

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136316/FO/2023
Date registered valid: 20 February 2023
Proposal: Installation of rear flue and mechanical extraction system together alterations to rear include new bin store and replacement fire exit door
Address: 575 Barlow Moor Road, Manchester, M21 8AE
Ward(s): Chorlton Park Ward

Applicant: Mr Amey Karkhanis Hungamaa
Agent (if any): Mr Rakesh Mistry m83 Associates Ltd
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 03 July 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 April 2023

Standard consultations:

Printed: 10 March 2023 Expired: 31 March 2023

Neighbour notifications

Printed: 10 March 2023 Expired: 31 March 2023

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

Application site relates to the ground floor restaurant of a three storey mid-terraced building that fronts Barlow Moor Road within Chorlton District Centre. The site is bounded by residential houses on Silverwood Avenue at the rear separated by a cobbled alleyway and other commercial uses on either side.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

Located within Chorlton District Centre in an area characterised by a mix of uses including cafes, bars, restaurants, estate agents, banks, general convenience shopping and hair salons with residential units located on the upper floors or within the surrounding streets within dwellinghouse

Description of development

The applicant is seeking to install a rear flue and mechanical extraction system together alterations to rear include new bin store and replacement fire exit door.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby properties (see appendix 1 for the list of properties).

Local residents/public opinion – Two representations were received regarding the proposal raising concerns regarding the noise generated in particular by the restaurants ventilation systems and the late-night disposal of glass bottles into bins late at night with little consideration to nearby residents.

Odours, waste and pests was another concern raised as the alleyway is poorly maintained and littered with waste generated by the restaurants.

Delivery drivers often block resident driveways to the inconvenience of residents and other road users.

All the food and drink establishment within the parade have had a detrimental effect on the amenity of local residents.

Environmental Health – Recommended conditions relating to fume and odour extraction, acoustic insulation of external mounted plan and refuse storage.

Planning History

There have been a total of seven previous planning applications at this address a summary of the applications (reference number, description and decision) are listed below:

Application Reference: 133708/JO/2022

Description: Variation of condition number 6 (hours of opening) attached to planning permission reference 126793/FO/2020 to allow the premises to open for the following extended hours: Sunday to Wednesday 08:30 to 23:00 and Thursday to Saturday - 08:30 to 02:30

Decision: REFUSED

Application Reference: 126794/AO/2020

Description: Advertisement consent for the display of 1no. fascia sign in association with the change of use of bar (Use Class A4) to restaurant (use Class A3)

Decision: APPROVED

Application Reference: 126793/FO/2020

Description: Change of use of bar (Use Class A4) to restaurant (use Class A3), together with single storey rear extension, fume extraction to rear and fascia signage and elevational alterations to front elevation.

Decision: APPROVED

Application Reference: 101729/FO/2013/S1

Description: Installation of canopy, balustrading and decking to create outdoor seating area

Decision: APPROVED

Application Reference: 106834/P3JPA/2014/S1

Description: Prior approval for change of use of offices (B1) at first and second floors to two flats (C3)

Decision: Approved

Application Reference: 080341/FO/2006/S1

Description: Installation of new shop front and erection of a conservatory at rear of property and the creation of outdoor seating area

Decision: Approved

Application Reference: 073567/FU/2004/S1

Description: Change of use from former bank (Class A2) to food and drink (Class A3) use

Decision: Approved

Enforcement Cases

Reference: ENF/15468/22

Subject: Non-Compliance with conditions attached to planning permission 126793/FO/2020 at 575 Barlow Moor Road, Manchester, M21 8AE.

Legislative Issues

Unitary Development Plan for the City of Manchester 1995 (UDP)

The relevant UDP Policy is saved policy DC10.

Policy DC10.1 set out the considerations required for development involving the sale of food or drink for consumption on the premises, or for hot food to be consumed that in determining applications (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.

DC10.2 advises 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.

DC10.3 advises 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.

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, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

Manchester Core Strategy Development Plan Document 2012

The relevant Core Strategy Policies are SP1, DM1, EN1, C6 and C10

Policy SP1 sets down the spatial principles that will guide development in the City. The emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. It goes on to say that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including (amongst others):-

making a positive contribution to the health, safety and wellbeing of residents

Policy DM1 says;

All development should have regard to the following specific issues, (amongst others), for which more detailed guidance may be given within a supplementary planning document:

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Policy EN1 requires amongst others that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

Policy C6 relates to the South Manchester District Centres which includes Chorlton. In respect of Chorlton the policy states that;

Redevelopment in Chorlton will provide a substantial increase in retail, alongside improvements to other commercial and community services. New development should also make a contribution to the character of the centre, including a range of unit sizes and environmental improvements.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Adopted April 2007

Paragraph 2.13 raises that the scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings. Projections and setbacks from this line, such as bays, foyers and entrance halls, can help to create visual emphasis; they should not, however, reduce safety by creating hidden areas, or accessibility by making obstructions, nor detract from the visual continuity of the frontage.

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one

of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

National Planning Policy Framework (December 2024)

Paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 tells us that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 11 Plans and decisions should apply a presumption in favour of sustainable Development and that for decision making this means approving development proposals that accord with an up to date development plan without delay.

The Principle

The food and drink use is well established at this address with the site receiving the planning approval for the change of use from a bank to food and drink use in 2005 (ref: 073567/FU/2004/S1) with later delegated approved consents for a rear conservatory and outdoor seating (ref: 080341/FO/2006/S1) and a canopy, balustrading and decking to create outdoor seating area (ref: 101729/FO/2013/S1).

More recently permission has been granted for a change of use from bar to restaurant (ref: 126793/FO/2020) and signage (ref: 126794/AO/2020). Although extension of opening hours on Sunday to Wednesday 08:30 to 23:00 and Thursday to Saturday – 08:30 to 02:30 refused under planning reference: 133708/JO/2022.

Concerns regarding non-compliance with approved plans and planning conditions led to the creation of enforcement case ENF/15468/22, specifically relating to the installation of the rear extraction flue, granted under planning permission reference: 126793/FO/2020. A letter was sent to the owner on the 13 December 2022, and the current application has been submitted to address the issues raised.

The applicant is now seeking retain a rear flue and mechanical extraction system together with alterations to rear include new bin store and replacement fire exit door.

Residential Amenity/Noise Impact/Fume Odours – The 2020 planning permission approved a mechanical ventilation system to be installed at the rear of the premises, extending from the single-storey kitchen extension and rising above the flat roof to terminate above the parapet.

However, the applicant has installed a system including a flue that projects from the north-west corner of the kitchen extension, the duct runs diagonally across the flat roof of the extension (from north-west to south-east) and then rises to terminate above the parapet in the same location as previously approved.

Concerns regarding the suitability and positioning of the flue were raised with the applicant, particularly as the chosen design was considered to reduce the effective dispersion of emissions and may have increased noise levels generated by the kitchen extraction system. This was considered likely to have a detrimental impact on the amenity of nearby residents.

In response, the applicant undertook additional works to address these concerns and mitigate the impacts. Modifications included upgrading the duct fixings, extending the duct height, and replacing the traditional cowl with a jet cowl.

The results demonstrated an improvement in noise levels, with a reduction of 4dB below the background noise level just under the threshold set by the Council standards.

Given that the mitigation measures have already resulted in a measurable reduction in noise following the additional works and testing, it would be unreasonable to require the applicant to undertake further testing solely to confirm that the flue remains below background noise levels.

Moreover, no further concerns have been raised since the application was submitted to suggest that the flue continues to pose an issue.

