

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133874/FO/2022
Date registered valid: 7 June 2022
Proposal: Retention of canopy to the front of the shop premises.
Address: Unit C, 190 - 200 Platt Lane, Manchester, M14 7DE
Ward(s): Fallowfield Ward
Applicant: Mr Mohammed Farok Unit C, 190 - 200 Platt Lane, Manchester, M14 7DE
Agent (if any): M Farooq Building Design Services Via Email
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Refuse
Date of recommendation: 2 August 2022



Application details

Type of application: Full Application Consent
Development type: Minor Other
Date of site visit: 20.06.2022
Standard consultations: Printed: 9 June 2022 Expired: 30 June 2022
Neighbour notifications: Printed: 9 June 2022 Expired: 30 June 2022
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 application site is a ground floor commercial unit of a corner property comprising of a 2 storey 1930's building on the corner of Yew Tree Road and Platt Lane. The building is a former assembly hall and later ballroom.

The commercial unit overlooks Yew Tree Road at the junction with Lynton Street and is occupied by a retailer who has approximately 0.80 metres of frontage between the shop unit and back of pavement.

There are several other retailers operating at ground floor and the first floor is used by an organisation that offers religious services.

Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of area

Outwith the site, the area is largely residential in character with the exception of the Manchester Metropolitan University / Manchester City training facility on the south side of Platt Lane and Platt Fields Park to the south and east of that.

Residential properties are traditional Victorian pavement terraces with gables facing Yew Tree Road. Improvements in the area were carried out in the 2000's to implement a programme of street trees across the neighbourhood.

Description of development

Retention of canopy to the front of the shop premises.

Planning History

The following is a list of applications received at the site and their decisions:

087815/FO/2008/S1 - Application Refused - 20.11.2008, 190 Platt Lane, Moss Side, Manchester, M14 7DE, Change of use from shop (Class A1) to hot food take-away (Class A5) including installation of a new shop front

085261/JO/2007/S1 - Application Approved - 30.05.2008 - 200 Platt Lane, Rusholme, Manchester, M14 7DE, Continuance of use of first floor as a place of worship and extension of opening hours to allow 24-hour use

063643/JO/SOUTH1/01 - Application Temporarily Approved - 01.03.2006 1st Floor, 200 Platt Lane, Rusholme, Variation of condition of condition no.4 attached to planning permission 048427/FU/CENTL1/95 to allow the use of the premises as a mosque

021837 - Application Refused - 25.07.1984 - Ground floor, 190/202, Platt Lane, Fallowfield, Moss Side, Change of use from a shop to a snooker club

048427/FU/CENTL1/95 - Application Approved - 26.10.1995 200, Platt Lane, Rusholme, Change of use of 1st floor to Islamic cultural and education centre

060835/JO/SOUTH1/00 - Application Refused - 01.03.2001 200, Platt Lane, Fallowfield, Variation of conditions no.2 & no.4 attached to planning ref. 048427 to allow use of premises between hours of 9.00am to 9.30pm 7 days a week and for use as a place of worship

025742 - Application Approved - 21.05.1986 1st.Floor, 200, Platt Lane, Rusholme, Moss Side, Change of use from licensed ballroom to 18 self-contained flats to provide student accommodation.

F04944 – Application Withdrawn - 06.10.1977 - Capri Ballroom (over, Co-operative Store), Platt Lane/Yew Tree Road,, Rusholme., Change of use from assembly hall to public licensed ballroom.

Consultations & Notification Responses

Neighbour notification

Objection 1

I am writing on behalf of Al Jamia Al Karimia Trust (Registered Charity and Islamic Place of Worship).

The charity has occupation of the first floor, however, has no dealings with the ground floor, which appears to be leased out by the owner to a number of other businesses etc. On the ground floor, there is a shop which sells many random things such as food and appliances (this shop is located at the corner of Yew Tree Road and Lynton Road). Without the Council's permission, they have recently installed a large and permanent hard canopy coming from the front signboard area of their shop and stretching far into and shadowing the public pavement. We understand they are now making a retrospective application to have it authorised. They also displaying their stock outside during the day, and this is becoming somewhat of a nuisance to the Trust, as the Trust has numerous attendees on a daily basis. The canopy was installed for the sake of installing goods outside of their shop, which they now place on a daily basis. This is causing obstruction to the regular attendees and even to general pedestrians on the road. At the trust, we have attendees for daily 5x daily prayers and Children/adults classes (Monday-Friday). We are highly concerned that the large canopy is to facilitate and display numerous goods outside of their shop, which we feel is beyond scope (both the size of the canopy and the amount of goods being places). This is because they are causing obstruction to our regular attendees and general pedestrians. The Trust is also a part of the same building and surely we should have some say or input in this matter? The Council has recently installed large plant pots (Timber Planters) on the same pavement and that has also taken a large amount of area together with the existing trees. In light of this, the trust would be surprised if the Council gave the shop an additional license to display goods outside, thereby restricting the pavement space even further. We are afraid that this could cause hazard / trip hazard to our regular attendees and Pedestrians.

