

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130230/FO/2021
Date registered valid: 10 May 2021
Proposal: Installation of a external flue to rear of existing cafe
Address: 1176 Rochdale Road, Manchester, M9 6ER
Ward(s): Charlestown Ward

Applicant: Mr Ali Can Erdogan Flat 8, 16 Larch Garden , M8 8BJ
Agent (if any): Mr Talat Zeria HSH Engineering Design Service 428 Cheetham Hill Road, Manchester, M8 9LE
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 26 July 2021

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 23.06.2021

Standard consultations:

Printed: 15 June 2021 Expired: 6 July 2021

Neighbour notifications

Printed: 18 May 2021 Expired: 8 June 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

The property that is the subject of this application is identified as 1176 Rochdale Road. The property is located within a terrace of primarily commercial properties with just the first two being in use as houses. The block is located close to the junction of Rochdale Road and Victoria Avenue east within the Higher Blackley ward of the City. They sit back of pavement to the front and have a yard to the rear accessed off an alleyway that runs down the sides and along the rear. There are a set of external stairs to the rear of the property from which external access is gained to the upper floors. The use of the property is currently a cafe. The yard area is enclosed with a red brick 2- metre high boundary wall.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

There is layby parking provision to the front of the properties for short term parking, and a bus stop is located along the same stretch of highway. The properties at this intersection are commercial in nature with a Tesco Superstore and The Avenue library and learning centre on the opposite side of the junction

Description of development

The applicant seeks to erect a flue to the rear elevation. The use is currently a vacant former convenience store measuring 58 square metres, given the new class E, permission is not required to change from retail to a cafe and, as such only the flue requires planning permission. The flue would be located on the return wall adjacent to the external staircase on the rear of the property. The flue would be a 400mm circumference and would be an overall height of 6.5 m. It would expel fumes at 1m above the eaves level.

Consultations & Notification Responses

Local Residents/ businesses were informed- no representations have been received.

Environmental Health- conditions required relating to Fumes, noise.

Highways- The proposed flue is not located on the adopted highway network and gives rise to no concerns from a highways perspective.

In relation to waste management, a suitably sized bin store is being provided within a storage area on-site.

There is parking in the layby to the front of the property. Highways have no objections to the proposal.

Issues

Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 - Spatial Principles

DM1 - Development Management 1

C8 - Local Centres

Planning History - There have been no previous applications at this property. It was previously a convenience store, however is currently vacant.

The Principle - The principle of the change from retail to a cafe is acceptable as both are within Class E. The principle of the erection of a flue to support the fume extraction system required for the operation of a cafe is also considered acceptable. Notwithstanding this matters that will require consideration, in order to assess the acceptability of any proposal are siting, scale and massing, design and appearance.

Siting, scale and massing - The proposed flue is to the rear of the property in a private yard area it is to be erected on the return wall adjoining the external staircase. Its point for expelling the fumes would be 1 metre above the window to the first floor and the size is standard for flues serving this type of use.

The proposal in terms of siting, scale and massing is considered to be in accordance with the provisions of Core Strategy policy DM1 which require appropriate siting, layout, scale and massing.

Residential / Visual Amenity.

The properties with the parade at ground floor are primarily commercial uses comprising of similar uses to the proposal site. The 2 residential properties are at the very end of the terrace being three units away from the proposal. The flue would not be readily viewed from their yard area as there are other buildings between the proposal site and the residential units. Given the height of the flue above the roof plane, the fumes should not be an issue. It can be visually improved by colour coating the flue rather than leaving it in its raw steel finish. A condition to that effect would be attached to any consent granted. Further detail would be required on the technical specification by way of a condition attached to any consent granted.

Design and Appearance -The flue would be similar in appearance to others within the vicinity, and as it cannot be readily viewed within the context of the street scene to the front it is not considered to have a detrimental impact upon the character of the property or the area within which it is located. It is a feature that would be expected to be viewed within the rear areas of commercial centres such as this. It is therefore considered that the design and appearance is in accordance with the provisions of Core Strategy policy DM1 which require appropriate designs and materials.

Access to upstairs flat - The access to the upstairs flat is unaffected and would continue to be achieved from the door in the rear of the property at first floor at the top of the external stairs.

Conclusion - The current proposal appears to be similar to other flues within the vicinity. Therefore, based on its individual merits the application is considered to be in accordance with policies, DM1 and SP1 of the Core Strategy.

Other Matters - Environmental Health have recommended a condition relating to the technical specification of the proposed flue.

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, no negotiations were necessary but appropriate conditions have been attached to the

end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC10 of the Manchester Unitary Development Plan and to policies SP1, DM1, C8 and C10 of the Core Strategy.

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:

- 01 Existing ground Floor Plan
- 02 Existing Floor Plan and Elevations
- 03 Proposed Floor Plan and Elevations
- 04 Bin Location

Waste Management Proforma

All received 28th April 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) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

b) Prior to commencement of the use hereby permitted confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented. Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policy DM1 and SP1 of the Manchester Core Strategy.

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.

b) Prior to occupation of the development 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 policy DM1 of the Manchester Core Strategy.

5) Prior to the flue approved first being brought into use, it shall be colour coated in a colour to be agreed in writing by the City Council as local planning authority. Once coated the finish of the flue shall thereafter be maintained whilst it is operational.

In the interest of visual amenity within the vicinity of the site, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services

1178 Rochdale Road, Manchester, M9 6ER
Top Flat, 1176 Rochdale Road, Manchester, M9 6ER
2 Victoria Avenue East, Manchester, M9 6HB
1180 Rochdale Road, Manchester, M9 6ER
1174 Rochdale Road, Manchester, M9 6ER

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1