

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142063/FO/2025
Date registered valid: 4 February 2025
Proposal: Installation of extract flue for kitchen canopy
Address: 499 Claremont Road, Manchester, M14 5WU
Ward(s): Moss Side Ward

Applicant: Mr Ali Majid, Empire Lounge
Agent (if any): Mr Darren Pomfret, Manchester Building Design Ltd
Case officer: Jake Walther
Tel: 0161 234 1632
Email: jake.walther@manchester.gov.uk

Recommendation: Approve
Date of recommendation: **22/04/2025**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 27/03/2025

Standard consultations:

Printed: 12 February 2025 Expired: 5 March 2025

Neighbour notifications

Printed: 12 February 2025 Expired: 5 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

The application site relates to a detached commercial building (class E) on Claremont Road. The building is finished in red brick with black roof tiles on a gable roof, to the rear there is a small yard to the side of the property.





Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

Claremont Road is a predominantly residential street in Rusholme comprising of various housing types. The eastern edge of the road has some commercial units where the street joins with Wilmslow Road and the Rusholme District Centre.

Description of development

The applicant is seeking permission for the installation of an extraction flue.

Consultations & Notification Responses

Neighbours, as per Appendix 1 – No comments or objections received.

Environmental Health – Advised that a cowl would not be supported due to the mixed commercial/residential nature of the area. The cowl was subsequently changed, which satisfied EH concerns.

Advised conditions are attached to any approval.

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

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

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

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.

Principle

The proposal seeks permission for the installation of an extract flue to serve a kitchen canopy at a commercial premises. Given that this is a minor external alteration to support an existing Class E use, the principle of development is considered acceptable, subject to assessment of its design and amenity impacts. The proposal supports the continued viable use of the premises and aligns with the principles of sustainable development set out in the NPPF and Core Strategy.

Visual and Residential Amenity

The flue is proposed to be installed on the rear elevation of the building, facing away from the public highway. Given its location and the surrounding context and the mixed commercial character of this section the back of Wilmslow Road—it is not anticipated that the visual impact of the flue would be significant. It will be largely screened from public view and is similar to installations found at other food premises a few meters away.

There are residential properties to the rear of the site, and so care has been taken to ensure that the extraction system is of an appropriate design and specification to mitigate potential visual intrusion and amenity impacts (a condition has been attached with regards the colouration of the flue). Environmental Health were consulted and confirmed that the revised flue design (which removed the cowl to prevent the dispersion of odour in a wider area) was acceptable, subject to conditions.

Fume/Odours

A fume extraction flue is proposed to the rear elevation of the host building. It is believed that in the context of proposed location and the presence of similar flues to the rear of Wilmslow Road, the visual impact of the pipe is limited. A condition has been imposed which requires the submission and approval further details with respect to maintenance in accordance with Defra guidelines.

Noise Impact

This type of development can generate noise through the plant and fume extraction equipment on site and from the activities of patrons. The former can be addressed through acoustic attenuation and an appropriate condition is proposed in this respect.

Conclusion

The proposed installation of an extract flue is considered acceptable in principle and would not result in unacceptable harm to visual or residential amenity, subject to conditions relating to maintenance and noise. The proposal is considered to comply with saved UDP policy DC26 and Core Strategy policies DM1, SP1 and EN1.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning 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 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:

- Location Plan - received by the City Council as Local Planning Authority on 04 February 2025.
- Plans and Elevations - received by the City Council as Local Planning Authority on 21 April 2025 – Ref: 08/25-01
- Ventilation and Extraction Statement - received by the City Council as Local Planning Authority on 04 February 2025.

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.

3) Fume/odours

a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the approved Ventilation and Extraction Statement - received by the City Council as Local Planning Authority on 04 February 2025.

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 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.

4) 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 verification report shall be detailed along with any measures required to be undertaken prior to operation of the scheme 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.

5) Design

Before the authorised flue is brought into operation it shall be finished in a black colour treatment. 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

554 Claremont Road, Manchester, M14 5XL
124 Wilmslow Road, Manchester, M14 5AH
114 Wilmslow Road, Manchester, M14 5AJ
116 Wilmslow Road, Manchester, M14 5AJ
120A Wilmslow Road, Manchester, M14 5AJ
550 Claremont Road, Manchester, M14 5XL
495 Claremont Road, Manchester, M14 5WU
120B Wilmslow Road, Manchester, M14 5AJ
552 Claremont Road, Manchester, M14 5XL
122 Wilmslow Road, Manchester, M14 5AH
118 Wilmslow Road, Manchester, M14 5AJ
548 Claremont Road, Manchester, M14 5XL
501 Claremont Road, Manchester, M14 5WU
497 Claremont Road, Manchester, M14 5WU
18 Eva Street, Manchester, M14 5NX
16 Eva Street, Manchester, M14 5NX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH AREA