The Trust pleads with the council and states that this is already a very busy and built-up area and they feel that the shop is causing further problems for the community and pedestrians. In

the interest of the public and our needs as a charitable organisation for the community, we would like to strongly oppose this application. The canopy is designed to stock their goods externally.

Policy

The following policies are material considerations in the assessment of the proposal:

- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy SP1 - Spatial Principles
- o Policy DM1 - Development Management
- o Policy EN1 – Design Principles

Unitary Development Plan – Saved policy DC14.1 - Shopfronts

- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, the proposal conflicts with the principles of the above planning policies.

Issues

The proposal in this application is unauthorised development that has resulted from a Planning Compliance complaint (Ref: ENF/15389/22). The planning regulatory framework permits the opportunity to regularise unauthorised development which should be assessed against the relevant policies of the development plan.

Planning policy at national and local level requires that development is approved without delay where it complies with the social, economic, and environmental strands of sustainable development.

The canopy comprises of a 6.3-metre-long x 3-metre-high (maximum, 2.65 minimum) sheet of corrugated iron which has been affixed to the fascia to form a canopy across the Yew Tree Road elevation. It is mounted on two timber brackets and the whole structure painted a bright blue colour.

The canopy has no precedent in the street scene where shop units have no structures that overhang the front forecourt, or the highway. On this basis, the proposal represents an isolated, incongruous, and obtrusive feature that is out of character with the pattern of development in the street scene.

The canopy and associated support structure are poorly related to the host building and are of a very poor quality, utilising materials and a poor standard of construction that are detrimental to the character and appearance of the street scene; this includes residential development in view of the site, both on Yew Tree Road and at Lynton Street.

The poor quality is emphasised by the structure being painted a bright blue colour which is very prominent in the street scene. This undermines the environmental gains made to the quality of the residential dwellings and wider street scene through an historic tree planting campaign. This has been supplemented by residents planting bulbs within the tree pits along the Yew Tree Road elevation, indicating residents' sense of civic pride.

The negative appearance of the canopy also contributes to the sense of a poor trading environment which serves to drive down the quality of shopfronts. The agent was advised of the

Council's concerns and given the opportunity to remove the structure before the application was determined. No further action has been taken by the agent and the application has therefore been determined accordingly.

For the reasons outlined above, the structure is contrary to the above policies within the development plan, specifically DC14.1, DM1 and EN1 which require that development relates well to its surroundings and has a positive impact on the character of the street scene. The proposal fails to comply with the development plan and is therefore recommended for refusal.

The Planning Compliance team have indicated that the structure is required to be removed through formal letter and visits to the application site, rather than issue of an Enforcement Notice.

Other matters

The application resulted in the objection set out above, the main reason being that the canopy affords goods to be displayed on street which is considered an obstruction by other users of the building.

Highway Services have assessed the proposal and not the potential for goods to be stored adjacent to the footway. As such, there is no objection from them in this regard.

They have indicated that a headroom clearance of 2.50-metres should be in place. The lowest part of the canopy stands 2.65-metres above the footway and so complies with this requirement. Should the canopy be deemed acceptable, a 'projection over' license will be required as it extends over the adopted footway.

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 in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report. Concerns were raised with regards to the appearance of the canopy in the street scene, particularly in relation to the character of the other shop units and the poor quality of construction and materials. The proposal would not improve the social, environmental and

economic conditions of the area, and therefore does not comprise sustainable development. Negotiations with the agent to remove the canopy ahead of the Planning decision being issued has not resolved the matter and there are no conditions which could reasonably be imposed which could overcome those concerns. The application is therefore recommended for refusal.

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

1) The canopy in situ, by reason of its siting, design, and materials, represents an incongruous and obtrusive feature that is out of character with the pattern of development in the street scene. The prominent siting of the canopy, together with the poor quality of the materials and construction and the absence of any other canopies over ground floor retail units in the street, does not enhance the social, economic, and environmental conditions of the site. The development is therefore not sustainable development, and is contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester (2007), saved policy DC14.1 (Shopfronts) of the Unitary Development Plan and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

66 Yew Tree Road, Manchester, M14 7PP
62 Yew Tree Road, Manchester, M14 7PP
54 Yew Tree Road, Manchester, M14 7PP
58 Yew Tree Road, Manchester, M14 7PP
16 Lynton Street, Manchester, M14 7NZ
60 Yew Tree Road, Manchester, M14 7PP
18 Lynton Street, Manchester, M14 7NZ
64 Yew Tree Road, Manchester, M14 7PP
56 Yew Tree Road, Manchester, M14 7PP

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
Area Team Boundary - Name: SOUTH