

Supporting Statement

**New shopfront, signage and
ventilation**

**70 Bury Old Road
Cheetham Hill
Manchester
M8 5BN**

July 2021

Statement prepared by:

**Russell Adams
MSc, BA Hons, MRTPI**

For and on behalf of Shuaib Ishaq

Supporting Statement

**70 Bury Old Road
Cheetham Hill
Manchester**

July 2021

Ref: 2021 – 25a

Approved by:



Russell Adams - Director

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Appendices

Appendix A – Echo Acoustic Technical Memorandum for Chai Wala (Application Ref: 125758/FU/2019)

1.0 Introduction

- 1.1 This change of use planning application is being submitted on behalf of Mr Shuaib Ishaq, an Oodles Indo Chinese restaurant franchisee, for the following form of development:
- “Installation of new shopfront, plant and signage with associated infrastructure and ancillary facilities.”*
- 1.2 We are submitting a full and advertisement application that comprises of the following documentation:
- A Covering Letter
 - Planning Application Forms & Certificate B
 - Community Infrastructure Levy Form – No Contribution required.
 - This Supporting Statement & Appendices
 - The following submission plans:
 - A Site Location Plan (Scale 1:1250)
 - Existing Plan (Drawing No. 008, Rev. E)
 - Proposed Plan (Drawing No. 009, Rev. E)
 - Proposed Ventilation Report – CK Direct
 - Kitchen Ventilation Plans (Drawing No. SLW172303-DRG-001-R4, 002-R4 and 003-R4) – CK Direct
- 1.3 The planning application does not include a change of use of the Bank (formerly A2 Use Class) to the proposed restaurant use given that the existing lawful use of the planning unit and the proposed use both fall within Class E of the Use Classes order which came into effect on 1st September 2020. Oodles operate their premises nationwide under the former A3 Use Class, with their existing stores at 6a Oxford Road, Manchester and Bolton operating under the former A3 Use Class, now Class E.

Site and Surrounding Area

- 1.4 No. 70 Bury Old Road is a two storey commercial property situated on the north western corner of Sandy Bank Road and Bury Old Road, within the heart of the primary retail and commercial area of Cheetham Hill Local District Centre. The property has historically operated as TSB Bank and forms part of a mixed retail frontage including banks, hairdressers, general A1 retailers and food retailers along Bury Old Road.
- 1.5 The centre is a healthy and vibrant local centre that excellent public transportation links to the wider metropolitan area. The site is located within Flood Zone 1 and at low risk of flooding and there are no known constraints to delivering the proposed new shopfront, ventilation and advertisements in the manner being proposed in this instance.
- 1.6 The primary public access to the retail premises is on the western elevation. The adjacent property to the north is single storey food premises, to the south is Nat West Bank, and to the east, behind the primary retail frontage and accessed off Sandy Bank Road lies two garages servicing and repairing motor vehicles. The premises can be accessed and serviced from either the front or rear of the premises via Sandy Bank Road.
- 1.7 It is apparent from our review of the site and surroundings that there are no residential properties or environmentally sensitive neighbouring land uses.

