

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

Application no. 143344/FO/2025
Date registered valid: 2 July 2025
Proposal: Installation of two extract fans externally onto rear flat roof.
Address: 65 Kingsway, Manchester, M19 2LL
Ward(s): Burnage Ward

Applicant: Mr Mahdi Al-Rikabi, BDG CAFE
Agent (if any): Mr Barry Cullen, Barry Cullen
Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 27 August 2025

APPLICATION DETAILS

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17 July 2025

Standard consultations: Printed: 14 July 2025 Expired: 4 August 2025

Neighbour notifications: Printed: 14 July 2025 Expired: 4 August 2025

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/building

The proposal relates to a Class E end terrace building on Kingsway. The property features a rear extension, with existing ventilation, and yard.

Description of area

The proposal is in a row of commercial premises within a mostly residential part of the Burnage ward of Manchester. Residential dwellings sit directly to the side and rear of the property

Description of development

Installation of two extract fans externally onto rear flat roof.

The two extract fans are existing "Vortex Acoustic Box Fans" sitting on the flat roof of the existing rear extension.

PLANNING HISTORY

143021/JO/2025

Description: Variation of Condition 2 (hours of operation) attached to planning permission 046575/FO/CENTL3/94 to enable opening hours of 4pm until 1am (Monday to Sunday)

Decision: Pending decision

082614/FO/2007/N2

Description: Single storey rear extension to form additional office space

Decision: Refused 30/05/2007

079400/FO/2006/N2

Description: Erection of single storey rear extension in connection with existing office use

Decision: Refused 23/08/2006

069214/FO/2003/N2

Description: First floor rear extension to form additional office floorspace

Decision: Refused 07/11/2003

055504/FO/CENTL2/98

Description: Single storey side and rear extension to office and erection of 1.8m high waney lap boundary fence.

Decision: Approved 15/12/1998

046575/FO/CENTL3/94

Description: Change of use of ground floor hairdressing salon to office use (immigration consultancy) including alterations to front elevation to bring entrance door forward

Decision: Approved 20/12/1994

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

Consultations

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application and have recommended refusal of the application. The application has potential to cause disamenity to nearby properties in terms of both noise and odour.

Notifications

Local Residents

No representations received.

RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

Relevant Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The following policies are considered relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#)
 - Development Management and Planning Obligations
 - DM 1 - Development Management
 - Objective 1 - Spatial Principles
 - SP 1 - Spatial Principles (Partially replaced by PfE Policy JP-S 1)
 - Objective 2 - Economy and the City Centre
 - EC 1 - Employment and Economic Growth in Manchester
 - EC 2 – Existing Employment Space
 - EC 9 – South Manchester
 - Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 16 - Air Quality (partially replaced by PfE Policy JP-S 5)
- [Extant Unitary Development Plan \(UDP\) –](#)
 - Citywide Development Control Policies
 - DC26 - Development and Noise
 - Environmental Improvement and Protection
 - E3.3 – City major radial and orbital roads and rail routes.
- [Places for Everyone Plan Joint Development Plan Document 2022-2039-](#)
 - Strategy
 - JP-Strat9: Southern Areas
 - Sustainable and Resilient Places
 - JP-S1: Sustainable Development
 - JP-S5: Clean Air

- Places for Jobs
 - JP-J1: Supporting Long-Term Economic Growth
 - JP-J2: Employment Sites and Premises
- Places for People
 - JP-P1 Sustainable Places
- [The National Planning Policy Framework \(The NPPF\)](#) –
 - Section 2 - Achieving sustainable development
 - Section 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 12 – Achieving well-designed places

Principle

The City Council recognises that Class E uses often require ventilation and/or extraction due to the type of businesses allowed under the class. These are generally acceptable if the residential and visual amenity impacts are minimised. In this case the harm to local residential amenity would outweigh the benefit and would therefore be unacceptable.

ISSUES

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

The 2no extract fans and associated ductwork to be retained are relatively low profile and sit atop the flat roof of the existing extension.

The installation, given its size and context, would not present a significant visual harm to the commercial premises.

It is noted that the direct neighbour is residential however given the installation does not face into the side and the distance to the boundaries the visual impact is minimal.

Due to its, size, position and location in relation neighbours the proposal would not create and over-dominant or overbearing feature.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.

The installation cannot be seen from the street and therefore has no visual impact to Kingsway.

The proposal is similar in size and scale to other installations nearby, notably at commercial premises further along the terraced row and would not therefore disrupt the area's existing features.

