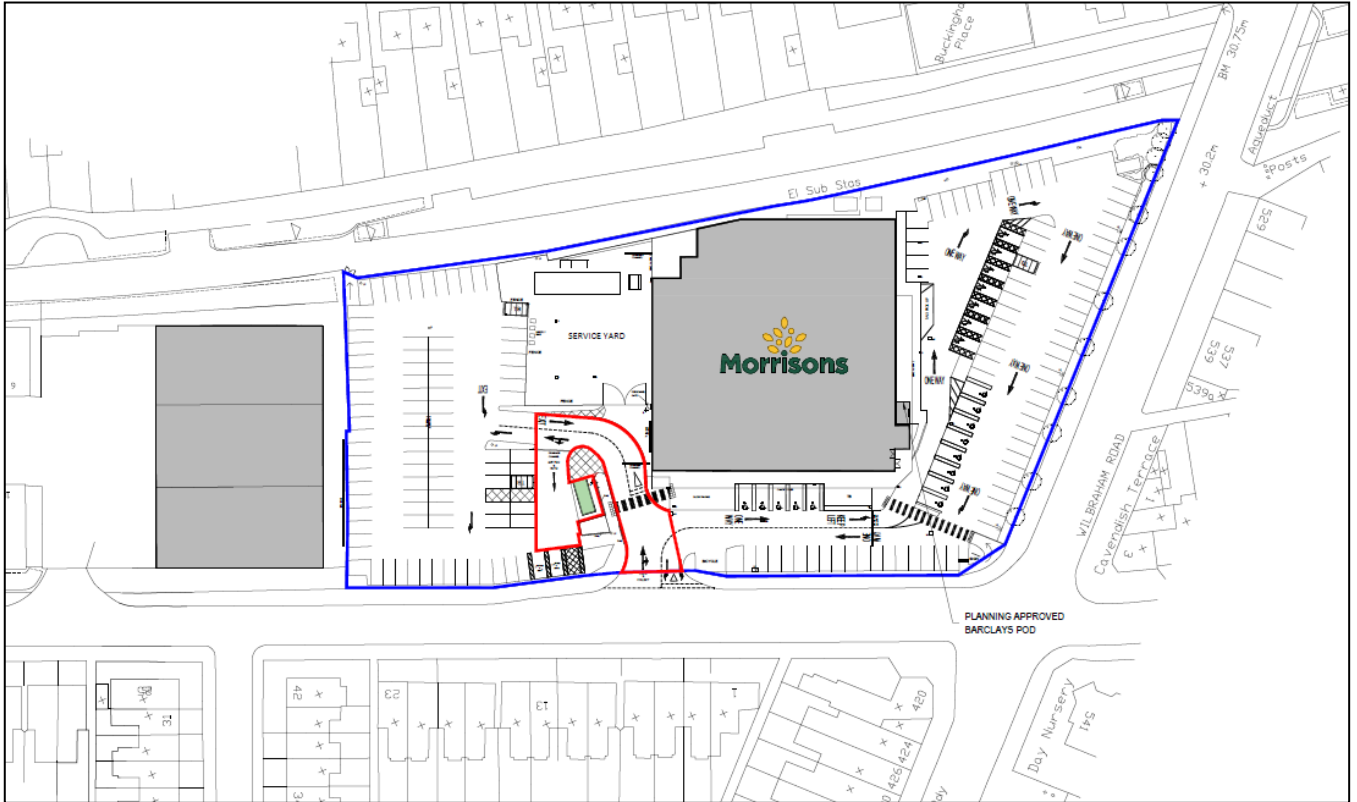


Figure 5. Excerpt from submitted propose site plan.

