

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142271/FO/2025
Date registered valid: 26 February 2025
Proposal: Replacement of fume extract flue to rear
Address: 1020 Stockport Road, Manchester, M19 3WN
Ward(s): Levenshulme Ward

Applicant: Mr Sohail Raza
Agent (if any): Mr V Alyas, Architek
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 1 May 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 18 March 2025

Standard consultations:

Printed: 5 March 2025 Expired: 26 March 2025

Neighbour notifications

Printed: 5 March 2025 Expired: 26 March 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application is located at the north-west junction of Stockport Road and York Street. The property comprises two storeys and pitched roof (presented to Stockport Road). To the rear the building comprises a mix of pitched and flat roof extensions, which area adjoined by a single storey flat roof extension that allows the retention of a small yard are. The adjoining York Street predominantly comprises of traditional two storey houses with pitched roofs. An existing flue is located at the intersections of the projecting sections of the rear two storey extensions.



Fig.1 – Views of the application site from Stockport Road and York Street

Description of development

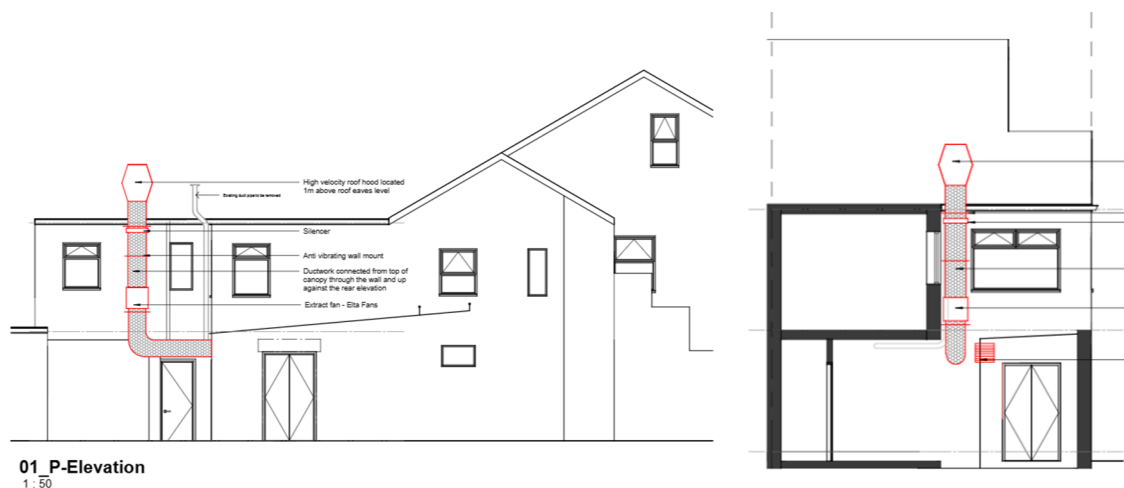


Fig. 2 – Proposed elevations

The proposed flue would be positioned at the intersection of the component parts of the two storey rear extension. The flue would have an L-shaped configuration and would project from the recessed rear (northern) elevation. The flue would terminate 1 metre above the eaves of the flat roof. Other minor works involve the installation of a small air vent and grille to the rear at ground floor level.

Site history

- i. 045446/FO/CENTL3/94 - Approved - 24.05.1994
1020, Stockport Road, Levenshulme.
First floor extension to living accommodation over existing ground floor shop extension
- ii. 025102 - Approved - 24.09.1985
1020, Stockport Road, Levenshulme.
Alterations to form shop with living accommodation above and two storey extension at rear
- iii. 029858 - Approved - 29.10.1987
1020, Stockport Road, Levenshulme.
Single storey extension rear of shop to form a garage and store

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health – Has requested the inclusion of conditions to ensure finalised agreement of the flue specification and its maintenance arrangements. A separate noise attenuation condition relating to the operation of equipment associated with the approved extraction flue has been requested.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 7). The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. The NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually (as set out in paragraph 8):

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2). The statutory status of the development plan remains as the starting point for decision making (paragraph 12). The following aspects of the Framework are relevant.

Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 96). The

submission has demonstrated that, subject to conditions, the proposed flue could operate without undue harm to the amenities of the area. Section 8 would, therefore, be accorded with.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been considered. It is not considered that points (i) and (ii) have been accorded with for the reasons discussed in this report:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise.

It is considered that the development would be appropriately related to the above objectives for the reasons set out in the report.

The Places for Everyone Plan - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024, and was subsequently approved on 21st March 2024. Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance. The following policies are relevant would be complied with for the reasons outlined in this report:

- i. Policy JP-P6 (Health)
- ii. PolicyJP-S1 (Sustainable development)

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs and services by being located to reduce the need to travel and provide good access to sustainable transport provision.

The development would aid the on-going ground floor Class E use, and it has been demonstrated that the proposed extraction flue could operate without undue harm to amenity. Therefore, policy SP1 would be accorded with.

Policy C2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. It promotes the efficient use of land and housing where it supports the vitality and viability of the district centre. The development would facilitate the sustained operation of the ground floor unit and would thereby accord with policy C2.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development with due regard to the character of the surrounding area;
- o Effects on amenity;
- o Accessibility - In relation to inclusive access and sustainable transport modes;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection.

The development relates to an existing Class E use with an established relationship to Levenshulme District Centre. It is considered, for the reasons discussed to this report, that the potential harm attributable to the operation of the flue would be suitably managed and the objectives of policy DM1 would be accorded with.

Unitary Development Plan (UDP) saved policies -The following saved UDP policies are also considered to be relevant:

Policy E3.3 (Upgrade the appearance of radial and orbital routes) - This policy (E3.3) is relevant given the views of the site from Stockport Road, which is a major radial route to the City Centre. It requires that new development contributes to the improvement of the appearance of such routes. The proposed flue would be screened by the configuration of existing built form and would have a limited impact on views of the site from Stockport Road.

DC10 (Food and Drink uses) - Policy DC10.4 discusses the need to include conditions to address, amongst other things, the management of noise, fumes and smells.

It has been demonstrated the proposed flue, subject to conditioned supplementary details, secure the appropriate extraction and discharge of fumes and vapours. Policy DC10.4 would, thereby, be accorded with.

Policy DC26 (Development and noise) - Based on the submitted details and the requirements of included conditions policy DC26 would be accorded with.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is acceptable and therefore determined within a timely manner.

Principle of the development – It is accepted that, given the nature of the ground floor Class E use, it would be usual for related fume extraction equipment to be provided. The submission has been accompanied by technical details that give confidence that finalised details could be delivered through condition. The principle of the development would therefore be acceptable.

Fume and odour extraction – The submitted details have been assessed. As, stated subject to conditioned approval of finalised details, the proposed scheme would be capable of securing appropriate fume and odour extraction. The condition would also require the approval of details of the future maintenance of the equipment (to be implemented as part of the development).

Noise – The application has been supported with a noise report that has been assessed. A noise attenuation condition has been included to ensure that the finalised details of the flue are related to an appropriate scheme of noise attenuation.

Design – The design of the flue is typical of the extraction units that have been granted planning permission in the district centre and would be appropriate in this context. A condition has been included to ensure that the flue has a black colour treatment upon commencement of its use (and maintained in situ thereafter).

Conclusion – It has been demonstrated that any potential harm to residential amenity associated with the operation of the flue can be addressed by condition. The development would be acceptable subject to its implementation with the attached conditions.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is acceptable and therefore determined within a timely manner.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on 26 February 2025 and 16 April 2025:

Planning application forms.

Location and site plan Ref A101 Rev. P1

Proposed floor plans Ref: A104 Rev. P1

Proposed elevation 01 Ref: A105 Rev P1

Proposed elevation 02 Ref: A106 Rev P1

Extraction, odours and noise statement by Architek Design 1020 Stockport Road Manchester M19 3WN Ref: 16.04.2025 – P2

Email from Architek Design dated 16 April 2025 (regarding colour treatment of the flue).

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 for the City of Manchester.

3) Before the authorised flue is brought into operation it shall be finished in a black colour treatment as confirmed in the email from Architek Design dated 16 April 2025. The implemented colour treatment shall be maintained in situ thereafter.

Reason – In the interests of the residential and visual amenities of the area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) a. Notwithstanding the detail of document referenced Extraction, odours and noise statement by Architek Design 1020 Stockport Road Manchester M19 3WN Ref: 16.04.2025 – P2 and email from Architek Design dated 16 April 2025 and before the installation of any equipment relating to the extraction and discharge of fumes, vapours and odours from the premises, a related scheme shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include details of the future management of the equipment.

b) Prior to the operation of the approved equipment, 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 the occupiers nearby properties and to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC26 and policies JP-P6 and JP-S1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

5) a. Notwithstanding the detail of document referenced Extraction, odours and noise statement by Architek Design 1020 Stockport Road Manchester M19 3WN Ref: 16.04.2025 – P2 and email from Architek Design dated 16 April 2025 and before its installation of any externally mounted ancillary equipment required in association with the ground floor Class E (b) use at 1020 Stockport Road shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority (to secure a reduction in the level of noise emanating from the equipment).

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 safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policies DC10 and DC26 of the Unitary Development Plan and policies JP-P6 and JP-S1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

Informatives

1) Guidance for developers can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) Fume extraction - 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 1 metre above the eave level and/or any openable windows / ventilation intakes of nearby properties.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Bricks Properties, 1016 Stockport Road, Manchester, M19 3WN
United Solicitors, 1018 Stockport Road, Manchester, M19 3WN
Flat 2, 1A York Street, Levenshulme, Manchester, M19 3YS
Flat 1, 1A York Street, Levenshulme, Manchester, M19 3YS
1022 Stockport Road, Manchester, M19 3WX
Top Flat, 1020 Stockport Road, Manchester, M19 3WN
Ground Floor Flat, 1 Pascal Street, Manchester, M19 3WW
First Floor Flat, 1 Pascal Street, Manchester, M19 3WW
1 York Street, Levenshulme, Manchester, M19 3YS

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: NORTH AREA