

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139639/FO/2024
Date registered valid: 10 April 2024
Proposal: Installation of new shop front
Address: 701 Wilmslow Road, Manchester, M20 6RE
Ward(s): Didsbury East Ward

Applicant: Mr Housam Issa
Agent (if any): Mr David Cook CRL Architects
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 5 June 2024



Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 5 June 2024

Standard consultations:

Printed: 16 April 2024 Expired: 8 May 2024

Neighbour notifications

Printed: 16 April 2024 Expired: 8 May 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

701 Wilmslow Road is a 2 storey end-terraced property located south of the Wilmslow Road and King's Lynn Close junction. The property is located within the Didsbury District Centre. The property is currently vacant but was last used as a food and drink use on the ground floor with residential accommodation above. King's Lynn Close is a short residential cul-de-sac consisting of seven terraced dwellings and it leads to Stephens Terrace which consists of ten 2 storey dwellings. There are parking restrictions along the length of King's Lynn Close.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

Installation of new shop front

Consultations & Notification Responses

Local Residents – No comments received.

Highway Services – Have made the following comments:

- The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

- The existing windows on the northern faced will be replaced with outward opening doors. Highways typically do not accept outward opening doors due to the potential conflict with pedestrians. It is noted that these doors do open outwards onto an area of unadopted forecourt. Given that the proposed development will not result in any increase in the GFA, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the 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 relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – 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 been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, Development Management – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – The principle of the proposal is considered acceptable. Notwithstanding this, the potential impact upon existing levels of residential and visual amenity must be assessed.

Design – The proposed shopfront would consist of the insertion of a double door on the King’s Lynn Close elevation and a guillotine window system on the Wilmslow Road frontage. The latter would allow the Wilmslow Road frontage to open up during warm weather spells. Overall, the design of these alterations is considered acceptable.



Residential Amenity – Given the activity seen throughout the Didsbury District Centre it is not considered that the insertion of the double doors and guillotine window system would lead to a reduction in the current levels of residential amenity enjoyed by the occupants of the nearest accommodation, particularly that on King's Lynn Close.

Visual Amenity – Given the design of the new shop front, it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – The proposal would not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the 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 to resolve any problems arising in relation to dealing with the planning application.

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 this permission.

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

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

- a) Drawing no. 3033 001 - location plan, received on 27 March 2024.
- b) Drawing no. 3033 004A - existing and proposed elevations and floor plans, received on 10 April 2024.

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

3) Any new brickwork to be used in connection with the installation of the development hereby approved shall match those on the external elevations of the existing building in colour, size and texture.

Reason - In the interests of visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy.

4) The details (colour and material) of the proposed window frames shall be submitted to and be approved by the City Council as local planning authority prior to their installation. The development hereby approved shall then be undertaken in accordance with the approved details.

Reason - In the interests of visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

2 Stephens Terrace, Kings Lynn Close, Manchester, M20 6WB

718 Wilmslow Road, Manchester, M20 2DW

722 Wilmslow Road, Manchester, M20 2DW

720 Wilmslow Road, Manchester, M20 2DW

724 Wilmslow Road, Manchester, M20 2DW

8 Kings Lynn Close, Manchester, M20 6WD

2 Kings Lynn Close, Manchester, M20 6WD

3 Kings Lynn Close, Manchester, M20 6WD

Rear Flat Two, 1 Kings Lynn Close, Manchester, M20 6WD

Ultima Vitality, First Floor, 718 Wilmslow Road, Manchester, M20 2DW

Ground Floor, 718 Wilmslow Road, Manchester, M20 2DW

703 Wilmslow Road, Manchester, M20 6RE

703 - 705 Wilmslow Road, Manchester, M20 6RE

695 - 699 Wilmslow Road, Manchester, M20 6NW

720A Wilmslow Road, Manchester, M20 2DW

6 Kings Lynn Close, Manchester, M20 6WD

4 Kings Lynn Close, Manchester, M20 6WD

7 Kings Lynn Close, Manchester, M20 6WD

5 Kings Lynn Close, Manchester, M20 6WD

1 Kings Lynn Close, Manchester, M20 6WD

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