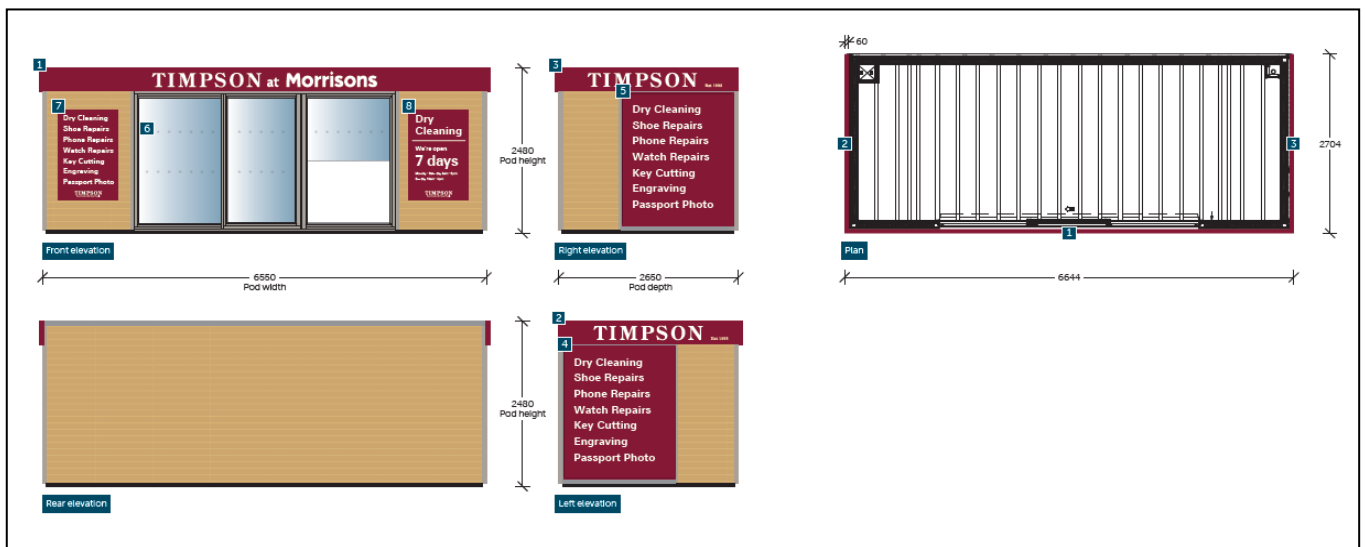


Figure 6. Excerpt from submitted proposed elevations and plans.

Issues

Principle – installing a single storey retail pod within the curtilage of an existing supermarket is acceptable in principle. Notwithstanding this, consideration must be given to the proposed development's siting, scale, and massing, design and appearance, and its impact upon existing levels of amenity.

Use – the retail pod would be operated by Timpson and would offer a range of services including key cutting, shoe repairs, engraving and dry-cleaning. A total of two full-time members of staff would occupy the pod with its hours of use ranging from 07:00 to 22:00 Monday to Saturday and 11:00 to 17:00 on Sundays and Bank Holidays in line with the operational hours of the existing supermarket on site. The use of the pod would fall within Class E of the Town and Country Planning (Use Classes) Order 1987, which is considered appropriate given its siting within the curtilage of an existing Class E supermarket, pursuant to policy C6 of the Core Strategy and chapter 6 of the NPPF.

An hours of use condition has been attached to the application in order to ensure that the pod does not operate outside of its approved hours.

Siting, scale, and massing – the retail pod would be sited at the western edge of the supermarket's curtilage adjacent to the existing car park entrance as well as Albany Road. It would measure to 2.704m in length / depth, 6.644m in width, and 2.48m in height with an overall internal floor space of approximately 16 square metres. It would be sited away from the public footpath and highway, atop of the existing car parking surface within the confines of the application site.

Given the proposal's distance from the plot's boundaries and public footpath / highway as well as its relatively minor scale, the siting and massing of the retail pod is considered acceptable, pursuant to policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.

Appearance and visual amenity – the retail pod would be built of larch timber cladding, with a protan permanent roofing membrane and aluminium RAL 7044 windows and doors. Its front elevation would feature three glazed panels, two non-illuminated wall signs, and an internally illuminated fascia sign, whilst its rear elevation would be blank and featureless. Both of its side elevations would feature a non-illuminated wall sign and an internally illuminated fascia sign.

Given that the application site already features a number of existing built structures including parcel lockers, trolley shelters, and bottle banks, it is believed that the addition of a retail pod should not cause substantial harm to the visual amenity of the area as it would be in-keeping with the site's existing commercial character and would be sited away from residential properties. Sited adjacent to the existing car park entrance and Albany Road, the proposal would be visible within the street scene and public realm, however, is not believed to form a prominent feature due to the existing commercial precedent in this locale.

The proposal therefore accords with policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.

Residential amenity – the retail pod would be sited a considerable distance away from the nearest residential properties, which are located on the opposite side of Albany Road. 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.

Parking – the retail pod would result in two standard car parking spaces being lost. Highways confirmed their acceptance of this, indicating that the resultant impact on nearby street parking

would be minimal. Highways did not raise any concerns with regards to the proposal's impact upon highway safety or capacity. Given the minimal scale of construction works involved, the level of construction vehicles would also be unlikely to generate any significant on-street parking demands. At the end of the pod's use on site, it would be removed, and the original car parking bays reinstated.

The proposal therefore accords with policies SP1 and DM1 of the Core Strategy.

Environmental Health - made no objection to the proposal requesting that conditions relating to hours of use, deliveries, servicing and collection hours, NSE6 (external plant, equipment, and servicing) and refuse be attached to the decision notice.

With regard to the requested conditions, those relating to the pod's hours of use and deliveries, servicing, and collection hours have been attached.

