

## List No. 13

<b>Brooklands Ward</b>	<b>Application Number</b> 081821/FO/2007/S2	<b>Date of Appln</b> 4th Jan 2007	<b>Committee Date</b> 26th Jul 2007
<b>Proposal</b>	Erection of a single storey shop (A1) unit (66.7 metre squared) as extension to existing retail parade accessed at rear from existing service yard via Petersfield Drive entrance		
<b>Location</b>	Petersfield Drive Shopping Centre, Near Altrincham Drive, Wythenshawe, Manchester, M23 9PS,		
<b>Applicant</b>	Genesis Estate 3 Keppel Road, Chorlton, Manchester, M20 0AT		
<b>Agent</b>	Howard And Seddon Partnership 64 Washway Road, Sale, Cheshire, M33 7RE		

### Description

At the meeting of 28th June 2007 Members were resolved to ask the Head of Planning to prepare and submit a further report addressing issues raised by the Committee and to advise them as to whether there are relevant planning considerations that could reasonably sustain a refusal of planning permission.

The Committee were Minded to Refuse the application following Members concerns that the proposal would lead to a breach of policy H2.2 by having a detrimental impact on the adjacent residential properties.

### Issues

The proposal is for an additional single storey shop unit adjoining the existing parade at Petersfield Drive. This is a small green attached to a parade of shops within a predominantly residential area. Members were concerned that the development of this green would be harmful to the surrounding residential properties, with regard to bringing development closer to their properties and also that there was a lack of need for a further shop, as the existing shops are sufficient.

Members welcomed the package of measures proposed by the applicant but did not feel that these measures should come at any cost, namely the erection of a further shop on the green space.

### Conclusion

While the Head of Planning's recommendation remains unchanged i.e. to be Minded to Approve (subject to a legal agreement in relation to the security and environmental works now proposed), should Members Refuse planning permission, then set out below is a suggested reason for refusal.

1) The comings and goings associated with the new shop, including traffic from customers and service vehicles, and people potentially congregating, will add to existing problems for nearby residents in terms of loss of residential amenity and increased anti social behaviour, such that the parade as a whole will deteriorate further rather than be improved, which would be contrary to City Council policy H2.2.

## List No. 13

### Description

This application was previously presented to the Wythenshawe Area Committee (WAC) meeting of 24th May 2007, where it was considered and recommended for refusal on the grounds that "the comings and goings associated with the new shop, including traffic from customers and service vehicles, and people potentially congregating, will add to existing problems for nearby residents in terms of loss of residential amenity and increased anti social behaviour, such that the parade as a whole will deteriorate further rather than be improved." Subsequently the applicant has put forward a package of measures to seek to address these concerns.

The application site is a small 0.02 hectare open and vacant piece of land to the side of 31 Petersfield Drive. The land is currently a green which abuts Wadebridge Avenue and the adjoining six existing retail units on Petersfield Drive, plus one retail unit on the opposite end of the parade which is currently under construction. There is a telephone box immediately to the front of the site.

The Baguley Shopping Centre on Petersfield Drive is a local parade of six units. The parade consists of a supermarket; a chemist, an off licence and two hot food take aways (fish & chips and Indian), and a vacant beauty salon. Petersfield Drive is located off Altrincham Road in an area of mixed residential accommodation. There are detached, semi detached, terraced and flatted accommodation with associated car parks for the residents. The Jolly Butcher Public House is located to the south of the shopping centre on the opposite side of Petersfield Drive.

Permission is sought for the erection of a single storey retail unit on this site with rear access to be taken by creating an extension of the existing service yard to the rear of the existing parade. The building will comprise of a shop unit, with a staff room, storeroom and toilet to the rear. The scheme also includes a roller shutter to the front of the unit. The applicant has requested on the application forms that the opening hours will be from 8:30am to 5:30pm Monday to Saturday and the deliveries will be made to the rear of the site and there will be a maximum of four staff on the premises.

### **Consultations**

Local Residents - 13 letters of objection have been received and are summarised below:

- i. Existing shops are shabby and in a poor state of repair, and are an eyesore for local residents.
- ii. One of the existing shops within the parade is empty and has been for some time.
- iii. Removal of the green and trees will create a loss of outlook for residents and the loss of open space would adversely affect the residential character of the area.
- iv. The existing shops are often vandalised and broken into creating crime and noise for residents, also there is a current problem with gangs and youths

## List No. 13

congregating on the parade behaving anti socially and intimidating local residents, which would only be made worse by the addition of another shop.

v. Existing shops provide adequate provision therefore; the addition of another shop is unnecessary. Also a further shop would increase the amount of litter in the vicinity.

vi. Increased vehicle activity on Petersfield Drive and Wadebridge Avenue would be hazardous to children living and playing on the avenue.

vii. Parking is currently an issue in the locality and the residential area cannot support the amount of traffic generated.

viii. Moving the access to the rear of the shop will not alleviate the traffic problems as customers do not use the existing car park to the rear. Also at present delivery vehicles mount the pavement to gain access to the shops, as it is easier than going to the back of the shops to deliver goods.

ix. There is a sewage outlet that runs beneath the green and the proposal could cause serious damage to the outlet.

x. There are concerns regarding the BT telephone box and where this will be relocated to as people rely on it.

xi. There is belief among local residents that the shop would be used as a taxi office which would create more congestion and road safety hazards in the vicinity.

Reconsultation has taken place following the applicant's offer of additional works as part of the development. Any further comments will be reported.

Wythenshawe Regeneration Team - No objection to the proposed development but request that consideration be given to the incorporation of the roller shutter as an integral part of the building rather than being externally mounted. Any further comments will be reported.

Head of Engineering Services - Requests that the applicant verifies land ownership of the forecourt as this would have an impact on the construction of the ramp, and the gradient should not be more than 1:20 and have railing along side of it. Since the servicing is to be taken from the service yard to the rear, the applicant is requested to improve visibility splays by providing a short length of guardrail to take pedestrians away from the conflict point where the access meets the forecourt.

GMP Architectural Liaison - No objection to the proposed development but it is essential that the scheme is built to Secured by Design standards.

GMP Crime Reduction - There are ongoing issues of anti-social behaviour along the parade relating to alcohol and gangs of youths, this is an issue after 5:30pm and at weekends. Therefore, should the shop unit operate on a 9am to 5pm basis, and not be a cash heavy business then it should not contribute further to the existing crime issues.

## List No. 13

### Issues

Unitary Development Plan - There are no specific Unitary Development Plan policies that relate directly to this site. However, the relevant City Wide Proposals for 'Shopping' and 'Housing' and the Development Control Policies include DC9 for 'New Commercial and Industrial Development' are relevant in this case. Specifically relating to new commercial development, Policy DC9 states that all new commercial buildings should be accessible to disabled people.

Policy S2.1 states that the Council recognises the importance of good quality local and convenient shopping facilities within easy reach of people's homes and will seek to ensure that all parts of the City are well provided for and that facilities are accessible to disabled people.

Policy H2.2 ensures that existing residential properties are protected from development. The policy states that the council will not allow development that will have an unacceptable impact on residential areas. The City Council must consider the scale and appearance of the development and impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Guide to Development in Manchester 2: Draft Supplementary Planning Document - The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Specific reference is made to policy 3.1 Character and Context which states that:

- i. Design should respect and be informed by location;
- ii. High quality design is a vital attribute of successful neighbourhoods. Quality development is seen as being distinct from a particular style. When a design is of a sufficiently high quality , it will transcend style and help to create quality, richness and diversity.

Wythenshawe Strategic Regeneration Framework - This document provides a strong vision for Wythenshawe over the next 10 - 15 years, guiding the improvement of public services for Wythenshawe residents and shaping future development. At the heart of the Strategic Regeneration Framework (SRF) is a vision for Wythenshawe as Manchester's Garden City, based both on Wythenshawe's uniqueness and the opportunities in the area. This brings together the positive aspects of Wythenshawes housing and green space with the continued growth of the areas economy and potential for further job creation, better quality shops and lifestyle facilities.

It is acknowledged that the SRF is not part of the adopted UDP for Manchester, but it is Council policy for Wythenshawe. The framework clearly follows the adopted UDP and is a much more current and specific document for the Wythenshawe area. The Wythenshawe SRF document will inform the Local

## List No. 13

Development Framework for the City of Manchester i.e. the replacement to the existing UDP.

Regional Spatial Strategy for the North West - Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans; as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP2: Enhancing the Quality of life - Ensuring development provides a high quality of life for this and future generations.

DP3 Quality in New Development - Ensuring that new development demonstrates good design and respect for its setting.

The North West Plan, Draft Regional Spatial Strategy (RSS) - Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years. Policy DP1 is relevant in its requirements to "make more sustainable, transparent decisions" and "ensure quality in development".

### Planning Policy Statement Note 1 (PPS1): Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities

Principle - The principle of building a new retail unit on this site appears to be acceptable. However, the potential impact of the development on the surrounding residents and the traffic and parking in the immediate area has to be assessed.

Traffic/Amenity - The revised scheme utilises the existing service yard to the rear of the parade of shops and therefore, vehicles visiting the shops and making deliveries would not need to take access from Wadebridge Avenue. Hence, there should be no disamenity arising from service vehicles. As the freeholder of the site and further to comments received by WAC the applicant has offered to undertake various works to the site to alleviate some of the concerns and issues raised, these include:

- Barrier control to the car park,
- Landscaping in the form of 3 x one metre wide pots to the front of the parade with suitable planting
- Provision of 4 no. CCTV cameras located at each of the principle corners of the parade with control centre within the new unit
- Making good the flags to the front of the parade to the footpath to tidy up
- Provide lighting under the canopy to the front elevation over its entire length
- Provide floodlights to the rear car park.
- Redecorate entire parade

This would be achieved through a legal agreement.

Use of premises - A condition has been added to ensure that the BT telephone box is removed and resited prior to the commencement of the development, as

## List No. 13

the development could not be implemented with the telephone box remaining in situ. If approved the shop could not be used as a taxi office as there is a condition attached stating that the shop can only be used in conjunction with Class A1 uses as defined by the Use Classes Order, and a taxi office does not fall within the Class A1 use class. Permission for such a use would be unlikely to be granted in such a location.

Regeneration - The application site is currently a green area that experiences problems with tipping and anti social behaviour due to its open nature. The difficulties caused by the existing situation in terms of disamenity would be addressed to some extent by the development of the site. This development also would provide a community facility and introduces economic benefits in terms of potential employment opportunities and investment in the locality. It is considered that the development therefore, positively contributes to the future vitality and viability of the shopping parade. With regard to the need for an additional unit firstly the applicant has stated that in part the new unit is necessary, as it will give him his own premises (the others being leased) in order to provide a site for a power supply to facilitate proposed environmental works such as CCTV cameras and new lighting. Secondly that he has had an expression of interest in occupying the unit and expects to be able to find an occupier. The part constructed unit to the other end of the parade is under leasehold and the consent was implemented without the landowners consent. This issue has now been resolved and construction works are due to recommence in 4 to 5 weeks time.

Conclusion - It is the Head of Planning's view that the package of measures proposed by the applicant since the meeting of WAC go some way to address members concerns. The recommendation has been revised to take these on board.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation** **MINDED TO APPROVE** (subject to a legal agreement in relation to the security and environmental works now proposed)

## List No. 13

On the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies DC9, H2.2 and S2.1 and there are no material considerations of sufficient weight to indicate otherwise.

Wythenshawe Area Committee - REFUSE on the grounds that the comings and goings associated with the new shop, including traffic from customers and service vehicles, and people potentially congregating, will add to existing problems for nearby residents in terms of loss of residential amenity and increased anti social behaviour, such that the parade as a whole will deteriorate further rather than be improved, which would be contrary to City Council policy H2.2.

Planning and Highways Committee - Minded to Refuse

### Conditions and/or Reasons

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 drawings numbered 04 A and revised drawing numbered 05 C, stamped as received by the Local Planning Authority on 4th January 2007 and 5th April 2007, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans in pursuance of policies DC9.1, H2.2 and S2.1 of the adopted UDP for the City of Manchester.

3) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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 in pursuance of policies DC9, H2.2 and S2.1 of the adopted UDP for the City of Manchester.

4) The premises shall be used for Class A1 only and for no other purposes, including any other purpose listed in the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005.

## List No. 13

### Reason

In the interests of residential amenity pursuant to Policies DC9, H2.2 and S2.1 of the adopted UDP for the City of Manchester.

5) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

6) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the property.

### Reason

To safeguard the amenities of the occupiers of nearby accommodation in pursuance of policy H2.2 of the adopted UDP for the City of Manchester.

7) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan ref. 8519/05 C shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard BS 5837:2005. Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

### Reason

In order to avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area in pursuance of policy H2.2 of the adopted UDP for the City of Manchester.

8) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

Monday to Saturday 8:30am to 5:30pm

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

## List No. 13

9) Before the development hereby approved commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

10) The roller shutters or security grilles hereby approved shall be of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated in accordance with a scheme to be agreed in writing with the City Council as local planning authority before they are in place.

Reason

In the interests of visual amenity in pursuance of policies H2.2 and S2.1 of the adopted UDP for the City of Manchester.

11) The development hereby approved shall not commence until details have been submitted to and approved in writing by the City Council as local planning authority relating to the removal and resiting of the telephone box situated on the forecourt to the front of the site. The submitted details shall include a schedule for the resiting of the telephone box and then shall be implemented in full in accordance with the agreed time scale unless otherwise agreed in writing.

Reason

In order to facilitate the development, secure satisfactory disabled access and in the interests of local amenity pursuant to DC9.1 and H2.2.

## **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 081821/FO/2007/S2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Engineering Services  
Wythenshawe Regeneration Team  
Greater Manchester Police  
Greater Manchester Police  
25 Petersfield Drive, Manchester, M23 9PS  
27 Petersfield Drive, Manchester, M23 9PS  
29 Petersfield Drive, Manchester, M23 9PS

## List No. 13

39 Petersfield Drive, Manchester, M23 9PS  
1 Butcher Lane, Manchester, M23 9GN  
3 Butcher Lane, Manchester, M23 9GN  
5 Butcher Lane, Manchester, M23 9GN  
7 Butcher Lane, Manchester, M23 9GN  
9 Butcher Lane, Manchester, M23 9GN  
11 Butcher Lane, Manchester, M23 9GN  
11 Wadebridge Avenue, Manchester, M23 9LS  
13 Wadebridge Avenue, Manchester, M23 9LS  
15 Wadebridge Avenue, Manchester, M23 9LS  
17 Wadebridge Avenue, Manchester, M23 9LS  
19 Wadebridge Avenue, Manchester, M23 9LS  
21 Wadebridge Avenue, Manchester, M23 9LS  
23 Wadebridge Avenue, Manchester, M23 9LS  
25 Wadebridge Avenue, Manchester, M23 9LS  
33 Petersfield Drive, Manchester, M23 9PS  
35 Petersfield Drive, Manchester, M23 9PS  
31 Petersfield Drive, Manchester, M23 9PS  
37 Petersfield Drive, Manchester, M23 9PS  
The Jolly Butcher, 80 Petersfield Drive, Manchester, M23 9PS  
54 Petersfield Drive, Manchester, M23 9PS  
56 Petersfield Drive, Manchester, M23 9PS  
58 Petersfield Drive, Manchester, M23 9PS  
60 Petersfield Drive, Manchester, M23 9PS  
62 Petersfield Drive, Manchester, M23 9PS  
64 Petersfield Drive, Manchester, M23 9PS  
66 Petersfield Drive, Manchester, M23 9PS  
Regans Fish Bar, 35 Petersfield Drive, Manchester, M23 9PS  
Londis Supermarket, 39 Petersfield Drive, Manchester, M23 9PS  
Booze Buster, 33 Petersfield Drive, Manchester, M23 9PS  
Momotaz Indian Take Away, 31 Petersfield Drive, Manchester, M23 9PS  
Lloyds Pharmacy, 37 Petersfield Drive, Manchester, M23 9PS  
Jolly Butcher, Petersfield Drive, Manchester, M23 9PS

### Representations were received from the following third parties:

P Jagota, 29 Petersfield Drive, Manchester, M23 9PS,  
M Cheetwood, 3 Butcher Lane, Manchester, M23 9GN,  
V Fitton, 11 Wadebridge Avenue, Manchester, M23 9LS,  
J Leeson, 15 Wadebridge Avenue, Manchester, M23 9LS,  
D Pullan, 17 Wadebridge Avenue, Manchester, M23 9LS,  
S Deakin, 21 Wadebridge Avenue, Manchester, M23 9LS,  
P Lal Seth, 23 Wadebridge Avenue, Manchester, M23 9LS,  
J Riley, 62 Petersfield Drive, Manchester, M23 9PS,  
R Jaltauskaite, 66 Petersfield Drive, Manchester, M23 9PS,  
J Tingley, 68 Tottenham Drive, Baguley, Manchester, M23 9wz

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