

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138374/FO/2023

Date registered valid: 13 November 2023

Proposal: Installation of new shop front to the Wilmslow Road and Cawdor Road frontages

Address: 222 Wilmslow Road, Manchester, M14 6LF

Ward(s): Fallowfield Ward

Applicant: Insomnia Cookies

Agent (if any): Mr Matthew Biggs, Amity Planning

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 24 November 2023

Standard consultations: Printed: 22 November 2023 Expired: 13 December 2023

Neighbour notifications: Printed: 22 November 2023 Expired: 13 December 2023

Site notice: Posted: 24 November 2023 Expired: 15 December 2023

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 No.222 Wilmslow Road, a commercial retail unit owned by Insomnia Cookies, located within the Fallowfield ward of Manchester. The site is bound to the east by Wilmslow Road (A6010), to the south by Cawdor Road, and is situated opposite the University of Manchester's Fallowfield student accommodation campus, along a busy stretch of the high street with a strong commercial precedent, featuring bars, pubs, shops, and hot food takeaways.



Figure 1. No.222 Wilmslow Road.



Figure 2. Cawdor Road frontage.



Figure 3. Wilmslow Road frontage.

Description of development

The applicant is seeking permission for the installation of new shop front to the Wilmslow Road and Cawdor Road frontages.

Planning history

138615/AO/2023 - Installation of internally illuminated fascia and shop front sign together with non-illuminated window vinyl signs – **PCO**

Consultations & Notification Responses

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

Rusholme, Fallowfield & Moss Side Civic Society – no comments or objections received.

Highways objected to the outdoor seating area initially included within the proposal on the basis that this would limit the availability of the public footpath to an unacceptable degree, creating a pinch-point due to its proximity to an existing bus stop in an area with already high footfall. *This was relayed to the applicant and their agent who removed the outdoor seating area from the proposal.*

Environmental Health made no objection to the proposal, requesting a condition be attached to control the hours of use of the external seating area. *This condition is no longer relevant to the application due to the outdoor seating area being removed from the proposal.*

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 DC14 – Shop front and related signs

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 EN1 – Design Principles and Strategic Character Areas

The National Planning Policy Framework (NPPF, 2021)

- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 12 – Achieving Well-Designed Places

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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.

Figure 4. Submitted proposed elevations.

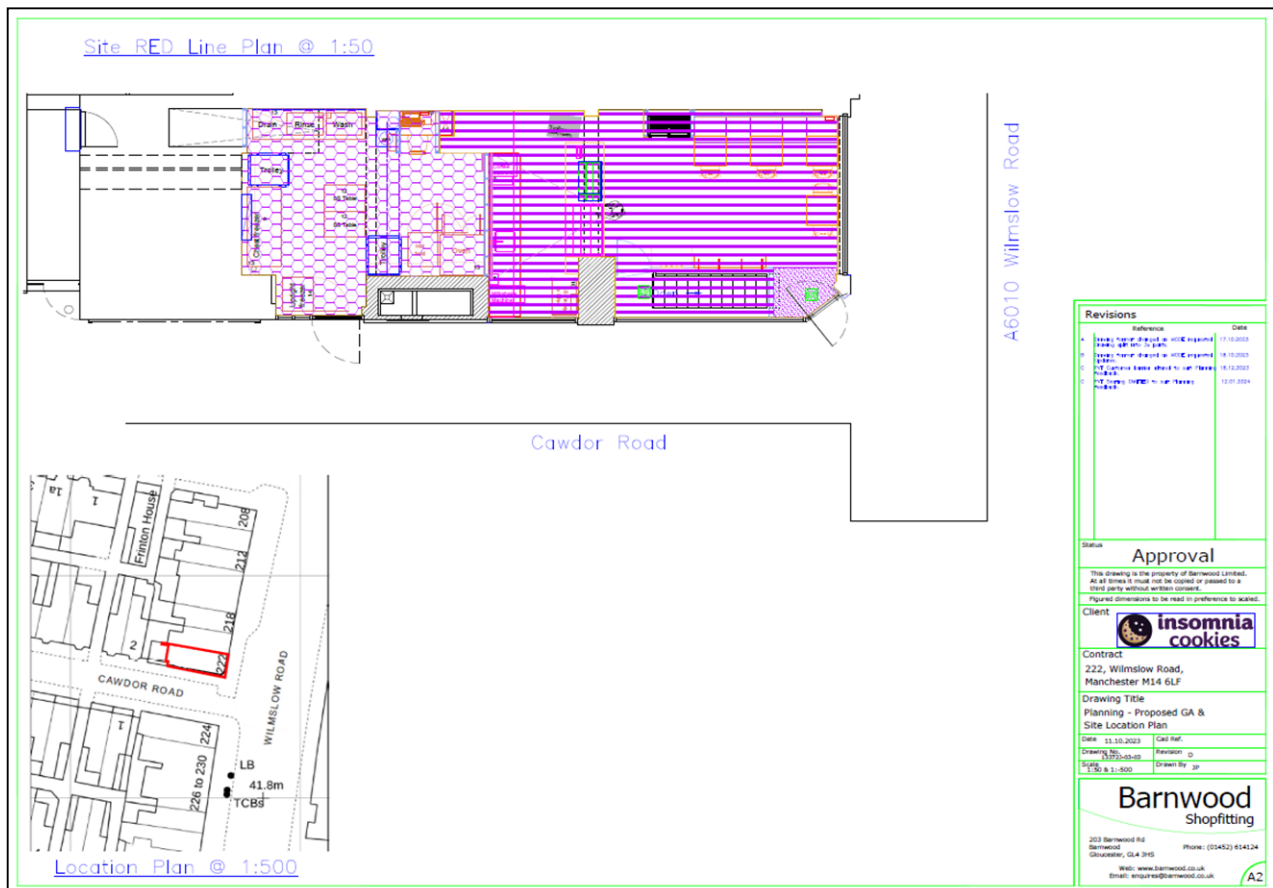


Figure 5. Submitted proposed plans.

Residential amenity – the new shopfront would be sited a reasonable distance away from the nearest residential properties, which are located on Cawdor 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.

Conclusion – the proposal complies with policies DM1, SP1, and EN1 of the Core Strategy, policy DC14 of the UDP and chapters 7 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.

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. Issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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:

- 'Planning – Proposed Elevations', numbered '13372J-03-02 REV C', stamped as received by the City Council as Local Planning Authority on the 13th November 2023.

- 'Planning – Proposed GA & Site Location Plan', numbered '13372J-03-03 REV D', stamped as received by the City Council as Local Planning Authority on the 12th January 2024.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Rusholme, Fallowfield & Moss Side Civic Society

Top Flat, 220 Wilmslow Road, Manchester, M14 6LF
Top Flat, 218 Wilmslow Road, Manchester, M14 6LF
Flat Above, 214 - 216 Wilmslow Road, Manchester, M14 6LF
Ground Floor And Basement, 224 Wilmslow Road, Manchester, M14 6LE
214 - 216 Wilmslow Road, Manchester, M14 6LF
232A Wilmslow Road, Manchester, M14 6LE
218 Wilmslow Road, Manchester, M14 6LF
220 Wilmslow Road, Manchester, M14 6LF
3 Cawdor Road, Manchester, M14 6LG
228A Wilmslow Road, Manchester, M14 6LE
224 Wilmslow Road, Manchester, M14 6LE
Flat 1, 224 Wilmslow Road, Manchester, M14 6LE
Flat 3, 224 Wilmslow Road, Manchester, M14 6LE
Flat 2, 224 Wilmslow Road, Manchester, M14 6LE
Flat 4, 224 Wilmslow Road, Manchester, M14 6LE
232 Wilmslow Road, Manchester, M14 6LE
2 Cawdor Road, Manchester, M14 6LQ
1 Cawdor Road, Manchester, M14 6LG
228 - 230 Wilmslow Road, Manchester, M14 6LE
226 Wilmslow Road, Manchester, M14 6LE
4 Cawdor Road, Manchester, M14 6LQ

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)
Area Team Boundary - Name: SOUTH AREA