The agent confirmed that no external plant is proposed in association with the pod, therefore the requested NSE6 condition has not been attached.

The agent also confirmed that, due to the pod being a very small operation, a minimal amount of waste would be produced, and this waste would be stored within refuse bins located inside the pod. The pod's refuse bins would be taken daily to main store's waste area with the appropriate materials being placed in recycling bins and any non-recyclable waste placed in the general refuse bins. The pod's waste generation and management is considered to be ancillary to that of the existing supermarket on site and is therefore considered acceptable, in accordance with policies DM1 and EN19 of the Core Strategy.

Flood Risk – elements of the application site sit within Flood Zone 2, which notes a medium probability of flooding.

The submitted Design & Access Statement indicates that rainwater run-off from the roof is the same surface area as that from the existing car park surface, therefore no local flooding or detrimental conditions are envisaged with no direct risks from flooding.

The submitted Covering Letter indicates that the proposed use is categorised as a less vulnerable use and is small scale in nature, having an internal floor area of approximately 16 square metres. The retail pod would be located on the existing car park tarmac finish which would be retained and not disturbed by the development and, as such, would have no impact upon the existing site drainage. Additionally, it would not increase the risk of flooding elsewhere.

The proposal is therefore considered acceptable in this regard.

Conclusion – the proposal complies with policies DM1, SP1, and C6 of the Core Strategy, policy DC22 of the UDP and chapters 6 and 12 of the NPPF as it is not considered to have a detrimental impact upon the visual amenity of the application site or wider area, nor significantly impact the existing levels of residential amenity enjoyed by surrounding occupiers, or the current car parking arrangements present on site.

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: Approve

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. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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

1) The development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following documents labelled:

- 'Application for Planning Permission; Consent to Display an advertisement(s)', numbered 'PP-12625108', stamped as received by the City Council as Local Planning Authority on the 8th January 2024.

-‘Morrisons Slim Pod 6650 – Premier’, numbered ‘MO-RP3-6650 XXXXX’, stamped as received by the City Council as Local Planning Authority on the 8th January 2024.

-‘Proposed Site Plan’, numbered ‘383_PL_01’, stamped as received by the City Council as Local Planning Authority on the 8th January 2024.

-‘Proposed Site Plan, numbered ‘383_PL_02 REV A’, stamped as received by the City Council as Local Planning Authority on the 8th January 2024.

-Covering Letter titled ‘Town and Country Planning Act 1990 (as amended). Submission of planning application and advertisement consent for the erection of a Timpsons pod within car park’, stamped as received by the City Council as Local Planning Authority on the 8th January 2024.

-‘Design & Access Statement’, stamped as received by the City Council as Local Planning Authority on the 8th January 2024.

-Agent email correspondence dated to the 30th January 2024 containing details of the proposal’s waste storage and management.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved plans.

Reason - To ensure the appearance of the site to be developed is not adversely affected by the materials to be used in the construction of the development, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as Local Planning Authority:-

<i>As applied for:</i>	<i>Monday to Saturday</i>	<i>07:00 to 22:00</i>
	<i>Sunday/Bank Holiday</i>	<i>11:00 to 17:00</i>

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC1 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries / waste collections on Sundays / Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC1 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the Council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Wm Morrison Supermarkets Plc, Wilbraham Road, Manchester, M21 0SD
7B Albany Road, Manchester, M21 0AY
SCREWFIX, Unit 3A, Albany Road Trading Estate, Albany Road, Manchester, M21 1AZ
7A Albany Road, Manchester, M21 0AY
15 Albany Road, Manchester, M21 0AY
Flat 2, 5 Albany Road, Manchester, M21 0AY
Flat 3, 1 Albany Road, Manchester, M21 0AY
Units 1 And 2, Albany Road Trading Estate, Albany Road, Manchester, M21 0AZ
Unit 2A, Albany Road Trading Estate, Albany Road, Manchester, M21 0AZ
Flat D, 17 Albany Road, Manchester, M21 0AY
Flat C, 17 Albany Road, Manchester, M21 0AY
Flat B, 17 Albany Road, Manchester, M21 0AY
Flat A, 17 Albany Road, Manchester, M21 0AY
Flat 3, 5 Albany Road, Manchester, M21 0AY
Flat 1, 5 Albany Road, Manchester, M21 0AY
Flat 4, 1 Albany Road, Manchester, M21 0AY
Flat 2, 1 Albany Road, Manchester, M21 0AY
Flat 1, 1 Albany Road, Manchester, M21 0AY
19 Albany Road, Manchester, M21 0AY
3 Albany Road, Manchester, M21 0AY
13 Albany Road, Manchester, M21 0AY
11 Albany Road, Manchester, M21 0AY
9 Albany Road, Manchester, M21 0AY
7 Albany Road, Manchester, M21 0AY

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA