

Planning

Growth & Development

Delegated officer report for planning application

Application no.	134822/FO/2022
Date registered valid:	30 August 2022
Proposal:	Installation of covered canopy to front of existing shop
Address:	260 Wilmslow Road, Manchester, M14 6JR
Ward(s):	Fallowfield Ward
Applicant:	Mr J Kashir Wimmy Foods C/o Agent
Agent (if any):	Mrs Clare Gascoigne Emery Planning Units 2 - 4 South Park Court , Hobson Street, Macclesfield, SK11 8BS
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	19 October 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 September 2022

Standard consultations:

Printed: 5 September 2022

Expired: 26 September 2022

Neighbour notifications

Printed: 5 September 2022

Expired: 26 September 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/area

The property is a large prominent commercial premises near to the junction of Wilmslow Road and Wilbraham Road in the centre of Fallowfield.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant has installed a canopy to the front of the property and this was subject to planning application 130392/FO/2021. That application was refused in July 2021 as its rudimentary design was considered to be an incongruous and obtrusive feature within the street scene. That canopy is the subject of enforcement action following the dismissal of the subsequent appeal (ref. APP/B4215/C/21/3287262) in March 2022. The applicant is now applying to erect a replacement structure:



Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Highway Services – No objection to the proposal so long as it complies with the 2.3 metres minimum headroom clearance.

Cadent – No objection and requests the imposition of an informative.

Policies

The National Planning Policy Framework July 2021 (NPPF) – 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:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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.

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:-

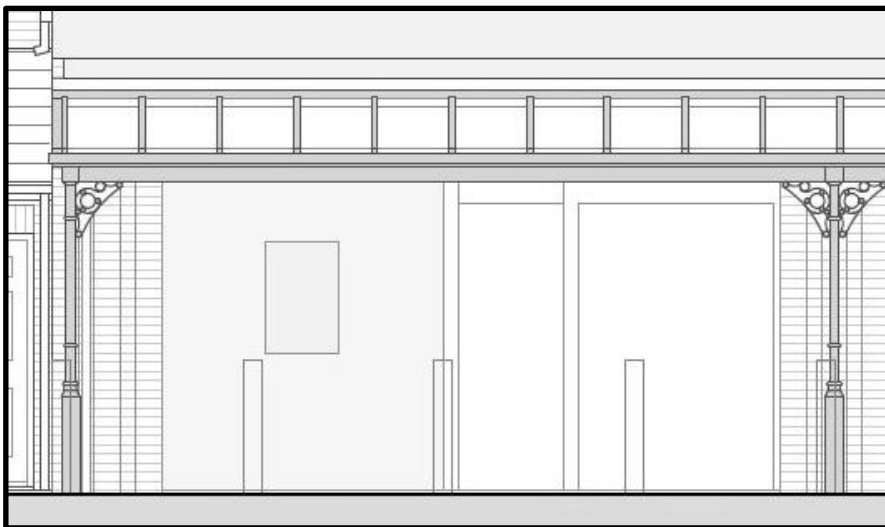
- Appropriate siting, layout, scale, form, massing, materials and detail.

- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.

Issues

Principle of the Proposal – In dismissing appeal APP/B4215/C/21/3287262 the Planning Inspectorate acknowledged that there was no objection in principle to erecting a canopy to the front of these commercial premises. Accordingly, there is no objection in principle to the proposal subject to the design and siting of the canopy being acceptable.

Design – The current unauthorised canopy is of a simple design and lacks any architectural merit. 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. 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.



The proposed replacement is more detailed and is reminiscent of the type found in several shopping parades throughout south Manchester. Given this the design of the proposal is considered acceptable.

Siting – The canopy would be contained within the forecourt of the property and would have a clearance of 2.5 metres. The siting of the proposal is therefore considered acceptable.

Residential and Visual Amenity – It is not considered that the proposal would have a detrimental impact upon the levels of residential and visual amenity enjoyed within the vicinity of the site.

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 matters 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 stamped as received on 30 August 2022:

- a) Location plan
- b) Drawing no. 0185-P10

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) The development shall be implemented and thereafter maintained using the materials detailed in the application form and drawing no. 0185-P10, stamped as received on 30 August 2022.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in

proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Flat 11, 5A Wilbraham Road, Manchester, M14 6JS

8 Boland Drive, Manchester, M14 6DS

5B Wilbraham Road, Manchester, M14 6JS

5D Wilbraham Road, Manchester, M14 6JS

2 Boland Drive, Manchester, M14 6DS

12 Boland Drive, Manchester, M14 6DS

4 Boland Drive, Manchester, M14 6DS

10 Boland Drive, Manchester, M14 6DS

Room B Flat 49, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 49, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Flat 2, 2 Carill Drive, Manchester, M14 6WR

313 Wilmslow Road, Manchester, M14 6NW

Flat 1, 2 Carill Drive, Manchester, M14 6WR

Flat 4, 2 Carill Drive, Manchester, M14 6WR

311 Wilmslow Road, Manchester, M14 6NW

Flat 3, 2 Carill Drive, Manchester, M14 6WR

Ladybarn House, Wilmslow Road, Manchester, M14 6ND

5C Wilbraham Road, Manchester, M14 6JS

Flat 12, 5A Wilbraham Road, Manchester, M14 6JS

Room B Flat 47, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 29, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room B Flat 25, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 25, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 18, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 17, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

5 - 7 Wilbraham Road, Manchester, M14 6JS

Units 1 To 3, Ladybarn House, Wilmslow Road, Manchester, M14 6ND

Room A Flat 46, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 41, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room D Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room B Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 33, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 27, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room A Flat 19, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Room B Flat 17, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Flat 9, 5A Wilbraham Road, Manchester, M14 6JS

Flat 6, 5A Wilbraham Road, Manchester, M14 6JS

Flat 4, 5A Wilbraham Road, Manchester, M14 6JS

Flat 43, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Flat 35, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND

Flat 28, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 36, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 16, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 48, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 42, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 37, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 36, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 32, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 31, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 23, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 10, 5A Wilbraham Road, Manchester, M14 6JS
Flat 8, 5A Wilbraham Road, Manchester, M14 6JS
Flat 34, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 32, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 29, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 23, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
264 Wilmslow Road, Manchester, M14 6JR
Room A Flat 43, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 35, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 30, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 22, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 22, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 20, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 19, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 16, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 15, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room D Flat 14, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room C Flat 14, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 14, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 5, 5A Wilbraham Road, Manchester, M14 6JS
Flat 45, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 31, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 22, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 47, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 46, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 41, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
6 Boland Drive, Manchester, M14 6DS
Unit 5, Ladybarn House, Wilmslow Road, Manchester, M14 6ND
Room B Flat 46, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 45, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 45, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 44, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 40, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room C Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 35, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 34, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 32, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 29, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room D Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room C Flat 26, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 1, 5A Wilbraham Road, Manchester, M14 6JS

Flat 25, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 44, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 30, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 24, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Unit 6, Ladybarn House, Wilmslow Road, Manchester, M14 6ND
Flat 21, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
268 Wilmslow Road, Manchester, M14 6JR
262 Wilmslow Road, Manchester, M14 6JR
Room B Flat 43, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 21, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 39, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 34, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 24, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Unit 4, Ladybarn House, Wilmslow Road, Manchester, M14 6ND
Room B Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room C Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 47, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 44, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 20, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 23, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 21, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room D Flat 13, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 14, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 33, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room B Flat 31, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 28, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Room A Flat 37, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 33, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
266 Wilmslow Road, Manchester, M14 6JR
Flat 39, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 37, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 18, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 3, 5A Wilbraham Road, Manchester, M14 6JS
Flat 38, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 49, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 42, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 19, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
14 Boland Drive, Manchester, M14 6DS
Flat Above, 5 - 7 Wilbraham Road, Manchester, M14 6JS
Flat 7, 5A Wilbraham Road, Manchester, M14 6JS
Flat 2, 5A Wilbraham Road, Manchester, M14 6JS
Flat 48, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 20, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 17, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 15, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 40, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 14, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
Flat 27, Ladybarn House, 2 Moseley Road, Manchester, M14 6ND
258 Wilmslow Road, Manchester, M14 6JR

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