While initial concerns were raised about potential noise impacts on neighbouring residents, the mitigation measures implemented have already demonstrated a reduction in noise relative to existing background levels. This indicates that the flue and extraction system are operating more quietly, and any ongoing disturbance is unlikely to be attributable to the flue.

As previously noted, restaurant and bar uses are well-established in the area. Additionally, the 2020 planning approval includes conditions that restrict the hours of refuse disposal, glass bottle handling, and deliveries.

The focus of the report now turns to odour. The application was accompanied by an odour assessment that outlined specific mitigation measures. Environmental Health commented that the proposed odour filtration system would be appropriate for a very high-risk premises.

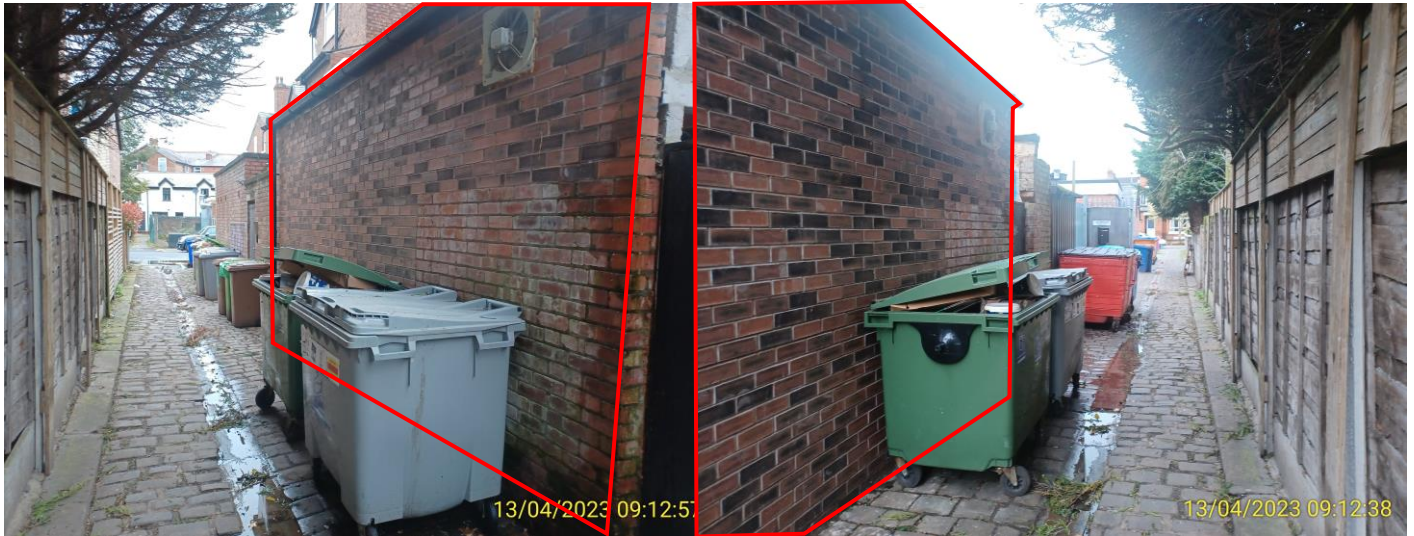
The mitigation strategy includes the installation of fine filtration (Grade 4 filters) followed by carbon filters with a residence time of 0.4 seconds. Provided these measures are implemented as proposed, it would be considered onerous to impose an additional condition requiring the submission and approval of a separate scheme for the control of fumes, vapours, and odours. The proposed system is expected to adequately address any potential impacts.

Waste Management – Planning permission reference 126793/FO/2020 approved a bin store enclosed behind lockable doors opening onto the rear alleyway. The current proposed plans show a bin store that now opens onto the internal passageway within the site. The position of the fire door remains unchanged from the 2020 approval. These alterations are considered minor, and the overall waste storage area remains consistent with the previously approved scheme.