Effects on amenity

Noise

There is the potential for disamenity to nearby sensitive receptors. The acoustic report submitted does not consider the residential property adjoining this premises both in terms of noise from the termination point but also potential flanking transmission through the structure.

The report also does not consider the residential properties on Austin Grove which back on to the premises. Whilst these properties are further away from the premises, they have habitable rooms with direct line of sight to the extract and there is the potential for them to be affected by noise from the system.

Mitigation has not been identified and therefore the application has potential to cause noise disamenity to nearby residential properties.

Based on the submitted documents it is not clear if the development would have a harmful impact on local noise. Without adequate evidence, the City Council cannot be satisfied that the proposed development would sufficiently mitigate the risk of excessive or intrusive noise affecting local residential amenity and potentially creating a significant harm.

Air Quality/Odours/Fumes

Not enough detail has been submitted as to the use of the extract fans as no plans of the system have been submitted and no additional information provided such as an odour risk assessment etc.

The extract terminates in a way which is not appropriate as they should terminate not less than 1m above the eaves with a high velocity rain resistant cowl which will allow any fumes (if associated with a kitchen extract) to disperse to atmosphere and away from any nearby sensitive receptors.

Mitigation has not been identified and therefore the application has potential to cause air quality and odour disamenity to nearby residential properties.

Given the fans for retention do not terminate 1m above the eave's height in an approved high velocity cowl, the proposal would create a situation where kitchen odours are being released at a lower level and harming local residential amenity.

Adequacy of internal accommodation and external amenity space.

The proposal has no effect to internal or external amenity space

Vehicular access and car parking

The proposal doesn't change how vehicles access and park at the property.

Green Infrastructure including open space, both public and private

The proposal has no impact on green infrastructure.

Flood risk and drainage.

The site is not located in a flood risk area and therefore does not require a flood statement or assessment. The proposal has a negligible impact on drainage using the existing drainage on site.

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.

CONCLUSION

The proposed retention of two external extract fans at 65 Kingsway has been assessed against relevant planning policies and material considerations. While the visual impact is minimal, the application fails to demonstrate that noise and odour impacts on nearby residential properties can be adequately mitigated. In the absence of sufficient evidence and appropriate design measures, the development would result in unacceptable harm to residential amenity. Therefore, the application cannot be supported.

RECOMMENDATION: REFUSE

Article 35 Declaration

The agent was made aware of the issues and, given the changes required to make the scheme acceptable would be beyond the description of development, it was made clear that the proposal would be refused prior to the decision.

REASONS FOR REFUSAL

1. Odours/Fumes/Air Quality

The extract fans would be unduly detrimental to the residential amenity of the occupants of local residential dwellings by failing to disperse odours and fumes away from any nearby sensitive receptors due to the lack of an adequately designed extraction system (High velocity cowl no less than 1m above eaves). This opposes policies DM1, EN1, EN16 and SP1 of the Manchester Core Strategy, and JP-S1 and JP-S5 of Places for Everyone Joint Development Plan.

2. Noise

The submitted documents do not adequately address concerns related to impact to local noise and therefore the City Council, as the local planning authority, is not satisfied that the proposed development would sufficiently mitigate the risk of excessive or intrusive noise affecting local residential amenity. This opposes policies DM1, EN1, and SP1 of the Manchester Core Strategy, DC26 of the Extant UDP and JP-S1 and JP-S5 of Places for Everyone Joint Development Plan.

APPENDIX 1 – LIST OF CONSULTEES & NEIGHBOURS NOTIFIED

Environmental Health

44 Scarisbrick Road, Manchester, M19 2BS

40 Scarisbrick Road, Manchester, M19 2BS

10 Austin Grove, Manchester, M19 2BH

6 Austin Grove, Manchester, M19 2BH

4 Austin Grove, Manchester, M19 2BH

69 Kingsway, Manchester, M19 2LL

67 Kingsway, Manchester, M19 2LL

48 Scarisbrick Road, Manchester, M19 2BS

42 Scarisbrick Road, Manchester, M19 2BS

61A Kingsway, Manchester, M19 2LL

59 Kingsway, Manchester, M19 2LL

63 Kingsway, Manchester, M19 2LL

61 Kingsway, Manchester, M19 2LL

8 Austin Grove, Manchester, M19 2BH

46 Scarisbrick Road, Manchester, M19 2BS

APPENDIX 2 – PLANNING CONSTRAINTS

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA