

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142943/FO/2025
Date registered valid: 14 May 2025
Proposal: Installation of external extraction flue and air conditioning unit
Address: 125 Manchester Road, Manchester, M21 9PG
Ward(s): Chorlton Ward

Applicant: House of Biryani Ltd
Agent (if any): Mr Sam Harkin WSP
Case officer: Jake Walther
Tel: 0161 234 1632
Email: jake.walther@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: **07/07/2025**

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit: 11/06/2025

Standard consultations:

Printed: 28 May 2025 Expired: 18 June 2025

Neighbour notifications

Printed: 28 May 2025 Expired: 18 June 2025

Site notice

No site notice has been produced

Press advert

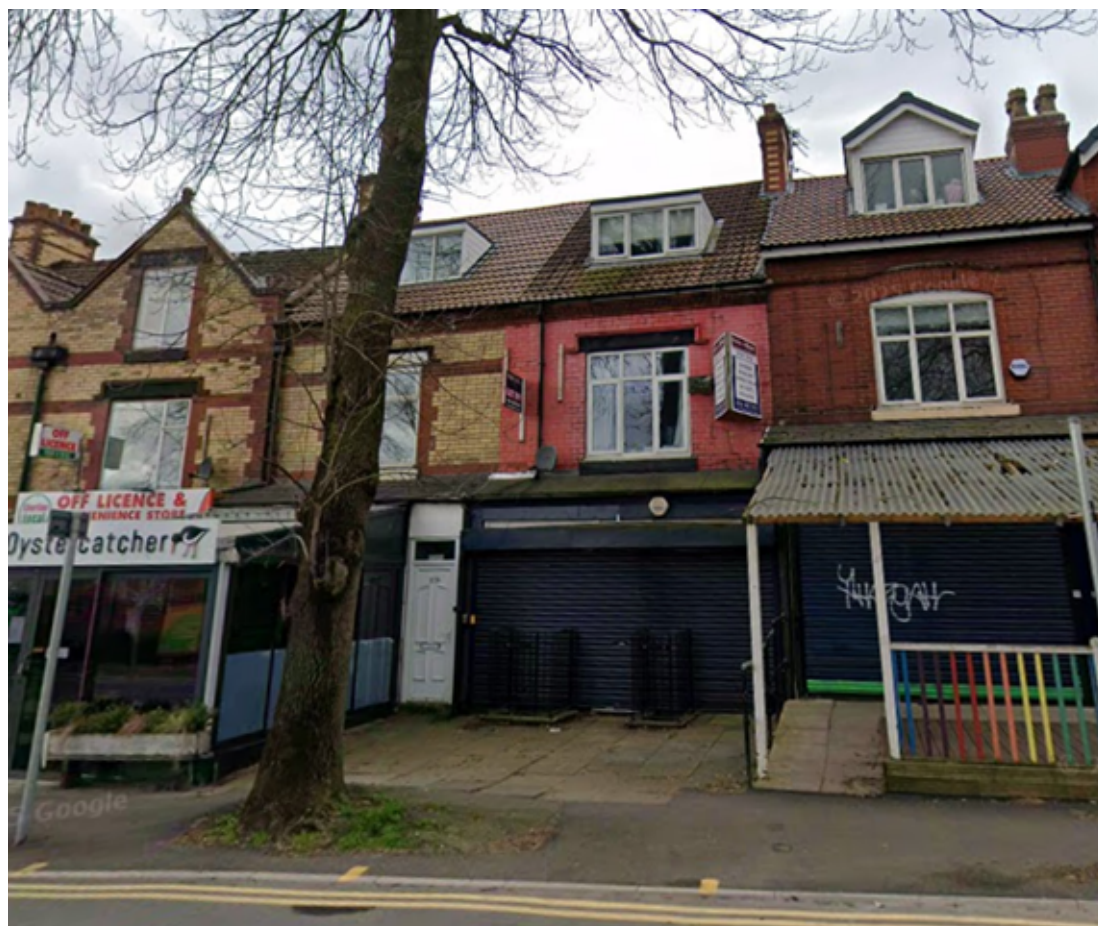
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a mid-terrace two storey building finished in brick and painted light red. There is a retail unit at ground floor and lightwells to basement at the front, to the rear there is a single storey rear outrigger connecting to the rear alleyway.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This section of Manchester Road is predominantly commercial, with residential on the adjoining streets. The applicant site is within the Chorlton District centre and neighbours' other commercial properties.

Description of development

The applicant is seeking permission for the installation of a flue and an air conditioning unit at the rear of the property.

Consultations & Notification Responses

Environmental Health – The proposed external plant is poorly positioned, which will likely lead to unacceptable impacts for existing residents with regard to both noise and odour. The plan/drawing that has been submitted shows the air conditioning unit directly below an existing window with the flue also located near to a window. It does not appear to be at least 1 meter above the window, which should be so that fumes and odors can be effectively dispersed.

The applicant has not provided a supporting acoustic report or odour impact assessment with the application. Given the proximity to residential receptors, they are unlikely to be able to suitably control odour, particulate emissions and noise from the flue and/or the air conditioning unit, which will likely cause disamenity to the residents in the flats and as such the application should be recommended for refusal.

Neighbours, as per Appendix 1 – 1no. objection received – concerns relating to the odours coming from the proposed flue, in combination with the existing flues creates an overwhelming amount

Planning History

129159/P3MPA/2021 - Prior Notification for the Change of Use from a shop (Class A1) to 2no. residential use (Class C3) at basement and ground floor including elevational alterations – **Withdrawn**

127738/FO/2020 - Retention of railings to front lightwells – **Withdrawn**

125696/P3MPA/2019 - Prior Notification for the Change of Use from a shop (Class A1) to 2no. residential use (Class C3) at basement and ground floor – **Withdrawn**

114876/FO/2016 - Change of use from retail (Class A1) to a restaurant and hot food take away (Class A3/A5) and installation of a new shop front and flue to rear - **Refused**

097140/FO/2011/S1 - Change of use of ground floor retail shop (A1) and cellar to drinking establishment (A4) including enlargement of enclosed decking area to the front to create outside seating area - **Approved**

Site Context

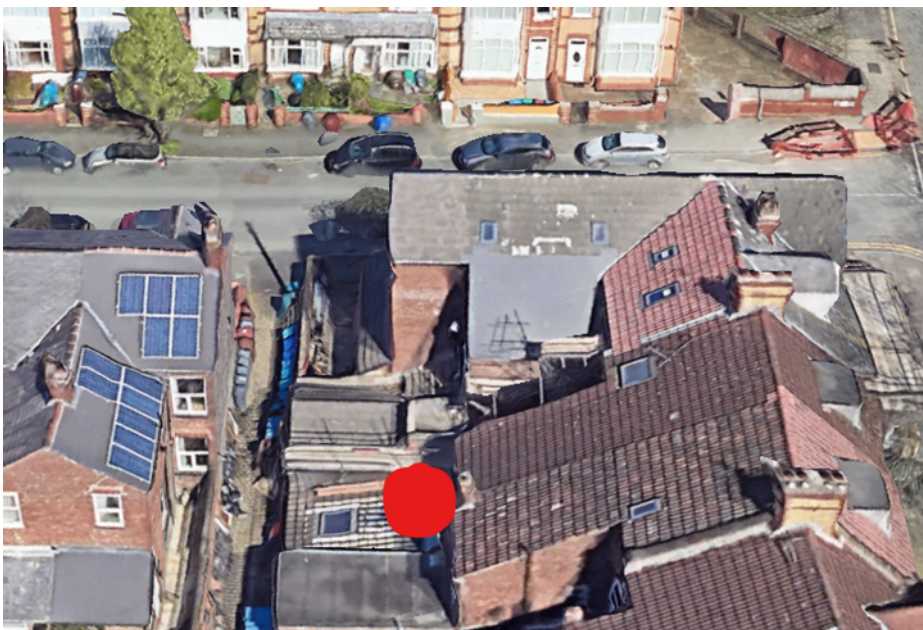
Following a site visit, it is apparent that the proposed flue and air conditioning unit has already been installed, despite the application form stating work has not yet been started.



Figure 3. Rear view of property showing flue and A/C



Figure 2. View of neighbouring property (1 Cheltenham Road).



neighbouring residential property and habitable room windows.

Policy

The Manchester Core Strategy Development Plan Document 2012-2027 –

The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and forms the framework that planning applications are assessed against. We consider the following Core Strategy Policies relevant to this proposal.

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 – Waste
- Policy EC1 - Employment and Economic Growth in Manchester
- Policy EC9 - South Manchester

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy is still considered relevant to this proposal.

- DC26 – Development and Noise
- DC10 – Food and Drink Uses

Places for Everyone

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The following policies are relevant:

- JP- S1- Sustainable development
- JP-S5 – Clean Air

The National Planning Policy Framework (December 2024)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective
- a social objective and
- an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- Chapter 8. Promoting healthy and safe communities.
- Chapter 12. Achieving well-designed and beautiful places.

Issues

Principle

The principle of installing a new air conditioning unit and extract flue is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the residential or visual amenity or character of the area.

In this instance however, the principle of the proposal is considered unacceptable as it is believed that there are factors of sufficient weight in terms of amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policies DM1 and SP1 of the Core Strategy and DC10 and DC26 of the UDP.

Visual Amenity

The proposed A/C and extract flue would be in-keeping with the existing precedent of flues and ventilation systems in this area and, sited at the back of the property, would not be visible within the street scene or public realm and, as such, should have a minimal impact upon the visual amenity of the area.

Residential Amenity

The air conditioning unit and extraction flue have been installed at the rear of the premises in very close proximity to neighbouring residential windows at 1 Cheltenham Road. The siting of the equipment, particularly the air conditioning unit is also directly beneath a habitable room window and the flue near another, raises significant concerns regarding the impact on residential amenity.

Environmental Health has confirmed that the development is likely to result in unacceptable levels of noise and odour for neighbouring residents. The absence of an acoustic report or odour impact assessment means that the applicant has failed to demonstrate that the equipment can operate without causing harm. The emission of cooking odours and mechanical noise in such close proximity to residential receptors is considered to result in a unacceptable impact on the living conditions of nearby occupiers.

The proposal therefore fails to safeguard residential amenity, contrary to Policies DM1 and SP1 of the Manchester Core Strategy, saved UDP Policies DC10 and DC26, and paragraph 135 of the NPPF, which seek to ensure a high standard of amenity for existing and future users.

Noise

No acoustic report has been submitted with the application, and Environmental Health has raised concerns that the positioning of the external plant is likely to result in unacceptable levels of noise disturbance. The proximity of the air conditioning unit and flue to residential windows, without any acoustic mitigation, is likely to result in a persistent and intrusive noise environment, particularly during quieter periods of the day and evening.

Fumes

The extraction flue serves a commercial kitchen and discharges cooking fumes and odours into a confined rear area, immediately adjacent to residential properties. Environmental Health has confirmed that the flue does not meet the minimum height requirement of 1 metre above the nearest window, which is necessary to ensure effective dispersion of fumes. No odour impact assessment or mitigation strategy has been submitted.

As a result, the development is likely to result in the emission of cooking odours and particulates at a level that affect the neighbouring residents. The proposal fails to demonstrate that it can operate without causing harm to the amenity of nearby occupiers, contrary to Core Strategy Policies DM1 and EN19, saved UDP Policy DC10, and Policy JP-S5 of Places for Everyone, which seeks to improve air quality and reduce exposure to harmful emissions.

Conclusion

The development, which has been carried out without the benefit of planning permission, results in an unacceptable level of harm to the amenity of neighbouring residential occupiers by reason of its siting, visual impact, noise emissions, and the discharge of cooking odours. The lack of technical assessments and mitigation measures further compounds these concerns.

The proposal is contrary to Policies DM1, SP1, EN1, and EN19 of the Manchester Core Strategy; saved UDP Policies DC10 and DC26; Policies JP-S1 and JP-S5 of Places for Everyone; and the relevant provisions of the National Planning Policy Framework. The application is therefore recommended for refusal.

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: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. The application has been submitted retrospectively of works taking place and these are considered to be contrary to the development plan.

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

- 1) The proposed development would be detrimental to the residential amenity of the occupiers of nearby residential accommodation, particularly to occupants of property on Cheltenham Road and on the occupants of upper floors of Manchester Road by reason of noise and odour. As such, the proposal would be contrary to policies DC26 Unitary

Development Plan, policy DM1 and SP1 of the Core Strategy and JP-S2 of Places for everyone.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Chorlton Civic Society

Flat 2, 1A Cheltenham Road, Manchester, M21 9GL
Flat 1, 1A Cheltenham Road, Manchester, M21 9GL
129 Manchester Road, Chorlton, Manchester, M21 9PG
127A Manchester Road, Chorlton, Manchester, M21 9PG
123A Manchester Road, Chorlton, Manchester, M21 9PG
125A Manchester Road, Chorlton, Manchester, M21 9PG
127 Manchester Road, Chorlton, Manchester, M21 9PG
1 Cheltenham Road, Manchester, M21 9GL
4 Kensington Road, Manchester, M21 9QJ
2 Kensington Road, Manchester, M21 9QJ
123 Manchester Road, Chorlton, Manchester, M21 9PG
121 Manchester Road, Chorlton, Manchester, M21 9PG
121A Manchester Road, Chorlton, Manchester, M21 9PG
3 Cheltenham Road, Manchester, M21 9GL

Appendix 2 – Planning constraints

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M