The submitted waste proforma indicates that the proposed bin is intended for mixed recycling. However, Environmental Health has advised that this arrangement is inadequate, as there should be separate bins for general waste, pulpable recycling, mixed recycling, and food waste, all stored within the site.

This issue was raised with the applicant, and during a site visit to discuss the matter, it was observed that bins were being stored within the rear alleyway (see Photographs 1 and 2), due to constraints of the site. Observations of the alleyway clearly show that both businesses and residents are similarly reliant on this alleyway for bin storage. Given these constraints, it would be unreasonable to impose a condition requiring all waste bins to be stored entirely within the

site. Such a condition would not meet the tests of reasonableness and enforceability as set out in Paragraph 55 of the National Planning Policy Framework (NPPF).



Photograph 1 & 2 Rear Alleyway, Bins and Extension (as built outlined in red)

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Approved

Article 35 Declaration

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved relates to the following drawings and documents:

Drawing No: P2

Drawing No: P4

Drawing No: P5

Drawing No: P7

Drawing No: P8

Drawing No: P9

Drawing No: P10

Drawing No: P11

Drawing No: P12

Drawing No: P13

Extract and Ventilation Statement

P4969/L02/NRS dated 2 August 2023

P4969/L01/NRS dated 26 June 2023

Odour Assessment

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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Chorlton Voice

Flat 3, 1 Silverwood Avenue, Manchester, M21 8BN
Flat 2, 1 Silverwood Avenue, Manchester, M21 8BN
Flat 1, 1 Silverwood Avenue, Manchester, M21 8BN
8 Silverwood Avenue, Manchester, M21 8BN
6 Silverwood Avenue, Manchester, M21 8BN
12 Groby Road, Manchester, M21 8AF
10 Groby Road, Manchester, M21 8AF
3 Silverwood Avenue, Manchester, M21 8BN
Flat 3, 571A Barlow Moor Road, Manchester, M21 8AE
Flat 2, 571A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 571A Barlow Moor Road, Manchester, M21 8AE
Flat 2, 573A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 573A Barlow Moor Road, Manchester, M21 8AE
Second Floor, 575 Barlow Moor Road, Manchester, M21 8AE
First Floor, 575 Barlow Moor Road, Manchester, M21 8AE
Kentoms Garage, Silverwood Avenue, Manchester, M21 8BN
573 Barlow Moor Road, Manchester, M21 8AE
Store Rear Of 567, Barlow Moor Road, Manchester, M21 2AE
Flat 3, 7 Silverwood Avenue, Manchester, M21 8BN
Flat 2, 7 Silverwood Avenue, Manchester, M21 8BN
Flat 1, 7 Silverwood Avenue, Manchester, M21 8BN
565B Barlow Moor Road, Manchester, M21 8AE
First Floor, 567 Barlow Moor Road, Manchester, M21 8AE
Flat 2, 5 Silverwood Avenue, Manchester, M21 8BN
571 Barlow Moor Road, Manchester, M21 8AE
6 Groby Road, Manchester, M21 8AF
577 Barlow Moor Road, Manchester, M21 8AE
569 Barlow Moor Road, Manchester, M21 8AE
Dentology Chorlton, 563 Barlow Moor Road, Manchester, M21 8AE
583 Barlow Moor Road, Manchester, M21 8AE
Basement And Ground Floor, 567 Barlow Moor Road, Manchester, M21 2AE
Flat 1, 5 Silverwood Avenue, Manchester, M21 8BN
Flat 3, 5 Silverwood Avenue, Manchester, M21 8BN
579 - 581 Barlow Moor Road, Manchester, M21 8AE
10 Silverwood Avenue, Manchester, M21 8BN
4 Silverwood Avenue, Manchester, M21 8BN
9 Silverwood Avenue, Manchester, M21 8BN
577A Barlow Moor Road, Manchester, M21 8AE
565 Barlow Moor Road, Manchester, M21 8AE
8 Groby Road, Manchester, M21 8AF

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 Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA