



# Planning Statement

Planning application for shop front canopy (part-retrospective) – Wimmy Foods, 256 Wilmslow Road, Fallowfield, Manchester, M14 6JR

for Mr Javaid Kashif

Emery Planning project number: 21-187

Project : 21-187  
Site address : Wimmy Foods, 256  
Wilmslow Road,  
Fallowfield, Manchester,  
M14 6JR  
Client : Mr Javaid Kashif  
Date : 10 May 2021  
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# Contents:

1. Introduction	1
2. Application	1
3. Context	2
4. Policy context	3
5. Planning considerations	6
6. Summary and conclusions	9

## 1. Introduction

- 1.1 This statement is submitted in support of a part-retrospective planning application for the construction of a fixed canopy across the front elevation of the shop unit, known as Wimmy Foods at 260 Wilmslow Road, Fallowfield, Manchester.

## 2. Application

- 2.1 Wimmy Foods, a small independent supermarket, has installed the canopy to protect the fresh fruit and vegetables, which during opening hours are stored externally at the front of the shop. The canopy has been 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 canopy is constructed in steel with the supporting legs abutting the façade of the unit with a lean too corrugated steel roof projecting over the external operating at the front of the unit. This operating area is demarked by fixed bollards in front of the unit.
- 2.3 At the time of installation, the steel work was painted white. This application proposes to paint all steel work either black or dark green to match the detailing of external elevation of the building and to be in-keeping with the existing building and street scene.

## 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 has recently been submitted by Emery Planning on behalf of the applicant at the same property. This application has not yet been registered.

## 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

- 4.9 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.

### **Supplementary planning guidance documents**

4.10 The following supplementary planning guidance document is relevant to the determination of this planning application:

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



## 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. This application is a part - retrospective application seeking consent for design improvements to the current canopy to ensure it is policy compliant.

5.6 The canopy is completely free standing and is not reliant on the existing building for support. Should the canopy become redundant at any time in the future then it can be removed in its entirety without causing any markings or disruption to the main building. This could be secured by condition if deemed necessary by the local planning authority.

## Proposed modifications

- 5.7 It is proposed to maintain the canopy in its current structural form. Both vertical supports and roof would be painted black or a dark green to match the advert above. The precise colour is subject to approval by the planning officer. The painting of the metal framework will be of benefit by enabling 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.

## Design

- 5.8 The proposed changes referred to above will enable the canopy to be in-keeping with the existing structure and the neighbouring property. The replacement of the white paint with the suggested black (or dark green) would improve the appearance of the site and ensure it does not have a detrimental impact on the character and appearance of the street scene.
- 5.9 Saved Policy DC14.1 of the UDP seeks to ensure that any additions to shop frontages should be in keeping with character of the building and the adjoining buildings and shop frontages should be approved.
- 5.10 The proposal, with the proposed modifications, is compliant with policies SP1 and DM1 of the LDF and should be approved.

## Similar approved schemes

- 5.11 There are a number of similar fixed canopy schemes within the surrounding area and which form part of the character and appearance of the area. We have not been able to find any planning history for many of these. However, there are some comparable schemes that have been approved within the vicinity.
- 5.12 Of particular relevance are the following two sites which we consider are comparable to the current proposal. These are:

- **Manchester Super Store, 132-142 Wilmslow Road, M14 5AH (application 102750/FO/2013/S1)** – this proposal involved the construction of a similar freestanding canopy across the whole front of the property projecting a maximum depth of 3.3 metres

from the front elevation of the building. Due to the depth of the projection this canopy also has steel supports on the pavement edge. The design of the canopy is of a much more solid structure than that at 260 Wilmslow Road and forms an essential addition to the retail space for the property. Planning permission was granted and was considered to accord with policies SP1 and DM1 of the Core Strategy – the same policies that the current development needs to be assessed against.

- **Younis Cash and Carry, 2-4 Kingsway, Levenshulme M19 2DD (application 089827/FO/2009/S1)** – Planning permission was granted for a virtually identical scheme to the current application proposal. The property is located on one of the main arterial roads into the city centre. The host building is a two storey brick commercial property which sits within a small parade of other two storey commercial properties in what is primarily a prime residential area and was considered to accord with policies of the then UDP from a local amenity and visual perspective (policies H2.2 and E3.5).

5.13 Whilst a local planning authority is not bound by earlier decisions, it is required to have regard to the importance of consistency in decision making. This is established in case law (*Midcounties Co-Operative Limited v Forest of Dean District Council* [2017] EWHC 2050 and *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65P & CR137). We consider that this application is comparable with the examples provided above and should be determined in a like manner.

## 6. Summary and conclusions

- 6.1 This application seeks part-retrospective consent to retain the current canopy. Steel work would be painted black or dark green.
- 6.2 The proposed design modifications to the canopy would 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. The proposal is also comparable with other canopies that have been granted consent in the surrounding area which is also a material consideration.
- 6.4 The proposal is compliant with Policies SP1 and DM1 of the LDF and saved Policy DC14.1 of the UDP.