

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139542/FO/2024

Date registered valid: 15 March 2024

Proposal: Installation of new shop front, retention of retractable awning, installation of new roller shutters together with associated elevational alterations.

Address: 101 Manchester Road, Manchester, M21 9GA

Ward(s): Chorlton Ward

Applicant: Mr Tayyab Akhlaq Chorlton Takeaway Sales Ltd

Agent (if any): Mr Russell Adams Adams Planning + Development Ltd

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 14 June 2014

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 9 April 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 5 April 2024 Expired: 26 April 2024

Site notice

No site notice has been produced

Press advert

No press advert has been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building



Photograph 1 + 2 101 Manchester Road

The application site relates to the ground floor unit of a two-storey end of parade property, at the front of the property is a concreted forecourt and the rear of the property is a yard that provides access to the first floor flat.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located on the western side of Manchester Road, between Kensington Road and Ransfield Road within the District Centre boundaries of Chorlton. There are commercial properties with residential units above to either side, there is a narrow gap between 101 and 103 Manchester Road. Facing the site is a large retail unit and the vacant Chorlton Leisure Centre.

The properties at the rear are separated by an alley way.

Description of development

The applicant is seeking planning permission to install a new shop front, retention of retractable awning, installation of new roller shutters together with associated elevational alterations.

Consultations & Notification Responses

Publicity – Two sets of notification letters were sent to nearby residential properties (see appendix 1 for the list of properties), one for the original proposal and a second notification was sent to notify residents of amendments to the proposal.

Residents/public opinion

First notification - One representation was received objecting to the application. Concerns raised include that the shop front had been installed without the owners seeking planning permission.

Out of character with the street scene and shop fronts which have been developed carefully over the years.

Concerned that if approved it would result in more lively and competing shop fronts to the detriment of the district centre.

Second notification – One representation was received to the second notification for the amended drawings. Concerns raised are that the works have been installed without planning permission and that the drawings are ambiguous.

The representation explains that the shop front is out of keeping with the local area and the traditional shop fronts. The application fails to mention that the immediate neighbouring properties have both demure, wooden shop fronts.

Concerned with the increase in traffic as result of its use and that the cycle lane (outside of the premises) will be blocked by cars parking for a short period of time. Where as a restaurant customer may give more consideration to where they park as they will be in the premises longer.

Issues

Planning History

There has been a total of five previous planning applications at this address, of relevance to the proposal are the following including a still pending application for advertisement consent.

Application reference: 139543/AO/2024

Proposal: Installation of externally illuminated fascia sign and internally illuminated projecting sign.

Status/Decision: Application Pending Consideration

Application reference: 130131/FO/2021

Proposal: Erection of retractable canopy to front elevation and external access stair and entrance door on gable for apartment above

Status/Decision: Application Approved - 16.06.2021

Application reference: 129123/FO/2021

Proposal: Installation of framed covered structure to form outdoor dining area together with the installation of an external access stair and associated door for residential first floor apartment

Status/Decision: Application Refused - 12.04.2021

Application reference: 086718/LE/2008/S1

Proposal: CERTIFICATE OF LAWFUL USE that the ground floor has been used as a hot food take-away (Class A5) for more than 10 years

Status/Decision: 24.06.2008

Legislative Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

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

Policy SP 1 (Spatial Principles)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy C6 (South Manchester District Centres – Chorlton, Didsbury, Fallowfield, Levenshulme and Withington)

Policy DM1 (Development Management)

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 following saved UDP policies is also considered to be relevant:

Policy DC14. Shop fronts and related signs

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-P1 (Sustainable Places)

National Policy

National Planning Policy Framework (NPPF)

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and again in September 2023. It sets out the Government's planning policies for England and how these are expected to be applied

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

Principle

The proposed development seeks to retain the install of a new shop front, retention of retractable awning, installation of new roller shutters together with associated elevational alterations.

The application appears to be in use as a hot food take away (sui generis) use whereas the previous use of the building was a restaurant (Class E).

In general, a new shop front within a district centre would be acceptable in principle subject to the consideration of the above policies within the development plan.

Design and Visual Amenity

The application site relates to the ground floor unit of a two-storey end of parade property, at the front of the property is a concrete forecourt and the rear of the property is a yard that provides access to the first floor flat.

The parade of shop generally has a regular alignment in relation to the street and there are similarities in terms of their age, architectural style, scale and materials. Therefore, notwithstanding varying shopfront and signage styles in the wider area of the district centre, by and large, the surrounding area exhibits a reasonably well-ordered and defined visual character.

In this case of this property, as shown in photograph 3, the shop front included stall risers which form part of traditional shop front and whilst as acknowledged above there has been some changes generally these stall risers are a feature of the shop fronts within this parade. Secondly the store frontages are generally more restrained in the palate.

The applicant is seeking to retain changes made to the shop front (photograph 1,2 and 4) which include the retention of retractable awning, installation of new roller shutters together with associated elevational alterations.



Photograph 3 + 4 Google Street View Images: photograph 3 prior to the changes (September 2023) and photograph 4 after the changes (April 2024).

