



Planning Statement

Planning application for shop front canopy – Wimmy
Foods, 256 Wilmslow Road, Fallowfield, Manchester, M14
6JR

for Mr Javaid Kashif

Emery Planning project number: 22-121



Project : 22-121
Site address : Wimmy Foods, 256
Wilmslow Road,
Fallowfield, Manchester,
M14 6JR
Client : Mr Javaid Kashif

Date : 24 August 2022
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1. Introduction

- 1.1 This statement is submitted in support of a full planning application for the construction of a new fixed canopy across the front elevation of the shop unit, known as Wimmy Foods at 260 Wilmslow Road, Fallowfield, Manchester. The new canopy now being sought is to replace the current canopy which was subject to an appeal against an enforcement notice which was dismissed on appeal (appeal ref APP/B4215/C/21/3287262).

2. Application

- 2.1 Wimmy Foods, a small independent supermarket, installed a canopy (now unauthorised) to protect the fresh fruit and vegetables, which during opening hours are stored externally at the front of the shop. The canopy was installed to not only protect these goods from the weather but to advertise the products sold in the unit and to encourage passing trade.
- 2.2 The existing canopy is constructed in steel with the supporting legs abutting the façade of the unit with a lean to corrugated steel roof projecting over the external operating area at the front of the unit. In dismissing the appeal, whilst the principle of the canopy was found to be acceptable by the Inspectorate the existing design was not, and the appeal subsequently failed on that basis.
- 2.3 Following the appeal dismissal, alternative designs were discussed with planning officer Jennifer Connor to ascertain what design would be considered acceptable in this location. The submitted design is in accordance with these discussions.
- 2.4 It should be noted that the extent of the retail area is indicated by bollards within pavement area.

3. Context

Site location and description

- 3.1 The property is located close to the crossroads of Wilmslow Road and Wilbraham Road, Fallowfield. It is situated within the Fallowfield District Centre as designated in the Manchester Local Development Framework (LDF).
- 3.2 The application property is a modern part two and part three storey red brick building. The commercial unit subject to this application operates as a small supermarket at ground floor level with residential accommodation above.
- 3.3 The property is of a relatively bland design with no distinguishing features. The ground floor unit is fully glazed across the whole of the ground floor although several of the window panels have been covered with vinyl internally to allow the window space to be utilised for internal display/shop fittings. We understand that this detail was first introduced by Tesco Express, the previous tenant of the property. The first and second floor windows are a mixture of single and double casement windows.
- 3.4 The other buildings in the immediate vicinity of the application site comprise small/local shops with a bar and restaurant being immediately adjacent. The surrounding area contains a range of residential properties including student accommodation, retail, financial and professional businesses/services.

Relevant planning history

- 3.5 Following a search of the local authority's online planning history search facility there are no recent planning applications that are relevant to the current proposal.
- 3.6 A retrospective advertisement application was submitted by Emery Planning on behalf of the applicant at the same property (ref. no. 130325/AO/2021). This application was approved 30th June 2021.
- 3.7 A retrospective application for the current canopy was submitted in May 2021 and given ref number (ref no 120293/FO/2021). This application was refused and an enforcement notice served on the applicant in October 2021 seeking the removal of the canopy within 1 month of the date of the enforcement notice coming into force. An appeal was subsequently made against this

enforcement notice but was dismissed in March 2022, however in dismissing the appeal the time scale for compliance with the enforcement notice requiring the existing canopy to be removed was increased from 1 month up to 6 months of the date of the appeal decision notice and it was indicated that the principle of a canopy could be acceptable.

4. Policy context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the relevant development plan:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Development plan context

Manchester Development Plan

- 4.2 The development plan comprises the Manchester Core Strategy, which was adopted in 2012, and the saved policies of the Unitary Development Plan, which was adopted in 1995. Policies considered relevant to the determination of this application includes the following:

- Core Strategy Policies DM1 – Development Management
- Core Strategy Policies SP1 – Sustainable Development
- Saved UDP Policy DC14.1 – Shop Fronts and Related Signs

Other material considerations

Supplementary planning guidance

- 4.3 The following supplementary planning guidance documents are relevant to the determination of this planning application:

- Guide to Development in Manchester Supplementary Planning Documents (SPD) (Adopted April 2007)

National planning policy and guidance

National Planning Policy Framework (The Framework)

- 4.4 The revised Framework was published in February 2019 setting out the Government's planning policies for England and how they expect these to be implemented.

Achieving sustainable development

- 4.5 Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways:
- An economic objective
 - A social objective
 - An environmental objective

The presumption in favour of sustainable development

- 4.6 Paragraph 11 states that “Plans and decisions should apply a presumption in favour of sustainable development.”
- 4.7 It also states that for decision-taking this means approving development proposals that accord with the development plan without delay; and 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:
- 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
 - 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.

Determining applications

- 4.8 Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Design

Section 12 of the Framework seeks to achieve well-designed places. Paragraph 124 recognises that the creation of high -quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 127 of the Framework also reinforces the good design principles of paragraph 124 and provides guidance on how this can be achieved.

5. Planning considerations

- 5.1 The building in question has commercial use at ground floor with residential above and is located within Fallowfield District Centre. The principle of commercial development is therefore acceptable. The canopy provides an essential element to the success of the retail unit by providing an important and necessary feature to protect the fresh produce sold by the unit. This is a material consideration in the determination of the application.

Existing situation

- 5.2 Wimmy Foods is small independent supermarket which has a large display of fresh produce. Due to the level of products sold within the supermarket there is not the physical room to display the fresh produce internally. As a result, the fresh produce is displayed on the external operating area to the front of the unit.
- 5.3 The unit opened in January 2021 and the applicant needed to install a canopy quickly to provide the necessary weather protection for the unit, prior to its opening. Due to the speed required and the materials available at the time of installation, the installers erected the canopy with a white finish.
- 5.4 The applicant received a letter from the City Council in February 2021 advising the applicant that planning permission had not been granted for the canopy and indicated the canopy should be removed.
- 5.5 Due to the need for a canopy to provide continued protection for the fresh produce, the removal of the canopy without an alternative scheme being immediately installed is not a viable option. Therefore, application ref. 120293/FO/2021 was submitted in May 2021 seeking retrospective consent for the construction of the shop front canopy. Retrospective planning consent was refused in July 2021 for reasons being of it forming an obtrusive and incongruous feature in the surrounding street scene.
- 5.6 An enforcement notice was subsequently served on to the applicant in October 2021, launching the submission of appeal ref. APP/B4215/C/21/3287262. The appeal was dismissed in March 2022 and the enforcement notice was upheld with a modification which allowed the applicant six months to comply with the requirements, instead of the originally appointed one month, (to allow for the exploration of alternative design options for the site).

- 5.7 The applicant took on board the comments made by the Inspector and the informal discussions with the planning officer and fully intended to prepare and submit a further planning application for a new canopy as soon as possible. Unfortunately, due to a number of issues there has been a delay in the preparation and submission of this alternative scheme. It is hoped that officers will issue a favourable decision notice on the current proposal allowing the applicant to install the proposed new canopy as soon as practicably possible.

Proposed modifications

- 5.8 This application seeks to resolve the design issues raised with the dismissed scheme.
- 5.9 This application seeks full planning permission for the replacement of the current unauthorised shop front canopy for one more suitable to the surrounding commercial area.
- 5.10 The appeal decision notice draws attention to the *“poor quality materials giving the structure a flimsy and makeshift appearance that pays little attention to the host building and its surroundings”*. The Inspector noted that the suggested repainting of the structure to a darker colour would not be sufficient to make the development acceptable in the street scene as the materials and design were still not considered to be appropriate. This application therefore proposes a new canopy that reflects the characteristics of the surrounding area and the adjacent building.
- 5.11 The proposed canopy will be of lean-to design fastened onto the existing building. It will be constructed with 4 vertical traditional metal posts within the pavement area, (set back within the external operating area of the unit). The canopy will then be constructed with vertical glazing panels to replicate a traditional shop canopy. The supporting posts will be provided with decorative detailing at the eaves of the canopy.
- 5.12 All metal work will be painted black and will enable the canopy to match the current metal work, down pipes and eaves detail of the existing building. It will also replicate the colour of the exposed metal work to the frontage of the adjacent property which operates as a bar and restaurant.
- 5.13 These proposed changes will result in an improved design which is more suited to the characteristics of the surrounding area in both design and colour and will not have a detrimental impact on the character and appearance of the street scene.

- 5.14 Saved Policy DC14.1 of the UDP seeks to ensure that any additions to shop frontages should be in keeping with the character of the building and the adjoining buildings and shop frontages should be approved.
- 5.15 The proposed amended scheme is compliant with policies SP1 and DM1 of the LDF and should be approved.

6. Summary and conclusions

- 6.1 This application seeks full planning consent to replace an existing unauthorised shop front canopy with a new canopy of a traditional design.
- 6.2 The proposed new design will ensure the canopy is in keeping with the host building, design detailing on adjacent buildings and the character and appearance of the commercial area.
- 6.3 The canopy is essential to the operation of the commercial business which is a material consideration in determining the application. By virtue of appeal decision APP/B4215/C/21/3287262 the principle of a canopy on the shop front has been deemed to be acceptable. The submitted scheme provides a much-improved scheme and is now more compatible with the surrounding retail area.
- 6.4 The proposal is compliant with Policies SP1 and DM1 of the LDF and saved Policy DC14.1 of the UDP.