

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131865/FO/2021
Date registered valid: 9 November 2021
Proposal: Retention of installed external extraction equipment
Address: Melt Diner, 704 Wilmslow Road, Manchester, M20 2DW
Ward(s): Didsbury West Ward

Applicant: Mr Suhail Sharief, 704 Wilmslow Road, Manchester, M20 2DW
Agent (if any): Mr Brian Twigg, Brian Twigg Planning, Doe Cottage, The Green, Dorchester, DT2 7NS
Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 04.01.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 16 November 2021

Expired: 7 December 2021

Neighbour notifications

Printed: 16 November 2021

Expired: 7 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 the rear elevation of a part single part two storey rear extension to a mid terraced property. The extension sits within what appears to be a communal service area.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

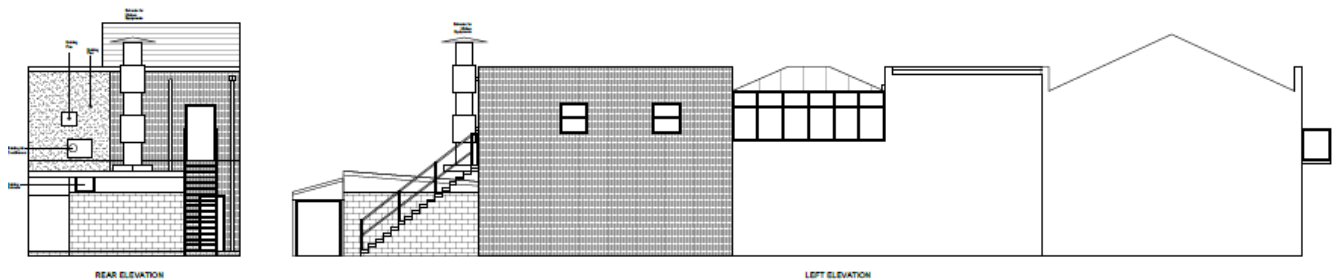
The property is located within a district centre and is adjoined to either side by commercial properties some of which may have residential accommodation. The extension site within a communal service area adjacent to which there are residential properties.





Description of development

Consent is sought to retain the existing flue on the property. The flue is situated on the rear elevation above the single storey rear extension and discharges about the roof level of the two storey extension.



The submitted drawings also show on the rear elevation two existing flues which project from the wall (but do not run up the outside of the property), and air conditioning condenser unit and an extractor fan, also existing.

Consultations & Notification Responses

Local residents

One letter has been received objecting to the proposed development. The issues raised are summarised below.

- Residents have been affected by noise from this new fan being operated until the business closes at 12am. It is noisy to the level that it is impossible to open windows when it is in operation, which was especially problematic during the summer and led me to make complaints to the council's out of hours noise team who visited the premises.
- It is visible from the road (Crossway), stands higher than the first storey of the building and it clearly affects the appearance of the premises. It is visually intrusive and detracts from the visual amenity of the street scene.
- The planning statement says 'In the absence of near neighbours the equipment is considered to be appropriate to the location'. However residential properties, including my own, are located close by with windows less than 20 metres from the fan.
- It also states that it is screened from public view - this is not the case as it can be seen both from the road, and from properties along Crossway.

-It also states: "Noise levels from the equipment are at an acceptable level and cooking odours are mitigated by a filtration system and dilution to air". However there is no evidence provided as to the decibel level that the fan operates at - which as I have already stated has caused me to contact the out of hours noise team - and no evidence as to how odours are effectively dealt with. The 'dilution to air' that occurs happens by fumes leaving the top of the fan underneath the cap which then redirects them down. When the fan has been in operation residents have been forced to close windows as cooking odours from the restaurant permeate homes.

-The flue is intrusive and has made homes unpleasant places to be which is especially difficult as the pandemic forced people to work from home and there is little escape from the constant hum of it in operation from as early as 3 or 4pm onwards.

-Directly next to door is a tapas restaurant, which serves until the late evening but does not have the same issues with noise from extraction equipment or food odours.

-Although not a material planning consideration they point out that the extractor was installed without planning permission, and a large wooden extension to the rear of the diner has also been erected without planning permission, and following visits by enforcement officers has been left unfinished.

Didsbury Civic Society

-Are concerned about the installation of the extraction system vent pipe to the rear which is about 20" in diameter and is in clear view of the surrounding properties. Importantly does it meet all regulations for noise emissions and odours etc.

-The front signage over the front door is installed at a very low height, and presents an opportunity to be swung on. It also hangs over an enclosed pedestrian area. It is also gaudy and not in keeping with the surroundings.

Environmental Protection

No objections subject to a condition requiring plant and external equipment meet certain noise levels.

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.

Unitary Development Plan

The relevant saved UDP policy is DM 26 which seeks to protect the amenity of an area from the harmful effect of noise.

Issues

Principle

Consent is sought for a flue on the rear elevation of a commercial property within a district centre. The principle of locating food and drink uses into district centres is established with through policies C!0 and DC10 as such premises almost inevitably require flues the principle of a flue is considered acceptable.

Design

The extension to the property has a contemporary feel to it and it is considered that this is complemented by the design of the flue itself which has a crispness to its construction. On balance it is considered that there are no substantive issues with the design of the flue.

Scale

In order to function the flue needs to discharge above roof level. In this respect it is not therefore considered that the flue is over large.

Noise

Issues have been raised about noise and environmental protection have requested a condition in respect of acoustic treatment. As can be seen from the photographs there are numerous condenser units located which would also impact on noise.

Residential amenity

The district centre is based on main roads and is immediately adjoined by residential properties. Whilst such properties cannot expect the same level of amenity as properties in wholly residential areas they should still expect a reasonable level of amenity. In this case it is not considered that the visual impact of the flue is so great as to sustain a refusal of consent particularly as it is principally visible from the rear of properties and not the public domain.

In terms of noise this can be addressed through a condition.

Breaches of planning control

The other breaches of planning control are outside the scope of this application and are not therefore material considerations.

Conclusion.

On balance subject to the appropriate conditions the proposed development is considered acceptable.

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 based on seeking solutions to issues arising from the consideration of this application.

Condition(s) to be attached to decision for approval

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:

4D01 received 7 October 2021

4D02 received 7 October 2021

4D03 received 7 October 2021

4D04 received 7 October 2021

Supporting Planning Statement received 19 November 2021

Technical Specification Email received 9 November 2021

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) 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. Within three months of the date of this permission a scheme shall be submitted to the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The approved scheme shall be implemented in full within 3 months of the date of approval 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 site pursuant to Core Strategy policy DM1 and save Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

19 Crossway, Manchester, M20 6TU
17 Crossway, Manchester, M20 6TU
15 Crossway, Manchester, M20 6TU
13 Crossway, Manchester, M20 6TU
706A Wilmslow Road, Manchester, M20 2DW
Unit 1, 11 - 13 Barlow Moor Road, Manchester, M20 6TN
CHEADLE SUN BEDS LTD, Unit 3, 11 - 13 Barlow Moor Road, Manchester, M20 6TN
Unit 2, 11 - 13 Barlow Moor Road, Manchester, M20 6TN
Flat 4, 700 Wilmslow Road, Manchester, M20 2DN
Flat 3, 700 Wilmslow Road, Manchester, M20 2DN
Flat 9, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 2, 700 Wilmslow Road, Manchester, M20 2DN
Flat 1, 700 Wilmslow Road, Manchester, M20 2DN
Flat 10, Crossway House, 7 Crossway, Manchester, M20 6TE
702A Wilmslow Road, Manchester, M20 2DW
Second Floor, Barlow House, 708 - 716 Wilmslow Road, Manchester, M20 2DW
First Floor, Barlow House, 708 - 716 Wilmslow Road, Manchester, M20 2FW
Barlow House, 708 - 716 Wilmslow Road, Manchester, M20 2DW
706 Wilmslow Road, Manchester, M20 2DW
702 Wilmslow Road, Manchester, M20 2DW
683 - 693 Wilmslow Road, Manchester, M20 6RE
712 - 716 Wilmslow Road, Manchester, M20 6DQ
700 Wilmslow Road, Manchester, M20 2DN
Flat 8, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 5, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 2, Crossway House, 7 Crossway, Manchester, M20 6TE
1 Barlow Moor Road, Manchester, M20 6TN
7 Barlow Moor Road, Manchester, M20 6TN
Nueve, 9 Barlow Moor Road, Manchester, M20 6TN
Flat 7, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 6, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 4, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 3, Crossway House, 7 Crossway, Manchester, M20 6TE
Flat 1, Crossway House, 7 Crossway, Manchester, M20 6TE
3 Barlow Moor Road, Manchester, M20 6TN
9 Crossway, Manchester, M20 6TU
11 Crossway, Manchester, M20 6TU
5 Barlow Moor Road, Manchester, M20 6TN

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) -
Area Team Boundary - Name: SOUTH