Planning

Growth & Development

Delegated officer report for planning application

Application no.	141702/FO/2024
Date registered valid:	13 February 2025
Proposal:	Installation of new external flue at the rear of the maintaining the existing flue pipe on the side of the property including installation of a new internal shutter to the side of the property
Address:	Rear Of 595 Cheetham Hill Road, Manchester, M8 5EJ
Ward(s):	Cheetham Ward
Applicant:	Mr Latakshi Devadiga Rashmi Potnis LPR Ch Ltd
Agent (if any):	Mr Talat Zeria HSH Engineering Design Service Ltd
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	8 April 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 3 April 2025

Standard consultations:
Printed: 13 February 2025 Expired: 19 February 2025

Neighbour notifications
Printed: 13 February 2025 Expired: 6 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



Fig.1 – Views of the application site

The application property is located on the western side of Cheetham Hill Road and adjacent to its junction with Back St Mark's Lane. The application property comprises a part two storey, part three storey element (including roof space accommodation) and a single storey rear extension. The application property is constructed in brick with a mix of pitched and lean-to roofs. There is an existing flue attached to the side (northern) elevation.

Description of development

Withdrawn planning application ref: 115859/FU/2017 referenced the use of the ground floor of the application property as an established retail use (now falling within Class E). The development relates to the proposed use of the ground floor as a restaurant thereby maintaining a Class E operation.

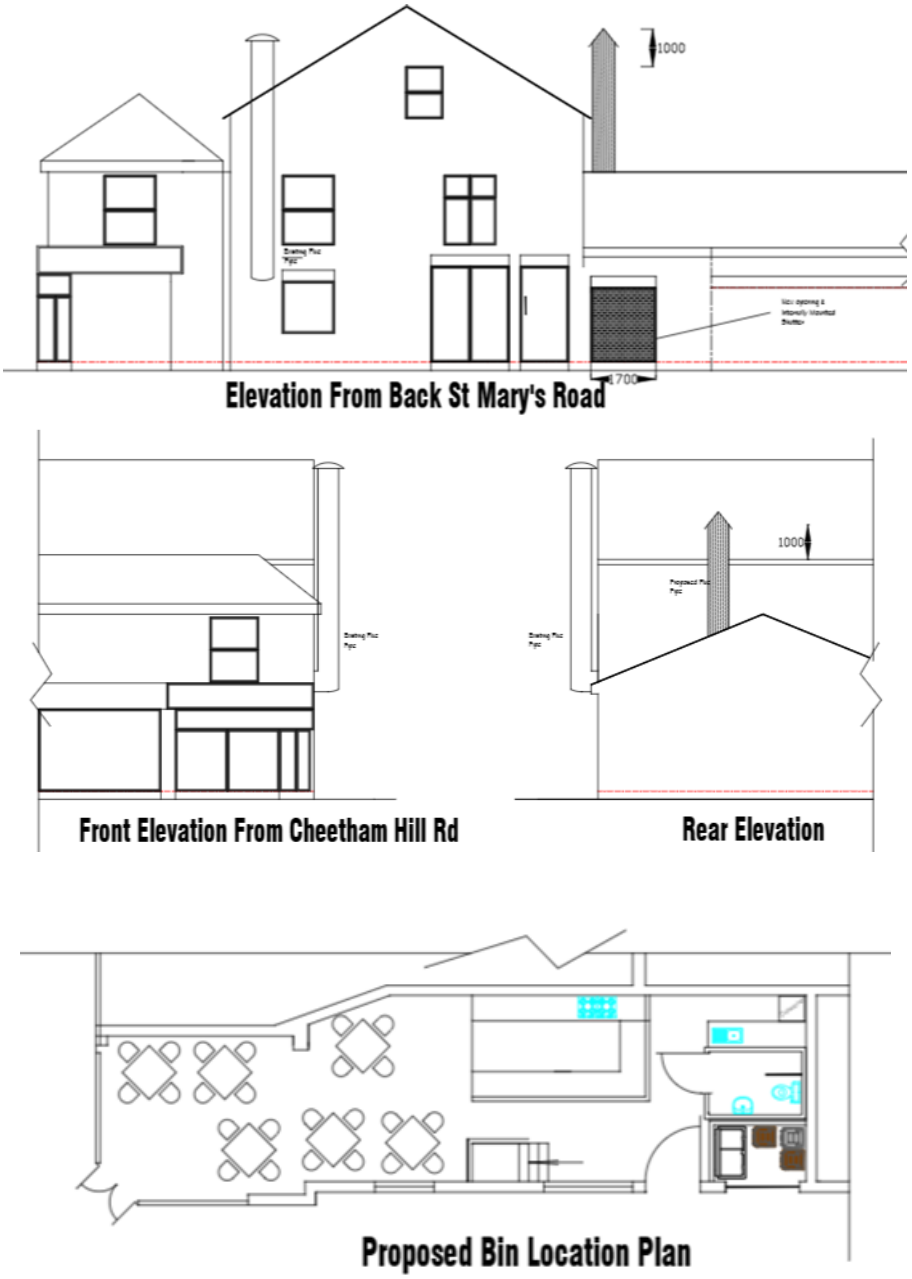


Fig.2 – Proposed elevations and layout

The proposed development involves:

i. The installation of new flue that would be attached to the rear elevation of the application building and punctuating the northern roof plane to the single storey rear extension. The flue would terminate two metres above the eaves of the building would be attached to.
ii. An aperture would be formed in the side elevation of the ground floor extension to allow the storage of bins serviced via Back St Mark's Lane. The bin store would be enclosed with a roller shutter with internal housing box screened by a fascia board.
iii. The ground floor restaurant use would be retained.
iv. The proposed flue would replace the existing flue installed on the side (northern) elevation.

Site visit

i. 027585 - Approved - 21.10.1986 593/595, Cheetham Hill Road, Cheetham. Removal of the second floor of an existing property and the demolition and rebuilding of the first floor and re-roofing
ii. 025027 Approved - 16.10.1985 593/5, Cheetham Hill Road, Cheetham Hill. Conversion of cellars to form extension to shop and reopening of staircase next to adjacent public house.

Consultations & Notification Responses

Local businesses and residents – No comments received.

Environmental Health – Conditions have been requested relating to:

i. A scheme for the extraction of fumes and vapours.
ii. A scheme to attenuate against noise from externally mounted equipment.

Salford City Council – No objection.

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).It is not considered that the introduction of a flue would unduly harm the amenities of the area and its operation can be managed through the attached conditions. Section 8 will 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 appropriately responded to:

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:

Policy JP-P6 (Health) - States that development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development. It is considered that the development would be limited to the installation of the flue, which is capable of operating without undue harm to residential amenity. The development would therefore be appropriately related to Policy JP-P6.

JP-S1 (Sustainable development) - In this case, the development would facilitate a permitted change within Class E thereby securing a sustainable use for the ground floor. Policy JP-S1 would thereby be accorded with.

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, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The development would facilitate the operation of a ground floor Class E use that would positively contribute to the commercial offer in the district adjoining parade. Emissions and noise would be managed through conditions. Policy SP1 would thereby be accorded with.

Policy C 2 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 accord with these objectives.

Policy C 3 North Manchester District Centres - Cheetham Hill and Harpurhey – States that development should promote vitality during the daytime will be supported. The proposal relates to a development involving day-time operations. Policy C3 would thereby be accorded with.

Policy EN19 Waste - Requires consideration how the sustainable waste management needs of the end user will be met. This case the permitted change would be supported with improved waste and recycling storage arrangements. Policy EN19 would thereby be accorded with.

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:

- 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 with due regard to the character of the surrounding area;
- Effects on amenity;
- Accessibility - In relation to inclusive access and sustainable transport modes;
- Community safety and crime prevention;
- Design for health;
- Refuse storage and collection.

Given the nature of the development, it is considered that the development would have a limited impact visual and residential amenity. The siting of the proposed flue would benefit from the screening afforded by the arrangement of built form comprising the application property. Satisfactory waste and recycling arrangements would be provided. Policy DM1 would thereby be accorded with.

