

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132142/FO/2021

Date registered valid: 10 January 2022

Proposal: Elevational alterations, together with the installation of a fume extraction flue to rear

Address: 461A Cheetham Hill Road, Manchester, M8 9PA

Ward(s): Cheetham Ward

Applicant: Mr Abdul Ghafoor, 461A Cheetham Hill Road, Manchester, M8 9PA

Agent (if any): Mr Sohail Musa, SMS architecture, 59 Croston Street, Bolton, BL3 4BB

Case officer: Steven McCoombe
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Email: steven.mccoombe@manchester.gov.uk

Recommendation: 6 June 2022

Date of recommendation: Approve

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 24 February 2022

Standard consultations:

Printed: 28 March 2022 Expired: 18 April 2022

Neighbour notifications

Printed: 25 May 2022 Expired: 1 June 2022

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 application site relates to a large, detached, part single, part two storey building of predominantly masonry construction, which incorporates a canopy across its entire frontage to Cheetham Hill Road and a series of individual windows covered by metal shutters/grilles. The roof incorporates two mono pitched roofs which slope towards the front and rear from the centre of the roof.

The building which is presently vacant, was until recent times occupied by a retail supermarket selling ethnic food goods.



View of northern elevation

The building also incorporates an ATM to the left-hand side of the shop front and includes a large forecourt area, which was previously used for the display of goods.

To each side of the building are small, enclosed car park areas, accessed from Albyns Avenue and Beckenham Road respectively. To the rear is a servicing area used for bin storage and goods trolleys, accessed via the car park area off Albyns Avenue.

To the front of the building is a bus stop, cycle stand and bus lane.

It is understood that since the time of the application site visit, work on the elevational alterations has commenced.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated within a commercial frontage along the western side of Cheetham Hill Road, at the edge of Cheetham Hill district centre. The immediate area is dominated by various retail, office, food and drink and other commercial uses which line both sides of Cheetham Hill Road. To the rear, including the side roads of Albyns Avenue and Beckenham Road which adjoin the site, the area is largely residential in character, mainly comprising two storey, terraced dwellinghouses.

Description of development

Planning permission is sought for elevational alterations, together with the installation of a fume extraction flue to rear. The flue is intended to serve the end unit closest to Beckenham Road. (unit 1).



The elevational changes involve new window openings to the rear in order to facilitate natural light to the first floor. In addition, a fume extraction flue is proposed to the end unit at the rear.

The application as originally submitted involved windows opening to the side, as well as the flue also attached to the side (southern) elevation. However, due to concerns about the impact upon visual amenity, side windows have been omitted and the flue has been reduced in circumference and repositioned to the rear elevation. In addition, further revised drawings have been received in relation to the size of the rear windows, including agreement that these windows will be obscurely glazed.

The application follows approval of an earlier scheme (Ref: 127783/FO/2020) which allowed for

elevational alterations, including new shop fronts in association with the subdivision of existing retail unit to create 6 x retail units (Class E).

The sub-division did not require planning permission and involves 5 individual shop units at ground floor level and a further unit a mezzanine level.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Conditions are advised in relation to external equipment, fume extraction and waste management. It is recommended that the applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval

Relevant Planning History

127783/FO/2020

Elevational alterations including new shop fronts in association with the subdivision of the existing retail unit to allow 6 x retail units (Class E). *Approved 23 December 2020.*

087344/JO/2008/N1

Variation of Condition No.3 of planning permission F37318 to extend opening hours to 8.00 a.m.to 8.00 p.m. Monday to Saturday and 10.00 a.m. to 8.00 p.m. on Sundays. *Approved 6 April 2009.*

084155/FO/2007/N1

Retention of canopy to front elevation and retention of air conditioning units to side elevation of the premises. *Approved 26 August 2008.*

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26 of the UDP;
- Policies DM1 and SP1 of the Manchester Core Strategy;
- The Guide to Development in Manchester (SPD);
- The National Planning Policy Framework (NPPF).

Issues

Principle

The sub-division of the units does not itself require planning permission in this instance. The only issues for consideration relate to the visual impact of the elevational changes and the impact of the fume extraction flue.

In this case, it is considered that the proposed alterations within the context of a busy district centre, will have limited impact to residential and visual amenity and comply with the aforementioned policy and guidance.

Visual and Residential Amenity

It is not considered that the elevational changes will have any significant impact upon residential amenity beyond that which is presently the case.

The proposed flue has been repositioned from its original position to the side, south facing elevation to the rear (western) elevation of the building. This lessens its visibility from the road and due to it facing onto a blank elevation at the rear, views will be limited. To reduce the impact further, a condition has been included which will require the flue to be painted black, so that the flue will appear much less strident.

Given that the host building is situated within an established commercial area and the rear of the building is already an established service yard, it is believed the impact would have a negligible impact to the nearest residential occupiers. A further condition has been included which requires the submission and agreement of a kitchen extract strategy, in order to safeguard nearby occupiers from any undue fumes/odours.

In terms of the windows, only oblique views of the rear of the building would be afforded from the nearest residential occupiers at Albyns Avenue and Beckenham Road. To ensure there is no perceived impact of overlooking, the applicant has agreed that the first floor, rear windows be obscurely glazed and non-opening. A condition has been included to this effect.

On balance it is considered that given the design of the existing building, the context of the site within a busy, commercial area and its relationship with the nearest residential properties, the impacts can be satisfactorily sustained in this instance.

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 to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning 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:

Location Plan received by the City Council as Local Planning Authority on 5 November 2021, drawings numbered 05, 06, and 08 received by the City Council as Local Planning Authority on 25 March 2022 and drawing referenced 2003101_BR-004/A (rear elevation) received by the City Council as Local Planning Authority on 26 May 2022.

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

3) Notwithstanding details submitted, prior to the flue becoming operational, 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. Details shall include a kitchen fume extract strategy report, including a risk assessment for odour and noise, based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and details of replacement air.

The development shall only be implemented in accordance with the agreed details and shall remain operational thereafter.

Reason - To safeguard residential amenity and to protect local air quality, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) Prior to becoming operational, the fume extraction flue hereby approved, as shown on drawing referenced 2003101_BR-004/A (rear elevation) received by the City Council as Local Planning Authority on 26 May 2022, shall be painted black.

Reason - To safeguard visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) The first floor rear windows, as shown on drawing referenced 2003101_BR-004/A (rear elevation), received by the City Council as Local Planning Authority on 26 May 2022, shall be non-opening and obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To safeguard the amenity of neighbouring residential occupiers, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environmental Health

1 Albyns Avenue, Manchester, M8 9AQ
376 Cheetham Hill Road, Manchester, M8 9LS
374 Cheetham Hill Road, Manchester, M8 9LS
370 Cheetham Hill Road, Manchester, M8 9LS
368 Cheetham Hill Road, Manchester, M8 9LS
362 Cheetham Hill Road, Manchester, M8 9LS
2 Beckenham Road, Manchester, M8 9AD
366 Cheetham Hill Road, Manchester, M8 9LS
Flat 4, 380A Cheetham Hill Road, Manchester, M8 9LS
Flat 3, 380A Cheetham Hill Road, Manchester, M8 9LS
Flat 2, 380A Cheetham Hill Road, Manchester, M8 9LS
Flat 1, 380A Cheetham Hill Road, Manchester, M8 9LS
374A Cheetham Hill Road, Manchester, M8 9LS
1 Beckenham Road, Manchester, M8 9AD
3 Albyns Avenue, Manchester, M8 9AQ
4 Beckenham Road, Manchester, M8 9AD
3 Beckenham Road, Manchester, M8 9AD
Rear Of, 461 Cheetham Hill Road, Manchester, M8 9PA
Ground Floor, 461 Cheetham Hill Road, Manchester, M8 9PA
First Floor, 463A Cheetham Hill Road, Manchester, M8 9LR
459 Cheetham Hill Road, Manchester, M8 0PF
First Floor, 459B Cheetham Hill Road, Manchester, M8 0PF
First Floor, 461 Cheetham Hill Road, Manchester, M8 9PA
465 Cheetham Hill Road, Manchester, M8 9LR
465A Cheetham Hill Road, Manchester, M8 9LR
Flat Above, 360 Cheetham Hill Road, Manchester, M8 9LS
378 Cheetham Hill Road, Manchester, M8 9LS
461 Cheetham Hill Road, Manchester, M8 9PA
Flat Above, 368 Cheetham Hill Road, Manchester, M8 9LS
Flat Above, 372 Cheetham Hill Road, Manchester, M8 9LS
380 Cheetham Hill Road, Manchester, M8 9LS
372 Cheetham Hill Road, Manchester, M8 9LS
364 Cheetham Hill Road, Manchester, M8 9LS
467A Cheetham Hill Road, Manchester, M8 9LR
463 Cheetham Hill Road, Manchester, M8 9LR
360 Cheetham Hill Road, Manchester, M8 9LS
Ground Floor, 360 Cheetham Hill Road, Manchester, M8 9LS
467 Cheetham Hill Road, Manchester, M8 9LR

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
Area Team Boundary - Name: NORTH1