The result has seen the loss of both the stall riser and the entrance door and replaced with full height glazing which together with the bold colours of the fascia give the new shop front an assertive, overtly modern appearance. This sits uncomfortably with the more traditional qualities and muted finishes of the external materials of the building and those generally found on nearby properties.

The proposal also includes an external roller shutter (albeit following concerns raised would sit behind the fascia sign) which when closed detracts from the character and appearance of property and the parade of shops as it creates an unattractive dead/industrial appearance to the frontage which harms the vitality of the street scene. In addition, there is a metal ramp that occupies the full width of the shop frontage which further adds to an industrial appearance to a primary shop front at the district centre property, as such, the proposal is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, and the National Planning Policy Framework.

There are no concerns with the awning.

Disabled Access

The development plan policies in particular DM1 of the Core Strategy and saved policy DC14 of the UDP that shop front should be accessible, the submitted drawings show that there is level access, however as seen in the photographs there is a metal ramp that extends across the full width of the shop frontage. Whilst the ramp does provide access to the premises and thus meets the requirements of policy DM1 and saved policy DC14 there are concerns as discussed above regarding its appearance.

Residential Amenity

There is a flat above (Top Flat, 101 Manchester Road) the premises, in terms of a new shop front these would have a negligible impact on residential amenity and complies with policies SP1 and DM1 of the Core Strategy and National Planning Policy Framework.

Highway Safety

The proposal is setback from the adopted highway and separated by a private forecourt. There are no concerns in terms of highway safety from the proposed shop frontage and complies with policies SP1 and DM1 of the Core Strategy and National Planning Policy Framework.

Conclusion - Section 12 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

It adds that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The concerns as discussed above were raised with the applicant and amended drawings were submitted to overcome the concerns raised. The changes to the drawings were as follows:

- Reduced the height of the fascia;
- Set the illuminance level at the level of 600cd/m² maximum stated by the Lighting Engineers with Institute of Lighting Professionals;
- Relocated the projecting sign to fascia level
- Removed the orange side panels to reinstate the previous shopfront appearance
- Recessed the roller shutters behind the fascia sign and proposes perforated roller shutters.

Whilst these are an improvement on the original proposal, they do not overcome the concerns sufficient to warrant the approval of the application and that the loss of previous shop front and replacement with the current proposal has had a detrimental impact on the visual amenity of the area and, as such, is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, Places for Everyone Joint Development Plan – 2022 to 2039 and the National Planning Policy Framework.

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

The Local Planning Authority raised with the applicant concerns regarding the proposal and amended drawings were received to address those concerns. However, following further consideration of the amendments, the proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

- 1) The loss of previous shop front and replacement with the current proposal has had a detrimental impact on the visual amenity of the area as it has introduced a visually incongruous and obtrusive structure, which would not be sympathetic to the appearance of the application site or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, policy JP-S1 of the Places for Everyone Joint Development Plan – 2022 to 2039 and the National Planning Policy Framework
- 2) The proposed roller shutter, because of its design and colour that detracts from the character and appearance of property and the parade of shops as it creates an unattractive industrial appearance to the frontage which harms the vitality of the street scene. As such the roller shutter is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, policy JP-S1 of the Places for Everyone Joint Development Plan - 2022 to 2039 and the National Planning Policy Framework

Appendix 1 – List of consultees & neighbours notified

Flat Above, 101 Manchester Road, Chorlton, Manchester, M21 9GA
Flat Above, 107 Manchester Road, Chorlton, Manchester, M21 9GA
89 Albany Road, Manchester, M21 0BN
109B Manchester Road, Chorlton, Manchester, M21 9GA
108 Manchester Road, Chorlton, Manchester, M21 9TX
Ground Floor, 99 Manchester Road, Chorlton, Manchester, M21 9GA
95E Manchester Road, Chorlton, Manchester, M21 9GA
2A Ransfield Road, Manchester, M21 9QH
109A Manchester Road, Chorlton, Manchester, M21 9GA
95D Manchester Road, Chorlton, Manchester, M21 9GA
105A Manchester Road, Chorlton, Manchester, M21 9GA
97A Manchester Road, Chorlton, Manchester, M21 9GA
Chorlton Baths, Manchester Road, Chorlton, Manchester, M21 9PQ
95A Manchester Road, Chorlton, Manchester, M21 9GA
93 Manchester Road, Chorlton, Manchester, M21 9GA
109 Manchester Road, Chorlton, Manchester, M21 9GA
103A Manchester Road, Chorlton, Manchester, M21 9GA
95B Manchester Road, Chorlton, Manchester, M21 9GA
First Floor, 108 Manchester Road, Chorlton, Manchester, M21 9PQ
95 Manchester Road, Chorlton, Manchester, M21 9GA
99 Manchester Road, Chorlton, Manchester, M21 9GA
97 Manchester Road, Chorlton, Manchester, M21 9GA
107 Manchester Road, Chorlton, Manchester, M21 9GA
103 Manchester Road, Chorlton, Manchester, M21 9GA
105 Manchester Road, Chorlton, Manchester, M21 9GA

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA