MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131635/FO/2021
Date registered valid:	5 October 2021
Proposal:	Installation of extraction ducting to rear of property
Address:	1 Grandale Street, Manchester, M14 5WS
Ward(s):	Moss Side Ward
Applicant:	Mr Yaseen Ibrahim 1 Grandale Street, Manchester, M14 5WS
Agent (if any):	Mr Hasnaat Saeed 1 Bank Street, Church, Accrington, BB5 4HH
Case officer:	Dave Morris Tel: 0161 600 7924 Email: dave.morris@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**01.03.2022**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 November 2021

Standard consultations:
Printed: 12 November 2021 Expired: 3 December 2021

Neighbour notifications
Printed: 12 November 2021 Expired: 3 December 2021

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

This application relates to a two storey end of parade property Consent was recently granted for a single storey rear extension in October 2021 and this has been constructed.





Original Flue

Listed building: Not applicable

Conservation area: Not applicable

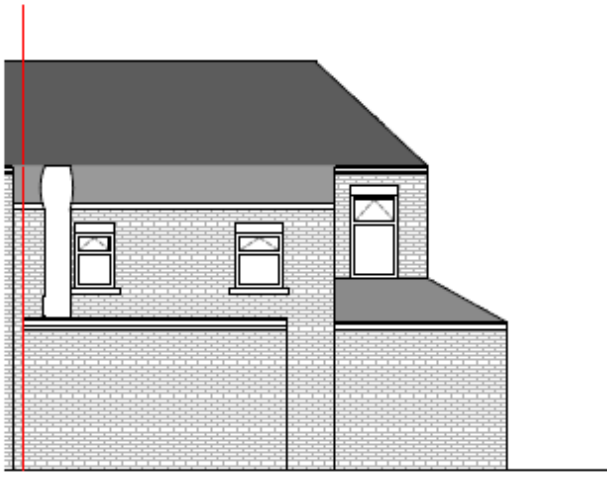
Tree Preservation Order: Not applicable

Description of area

Grandale Street is a side street off Wilmslow Road within the Rusholme district centre. Originally residential many of the properties have been converted to commercial use. To the west on Wilmslow Road and separated by an alley are the rear elevations of commercial properties. To the south separated by an alley are the rear yards and elevations of two storey houses on Eva Street.

Description of development

As part of the works to erect the extension the original flue needed to be relocated. This application seeks to install a new flue on the rear elevation of the property adjacent to the shared boundary.



Proposed Rear Elevation
1 : 50

Consultations & Notification Responses

Local Residents/Businesses

One letter has been received making the following observations.
-the premises was given the permission for the extension with the condition of ;

The development hereby approved shall be carried out accordance with the drawing and document(1B received 9 August) which not done that way the stirs not put in that position which is shown on the drawing.
-the owner intention is open a takeaway business which the road does not need another takeaway ;(too small to become restaurant.
-The adjoining property is in residential use.
-the end of the flue is going to near and opposite the beds rooms of the houses of Eva street.

Environmental Protection.

The flue is acceptable a noise condition for external plant is required.

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Core Strategy

The relevant saved UDP policy is DC26 which seeks to protect the amenity of an area from the impact of noise.

Issues

Principle

The property falls within class E of the use classes order which includes the use as a restaurant. To use the premises as a take away would require planning permission for a change of use. There has previously been a flue on the rear elevation, although there is no record of consent being granted. In principle the installation of a flue on a commercial property is considered acceptable.

Flue

The proposed flue which is attached to the rear elevation of the building and discharges above the eaves level is acceptable to Environmental Protection. They have asked for a noise condition in respect of external plant and this is included together with the requested validation report.

Residential Amenity

The wall on which the flue is mounted is the rear elevation of an outrigger and is physically separated from the outrigger to the adjoining property, thus minimising any impact.

The houses to the rear on Eva Street are separated by the rear alley and the rear face of the property is approximately 11 metres away, although there are single storey extensions that come closer. Whilst there are windows in the rear elevations of the houses it is considered that at 11 metres it is sufficiently far not to have a significant visual impact whilst Environmental Protection are satisfied in terms of its odour control.

On balance it is considered that the proposed flue would not have a significant impact on residential amenity.

Conclusion

On balance the proposed flue is considered acceptable and accords with Council policy.

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 polices 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 seeking to address issues arising from the consideration of this 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 and documents:
GRA-02-20 received 10 September 2021
Odour control report reference 13585185 received 7 January 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the operation of the fumes and odours scheme, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved Odour control report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - Reason - In the interests of the amenities of occupiers of nearby properties pursuant to Core Strategy policy DM1.

4) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be 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 site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the sit. Pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26

Informative

The lawful use of the property fall within Class E of the Use Classes Order and to use the premises as a hot food takeaway, which is a sui generis use would require planning permission for a change of use.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

9 Eva Street, Manchester, M14 5NX
7 Eva Street, Manchester, M14 5NX
13 Eva Street, Manchester, M14 5NX
11 Eva Street, Manchester, M14 5NX
104A Wilmslow Road, Manchester, M14 5AJ
102B Wilmslow Road, Manchester, M14 5AJ
102A Wilmslow Road, Manchester, M14 5AJ
1A Grandale Street, Manchester, M14 5WS
Ground Floor, 100 Wilmslow Road, Manchester, M14 5AJ
First Floor And Second Floor, 100 Wilmslow Road, Manchester, M14 5AJ
Basement, 100 Wilmslow Road, Manchester, M14 5AJ
98 Wilmslow Road, Manchester, M14 5AL
104 Wilmslow Road, Manchester, M14 5AJ
100 Wilmslow Road, Manchester, M14 5AJ
102 - 104 Wilmslow Road, Manchester, M14 5SU
First Floor, 102 - 104 Wilmslow Road, Manchester, M14 5AJ
3 Grandale Street, Manchester, M14 5WS

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH