

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133168/FO/2022

Date registered valid: 7 April 2022

Proposal: Installation of fume extraction flue to the rear

Address: 460 Cheetham Hill Road, Manchester, M8 9JW

Ward(s): Crumpsall Ward

Applicant: Mr Aslan Younis First Floor, 460 Cheetham Hill Road, Manchester, M8 9JW

Agent (if any): Mr Belal Rashid BRTA Limited Office 12, Falcon Business Centre, Victoria Street, Oldham, OL9 0HB

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Approval

Date of recommendation: 30.05.2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Standard consultations:

Printed: 25 April 2022 Expired: 16 May 2022

Neighbour notifications

Printed: 25 April 2022 Expired: 16 May 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application relates to a ground floor retail unit, housed within a part two part three storey commercial terrace situated on the eastern side of Cheetham Hill Road. The premises is neighboured to one side by a barbers and to the other by a travel agents. The premises is currently occupied as a restaurant.

The application site is situated within Cheetham Hill district centre which spans north to south along Cheetham Hill Road. The immediate area is predominately commercial in character, comprising of a mixture of retail, office, food and drink and residential use.

Description of development

The application seeks consent for the installation of a fume extraction flue to the rear of the property.

Planning History

130631/LP/2021 Certificate of Proposed Lawful Development for use of the ground floor as a restaurant (Class E). APPROVED 10.09.2021

Consultations & Notification Responses

Environmental Health responded with the following comments:

Fume/odours

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.

*The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Two documents have been submitted by CKS Ltd. One states:

The EMAQ guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems outlines that abatement systems offering a High level of odour control may include:

1. Fine filtration or electrostatic precipitator (ESP) followed by carbon filtration (carbon filters rated with a 0.1-0.2 second residence time); or
2. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

0.1– 0.2 second residence time is not sufficient for a high level of odour control.

The other document submitted states:

We have recommended baffle filters acting as a fine filter or ESP, accompanied with carbon filters rated with a 0.6-0.8 second residence time

Only the latter is acceptable.

The minimum velocity requirements are 0.5m/s.

EH also need to see plans of the flue that will be installed to ensure 1m above all eaves and that there is no cowl on top.

NSE6

External plant/equipment/servicing

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.

The information supplied for FUME is not sufficient. A full acoustic report is required.

Local residents were notified however none responded.

Policy

Class E

Commercial, Business and Service

Use, or part use, for all or any of the following purposes:

- a) Shop other than for the sale of hot food
- b) Food and drink which is mostly consumed on the premises
- c) the following kinds of services principally to visiting members of the
 - i. financial services
 - ii. professional services (other than medical services)
 - iii. any other services which it is appropriate to provide in a commercial, business or service locality
- d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)
- e) Medical services not attached to the residence of the practitioner
- f) Non-residential creche, day centre or nursery
- g) i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)

The application is also subject to assessment under the following policies within the development plan:

Unitary Development Plan

The following saved policies from the Unitary Development Plan are also considered to be relevant.

Policy DC26 – Noise

Policy DC26.1 - Has been related to the actual and potential contribution of the use on the local noise environment, its impact on residential character and amenities of the area.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily.

The proposal in this application is considered to be a potential noise source based on the nature of the age groups it seeks to accommodate.

DC10.1 - Food and Drink

In determining planning applications for developments involving the sale of food and 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.

Policy DC10.2

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.

Policy DC10.3

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 DC10.4

Where, having regard to the preceding policies, the council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, and the storage of refuse and collection of litter.

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 (130631/LP/2021)]. Such premises almost inevitably require flues therefore the principle of a flue is considered acceptable.

Design

There are other extraction flues in the nearby vicinity. The flue has been located at the rear of the premises so that it does not have an adverse impact on the streetscene on Cheetham Hill Road.

Scale

The flue is 1 metre above roof level and is considered not to be overly large for the unit and local environment.

Noise

Assessment of the proposal requires further details to be submitted of the acoustic properties of any external equipment for the kitchen extraction system and post-installation assessment that confirms that the works conform to the appropriate industry standard. Environmental Health have recommended that conditions are attached to any approval granted to control noise and

fume. A new acoustic assessment is therefore required to ensure that any installation will not incur any loss of amenity. The applicant agreed to the condition in writing during negotiations.

Residential Amenity

The application site is based on a main road and 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.

Visual Amenity

As noted above, the external kitchen equipment will be sited 1metre above the roof level which will only be visible along Woodlands Road towards the rear of the property.

Elevational drawings and the submitted supporting information indicate that the flue will comprise of galvanised steel ducting. A small section of this may be visible from Woodlands Road looking into the alleyway but as this property is not the end property from Woodlands Road's footpath, and the rears of other commercial units and outriggers and flues intervening, there will be limited views from within the public realm.

Notwithstanding this, development is typical of the associated plant for commercial kitchens found at the rears of similar premises.

On the basis of the above and subject to the conditions as recommended, the proposal is acceptable in accordance with saved UDP policies DC10 and DC26 and with Core Strategy policies SP1 and DM1.

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

Reason- Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

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

Drawing- Location Plan

Drawing- Plans and Elevations ref: A102

Document: Kitchen Extraction and Ventilation Report

Document: Odour Control

All stamped as received by the City Council, as the Local Planning Authority on 10 March 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 (2012).

- 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 in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

- 4) 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

North Manchester Jamia Mosque, 3 Woodlands Road, Cheetham, Manchester, M8 9LF
458A Cheetham Hill Road, Manchester, M8 9JW
First Floor, 460 - 462 Cheetham Hill Road, Manchester, M8 9JW
First Floor, 460 Cheetham Hill Road, Manchester, M8 9JW
Ground Floor, 460 Cheetham Hill Road, Manchester, M8 9JW
458 Cheetham Hill Road, Manchester, M8 9JW
18 Avonlea Drive, Manchester, M19 1AH
20 Avonlea Drive, Manchester, M19 1AH
42 Broadhill Road, Manchester, M19 1AG
38 Broadhill Road, Manchester, M19 1AG
37 Broadhill Road, Manchester, M19 1AQ
33 Broadhill Road, Manchester, M19 1AQ
31 Broadhill Road, Manchester, M19 1AQ
34 Broadhill Road, Manchester, M19 1AG
35 Broadhill Road, Manchester, M19 1AQ
36 Broadhill Road, Manchester, M19 1AG
40 Broadhill Road, Manchester, M19 1AG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1