2.0 Development Proposals

- 2.1 Oodles is a family-owned food brand and one of the UK's leading fast-casual dining companies serving authentic Indo Chinese food since first opening in Leicester in March 2010. Oodles providing freshly-cooked, authentic food in a relaxed restaurant atmosphere at great value for money.
- 2.2 The Proposed Plan (Drawing No. 009, Rev. E) serves to demonstrate that there will be a 34-seat restaurant with an open kitchen that acts as a casual dining experience that entices in passing customers as well as demonstrating the freshness of the restaurant produce.
- 2.3 The restaurant has a public disability-compliant unisex toilet and washroom facility at the rear of the premises with all of the 'back of house' food preparation areas being positioned at the first floor of the premises.
- 2.4 The Proposed Plan (Drawing No. 009, Rev. E) clarifies that the shopfront will be upgraded to replace the existing TSB illuminated signage with a similar illuminated fascia and projecting sign. The signage is in-keeping with other retail premises within the vicinity and are identical to the standardised signage that Oodles have installed across the UK.
- 2.5 The shopfront design keeps the same entrance point but removing the existing cash machine and brick frontage and replacing this with a modern glazed frontage. The improvements provide a more active frontage to add vitality and vibrancy to the streetscene.
- 2.6 The Proposed Plan (Drawing No. 009, Rev. E) identifies that there will be 4 no. condenser units for A/C and/or cold rooms erected on the rear of the property so that it is out of sight of the public highway and positioned away from any potential noise sensitive receptors.
- 2.7 The Proposed Kitchen Ventilation Plans (Drawing No. SLW172303-DRG-001-R4, 002-R4 and 003-R4) have been prepared by CK Direct who specialize in kitchen ventilation.
- 2.8 The plans illustrate that there is an air intake that sits on the flat roof at the front of the premises at a height that sits behind the existing dwarf wall which obscures the plant from streetview and/or third party viewpoints. The kitchen ventilation ducting for the fume extraction is raised internally from the first to second floors, with the external flue existing at the rear of the premises at 1 metre above the eaves height to accord with Manchester City Council's standards. The internal configuration of the ventilation ensures that there will not be any adverse noise or visual impacts ensuing from the extraction units.
- 2.9 The area to the rear of the premises is occupied by garages that are situation a reasonable distance away from the outflow and there are no residential properties in the vicinity.
- 2.10 Based upon similar Oodles Noodles restaurants, the premises is expected to serve approximately 300 orders of which 150 to 200 will be hot meals prepared on site. The restaurant will, therefore, add vibrancy and vitality to the streetscene by introducing a new restaurant offer at an established food retail premises, thus delivering only positive impact upon local centre's environment.

3.0 Planning Policy Considerations

- 3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 47 of the revised National Planning Policy Framework (NPPF, February 2019) identifies that decisions on planning applications *"must be made in accordance with the [development] plan unless material considerations indicate otherwise."*
- 3.2 The 'Development Plan' for Manchester City Council's consists of the Core Strategy (2012), and saved policies from the Unitary Development Plan (UDP).
- 3.3 Core Strategy Policy C3 (North Manchester District Centres - Cheetham Hill and Harpurhey) states that:
- "There could be small increases in retail provision in Cheetham Hill, but development for other uses which promote vitality during the daytime will be supported."*
- 3.4 The Unitary Development Plan Policy DC10.1 identifies that:
- "In determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the Council will have regard to:*
- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;*
 - b. the effect on the amenity of neighbouring residents;*
 - c. the availability of safe and convenient arrangements for car parking and servicing;*
 - d. ease of access for all, including disabled people; and*
 - e. the storage and collection of refuse and litter."*
- 3.5 Paragraph DC10.2 identifies that:
- "The Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices".*
- 3.6 Paragraph DC10.3 stresses that:
- "Development will not normally be permitted where:*
- a. it is proposed outside the general locations mentioned above, or*
 - b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway."*

Policy Review

- 3.7 The Class E Regulations came into effect on 1st September 2020. The existing use is Class A2 and you have confirmed that Oodles Noodles operation falls with the former A3 (restaurant) use. Part (b) of Class E permits the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, which is the case with the Oodles restaurant operation.

- 3.8 The property is located within the primary shopping area and there are no residential properties in close proximity that could potentially give rise to amenity concerns.
- 3.9 There is no car parking being proposed due to the inner city centre location of the premises and the availability of excellent public transport for staff and customers. The alterations to the shopfront and signage are acceptable and the new ventilation system has been designed so that it is well hidden from third party views whilst offering the optimum solution to ensure a satisfactory control of odour from the on-site food preparation.

4.0 Environmental Considerations

Introduction

- 4.1 This section provides an overview of the Environmental controls our client will be putting in place in order to ensure a satisfactory standard of development and to address Manchester City Council's (MCC's) relevant guidance.

Servicing & Waste Management

- 4.2 It is not necessary to prepare an Operating Statement in this instance due to the proposals qualifying as permitted development under Class E of the Use Classes Order.

Ventilation, Extraction & Odour

- 4.3 The ventilation, extraction and odour controls have been evolved in line with DEFRA's Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005).
- 4.4 CK Direct have prepared a Ventilation Report and a full suite of plans detailing the proposed ventilation system.
- 4.5 Manchester City Council's Environmental Health Department have specific guidance, *Planning & Noise: Technical Guidance* which "aims to provide help and advice in relation to noise in a planning context to encourage good acoustic design. It outlines what is expected in relation to current guidance and policy with the aspiration that new developments achieve the highest possible standards without compromising the health and well being of people that live and work within the City of Manchester".
- 4.6 The guidance references national and local planning policy, and current guidance, the most relevant of which to this application is British Standard (BS) 4142: 2014 *Methods for rating and assessing industrial and commercial sound* and states:

"The assessment of noise of a commercial / industrial nature is commonly based on this standard. It describes methods for rating and assessing sound of an industrial and/or commercial nature, which includes:

- Sound from industrial and manufacturing processes;*
- Sound from fixed installations which comprise mechanical and electrical plant and equipment;*
- Sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and*
- Sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train or ship movements on or around an industrial and/or commercial site.*

The assessment method in BS 4142 is based on the difference between the measured 'background sound level' without the influence of any industrial noise source, and the 'rating level' of the industrial source, at the receiver location".

4.7 The scope of BS 4142 is given as follows:

"The methods described in this British Standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.....

1.2 This standard is applicable to the determination of the following levels at outdoor locations:

a) rating levels for sources of sound of an industrial and/or commercial nature; and

b) ambient, background and residual sound levels, for the purposes of:

1) investigating complaints;

2) assessing sound from proposed, new, modified or additional source(s) of sound of an industrial and/or commercial nature; and

3) assessing sound at proposed new dwellings or premises used for residential purposes".

4.8 The requirement of the Council's technical guidance is as follows:

"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 (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location".

4.9 APD have recently gained planning consent for a similar restaurant use now operating as Chaii Wala, which is located at 74 Bury Old Road, which is located approximately 12 metres away, due north.

4.10 We have enclosed a copy of the Echo Acoustic Technical Memorandum for Chai Wala (Application Ref: 125758/FU/2019 – see **Appendix A**). Within the report the following observations are made:

"Having studied the location of the application premises, it is not evident that there are any potentially noise sensitive within the immediate vicinity. The Supporting Statement issued in December 2019 by Russell Adams with the Planning Application, confirms that:

"1.7 The adjacent property to the north is a Thai Massage Parlour, Bet Fred and a top up supermarket (i.e. nonresidential).

The southern elevation is a blank façade aside from glazing on the south western façade of the premises. To the south of the shop, across from Sandy Bank Road is a takeaway and Bank (again, non-residential) and to the east, behind the primary retail frontage and accessed off Sandy Bank Road lies two garages servicing and repairing motor vehicles. The section plans demonstrate that the land level rises from west to east, with the rear servicing entrance being located at the first floor level of the premises.

1.8 It is apparent from our review of the site and surroundings that there are no residential properties or environmentally sensitive neighbouring land uses to the proposed A3 restaurant".

4.11 Echo Acoustics identify that:

“Consequently, not only are there no sensitive premises that require ‘protection’ from noise, but there is no location at which a NS 4142 assessment might be undertaken. A detailed noise impact assessment cannot be undertaken and is, in any case, unnecessary.

This situation was discussed with the Council's Planning Case Officer¹ who requested that these matters be confirmed set out in a formal document from a qualified Acoustician such that the Applicant can formally apply for the condition to be discharged.

This document, therefore, provides the necessary clarification and consideration of noise such that planning condition 4 may be discharged by the Local Planning Authority.”

- 4.12 The Echo Acoustic Report clarifies that there are no noise sensitive receptors near to the proposed new plant at the application site. As such, it is unnecessary and inappropriate to submit a separate noise assessment and/or condition the submission of a noise report in this instance given that the premises in an established commercial and retail centre with no nearby noise sensitive receptors.

¹ E-mail and telephone conversation with Janine Renshaw-Livesey, Friday 6 March 2020.
Adams Planning + Development Ltd.

5.0 Appendices

Appendix A – Echo Acoustic Technical Memorandum for ChaiWala (Application Ref: 125758/FU/2019)

Technical Memorandum

To: Russell Adams (Adams Planning & Development)

From: Tayyab Akhlaq, Usman Malik

CC:

Date: Planning application 125758/FU/2019 – acoustic considerations

This technical memorandum provides a review of the noise aspects associated with the proposed change of use of 74 Bury Old Road from a bakery to a restaurant, in order that a planning condition on the planning permission for the premises may be discharged.

The proposal has been granted planning permission by Manchester City Council (reference: 125758/FU/2019), condition 4 of which requires:

“4) Prior to the first use of the development hereby approved details of the externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. Details of the scheme should 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 prior to installation of any plant. The approved scheme shall be fully implemented prior to first use and in accordance with the details agreed and a verification report shall be submitted and approved in writing in order to validate the works undertaken conform to the requirements within the report within one month after the building is occupied.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy”.

The application premises is located in a predominantly commercial setting on a heavily-trafficked principal transport route to Manchester City Centre. Surrounding uses include including banks, hairdressers, general A1 retailers and food retailers.

Manchester City Council’s Environmental Health Department have specific guidance, *Planning & Noise: Technical Guidance* which “aims to provide help and advice in relation to noise in a planning context to encourage good acoustic design. It outlines what is expected in relation to current guidance and policy with the aspiration that new developments achieve the highest possible standards without compromising the health and well being of people that live and work within the City of Manchester”.

The guidance references national and local planning policy, and current guidance, the most relevant of which to this application is British Standard (BS) 4142: 2014 *Methods for rating and assessing industrial and commercial sound* and states:

“The assessment of noise of a commercial / industrial nature is commonly based on this standard. It describes methods for rating and assessing sound of an industrial and/or commercial nature, which includes:

- Sound from industrial and manufacturing processes;
- Sound from fixed installations which comprise mechanical and electrical plant and equipment;
- Sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and
- Sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train or ship movements on or around an industrial and/or commercial site.

The assessment method in BS 4142 is based on the difference between the measured 'background sound level' without the influence of any industrial noise source, and the 'rating level' of the industrial source, at the receiver location".

The scope of BS 4142 is given as follows:

"The methods described in this British Standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.....

1.2 This standard is applicable to the determination of the following levels at outdoor locations:

- a) rating levels for sources of sound of an industrial and/or commercial nature; and*
- b) ambient, background and residual sound levels, for the purposes of:*
 - 1) investigating complaints;*
 - 2) assessing sound from proposed, new, modified or additional source(s) of sound of an industrial and/or commercial nature; and*
 - 3) assessing sound at proposed new dwellings or premises used for residential purposes".*

The requirement of the Council's technical guidance is as follows:

"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 (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location".

Evidently, the principle behind the planning condition and the Council's guidance is a consideration of potential noise effects on 'noise sensitive' uses; typically these are residential uses, educational establishments, libraries, churches etc. Commercial premises may also be noise sensitive if the activity undertaken there is particularly sensitive to disturbance by noise; this situation is extremely rare.

The proposed restaurant use will have one item of externally-mounted plant equipment. Having studied the location of the application premises, it is not evident that there are any potentially noise sensitive within the immediate vicinity. The Supporting Statement issued in December 2019 by Russell Adams with the Planning Application, confirms that:

"1.7 The adjacent property to the north is a Thai Massage Parlour, Bet Fred and a top up supermarket (i.e. nonresidential).

The southern elevation is a blank façade aside from glazing on the south western façade of the premises. To the south of the shop, across from Sandy Bank Road is a takeaway and Bank (again, non-residential) and to the east, behind the primary retail frontage and accessed off Sandy Bank Road lies two garages servicing and repairing motor vehicles. The section plans demonstrate that the land level rises from west to east, with the rear servicing entrance being located at the first floor level of the premises.

1.8 It is apparent from our review of the site and surroundings that there are no residential properties or environmentally sensitive neighbouring land uses to the proposed A3 restaurant".

Consequently, not only are there no sensitive premises that require 'protection' from noise, but there is no location at which a NS 4142 assessment might be undertaken. A detailed noise impact assessment cannot be undertaken and is, in any case, unnecessary.

This situation was discussed with the Council's Planning Case Officer¹ who requested that these matters be confirmed set out in a formal document from a qualified Acoustician such that the Applicant can formally apply for the condition to be discharged.

This document, therefore, provides the necessary clarification and consideration of noise such that planning condition 4 may be discharged by the Local Planning Authority.

¹ E-mail and telephone conversation with Janine Renshaw-Livesey, Friday 6 March 2020.