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

DC10 (Food and Drink uses) – Although the proposed use relates to a permitted change, policy DC10 is relevant in the assessment of the development on the amenities of the area and the operation of related equipment.

Policy DC10.1 – Requires consideration of potential impacts on the amenity of neighbouring residents and arrangements for the storage and collection of refuse and litter.

Policy DC10.4 – Discusses the need to include conditions toe address , amongst other things, the management of noise, fumes, smells, the storage of refuse and the collection of litter

The development relates appropriately to a district centre context and conditions would manage to operation of the proposed flue and related equipment. The development would improve waste management arrangements. Policy DC10 would thereby be accorded with.

Policy DC26 (Development and noise) - A condition has been included to attenuate noise from the installed flue. Policy DC26 would thereby 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. In this case, 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 – As stated the flues installation relates to a permitted change of use within Class E. The included conditions relate specifically to the installation of the flue and the formation of a bin enclosure and would help to manage the operation of the use. The principle of the development is acceptable in the context of a district centre.

Residential amenity – The proposed flue would be positioned away from the rear elevation relate to upper floor residential uses, thereby reducing the impact of its operation. Potential impacts on amenity are capable of being managed through the included conditions.

Management of fume emissions and noise – As stated, related impacts would be capable of being addressed through the included conditions.

Conclusion - It is considered that the flue would have a limited impact on residential and visual amenity and is therefore acceptable.

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 polices 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 received by the City Council as local planning authority on 10 December 2024 and 13 February 2025:

Planning application forms
Location plan with a red edge
Proposed Elevations Ref: 05
Proposed plan and elevations Ref: 06.

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) The development hereby approved shall operate in conjunction with the use of the ground floor of 595 Cheetham Hill Road, Manchester, M8 5EJ as a restaurant (Class E (b)) and for no other purpose.

Reason – In the interests of the amenities of the area pursuant to 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) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented as part of the development and shall remain operational thereafter.

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) Before the implementation of the development, any externally mounted ancillary equipment required in association with the Class E use of the property, 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.

6) Following the installation of the flue hereby authorised, the existing flue to the northern elevation shall be removed in accordance with the detail of the email from HSH Engineering Design Service Ltd dated 12 February 2025. The related elevation gable wall shall be reinstated using matching materials, which will be maintained in situ thereafter.

Reason - To safeguard the amenities of the arear and the appearance of the streetscene, 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.

7) Before the waste arrangements are brought into use, a scheme shall be submitted to and approved in writing by the City Council as local planning authority, detailing the specification and colour treatment of the proposed roller shutters detailed on drawing referenced Proposed plan and elevations Ref: 06. The approved scheme shall be implemented in accordance with the approved details upon commencement of the operation of the bin store and maintained in situ thereafter.

Reason – To safeguard the amenities of the occupiers of nearby residential accommodation and to secure appropriate arrangements for the storage of bins, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester, policy DC10 of the Unitary Development Plan and policies JP-P6 and JP-S1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

8) Upon first occupation the development, the arrangements for waste and recycling storage, as detailed on drawing referenced Proposed Elevations Ref: 05 and Proposed plan and elevation Ref: 06 shall be fully implemented and maintained in situ thereafter.

Reason – To safeguard the amenities of the occupiers of nearby residential accommodation and to secure appropriate arrangements for the storage of bins, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester, policy DC10 of the Unitary Development Plan and policies JP-P6 and JP-S1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

Informative

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

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Salford City Council

Printers, Back St Marks Lane, Manchester, M8 4FW
First Floor, 597 Cheetham Hill Road, Manchester, M8 5EJ
Basement, 597 Cheetham Hill Road, Manchester, M8 5EJ
United Garage, St Mark's Lane, Manchester, M7 4FE
599 Cheetham Hill Road, Manchester, M8 5EJ
597 Cheetham Hill Road, Manchester, M8 5EJ
595 Cheetham Hill Road, Manchester, M8 5EJ
22 Marks Lane, Salford, Manchester, M7 4FE
601 Cheetham Hill Road, Salford, M8 5EJ

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -