

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132375/FO/2021

Date registered valid: 1 December 2021

Proposal: Installation of rear elevation flue extract from kitchens

Address: 304-308 Oxford Road, Manchester, M13 9NS

Ward(s): Hulme Ward

Applicant: Ms Chan Lounge 306 304-308 Oxford Road, Manchester, M13 9NS

Agent (if any): Mr Ming Lee Lee Architects Ltd Leepark House, 449 Chester Road, Manchester, M16 9HA

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20 January 2022

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit:

Standard consultations:

Printed: 8 December 2021 Expired: 29 December 2021

Neighbour notifications

Printed: 8 December 2021 Expired: 29 December 2021

Site notice

Posted: 29 December 2021 Expired: 19 January 2022

Press advert

Published: 14 December 2021 Expired: 4 January 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

The site is located approximately 2 miles to the south east of the City Centre and is situated within the city centre boundary as designated in the Core Strategy. It is served by local services and facilities. The B5117, a primary route into the City Centre / link to the motorway network is situated along the north east boundary of the site.

The property comprises a mid terrace Retail Unit fronting onto Oxford Road, forming part of a row of similar properties. The building is three storeys high to Oxford Road with single / two storey off shots to the rear. It is constructed from red brickwork with Upvc windows and a natural slate covered pitched roof over.

The premises were formally used as a betting shop for which planning permission was approved in 2013 (101264/FO/2012/C1 Change of use from vacant A1 (travel agent) to A2 (betting office), and the installation of a satellite dish to the rear).

This application is for "Installation of rear elevation flue extract from kitchens and removal of existing extract flue".

The property is adjoined to either side by commercial properties some of which may have residential accommodation. Indeed, upper floors at the application property may be in residential use as in 1983 planning permission was granted at the site for "Single storey rear extension to fish bar and proposed cafe on ground floor and conversion of first and second floors into two self contained flats at 308-310, Oxford Road,, Chorlton-on-Medlock, HULME,"

(Ref. 020014 applies). In 2000 another planning application was approved for "Alterations to shop front to provide main access to upper floor flats from Oxford Road at 304/306, Oxford Road,, City". (Ref no. 060272/FO/CITY2/00

Under changes made by the government to the Use Classes on 1 September 2020 planning permission is no longer required for the change of use of a premises from a betting shop to restaurant.

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as affecting a Listed Building. A site notice was also displayed and the occupiers of nearby properties have been notified.

No objections have been received as a result of this publicity.

Environmental Health - have recommended that conditions are attached to any approval granted to control noise and fumes

Issues

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. The principle of locating food and drink uses into this block has already been established by previous approvals (091725, F14446, F17739, F16555, 020014, 060273, 018868, 016308 and 024882). Such premises almost inevitably require flues therefore the principle of a flue is considered acceptable.

Design

There are other extraction flues on the the block. The flue has been located at the rear of the premises so that it does not have an adverse impact on the street scene on Oxford Road.

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 overly large.

Noise

Environmental protection have recommended that conditions are attached to any approval granted to control noise and fumes. The conditions that have been suggested by Env' Health will be attached to this permission.

Residential amenity

The application site is based on a main road and is immediately adjoined by properties which could (either now or in the future) be in residential use. 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 terms of noise and fumes these can be addressed through a condition and, therefore, it is considered that 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 problems arising in relation to dealing with the planning application. In the case of the application under consideration this has included communications relating to the removal of the existing extract flue.

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) 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings

Proposed Location Plan L682 01

Proposed Floor Plan L682 10revA

Proposed Elevations L682 11

Proposed Site Plan L682 02 all received received 1st December 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. 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 site.

4) 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.

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.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

310 Oxford Road, Manchester, M13 9NS
Flat 1, 2 Dilworth Street, Manchester, M15 6EY
Flat 2, 2 Dilworth Street, Manchester, M15 6EY
300 - 302 Oxford Road, Manchester, M13 9NS

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Area Team Boundary - Name: CITY1