



MANCHESTER
CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140498/FO/2024
Date registered valid: 5 September 2024
Proposal: Retention of flue to rear elevation

Address: 569 Mauldeth Road West, Manchester, M21 7SH
Ward(s): Chorlton Park Ward

Applicant: Mr Jawaad Shaikh, M21 Chicken Ltd
Agent (if any):

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 24/10/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11/09/2024

Standard consultations:

Printed: 10 September 2024

Expired: 1 October 2024

Neighbour notifications

Printed: 10 September 2024

Expired: 1 October 2024

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 proposal is related to a terraced property on Mauldeth Road West. The ground floor of the property is an existing hot food takeaway, and the first floor is residential. There is an existing ground floor rear extension.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Street scene

Description of area

The property is located in a mixed residential and local retail area of the Chorlton Park ward of Manchester. Immediately adjacent to the property is a number of retailers, restaurants and services. The properties the corner of Mauldeth Road West and Nell Lane are ground floor retail, first floor residential and to the rear is and open amenity space with further residential properties beyond.



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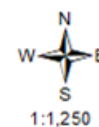


Figure 2. Location plan

Description of development

The applicant is proposing the retention of flue to rear elevation.

Frying Range Spec and ducting Spec

Ducting Material:

20 Gauge Galvanised Type B22

Ducting Diameter:

250mm

Ducting Height:

1.65m above eaves height (minimum should be 1.5m)

2m above any open window

Noise Attenuation:

45db from 1meter (minus any background noise)

Fat extraction:

A sump box installed amongst the ducting to collect solid particles. This also includes each pan having grease mesh filters for additional grease collection.

Termination Point: Uni Cowl, achieving higher velocity airflow Fan Motor: 0.75 hp, 1425rpm, 230v with a 300mm impellor.

Airflow with a 300mm impellor 1480cfm.

Figure 3. Specifications

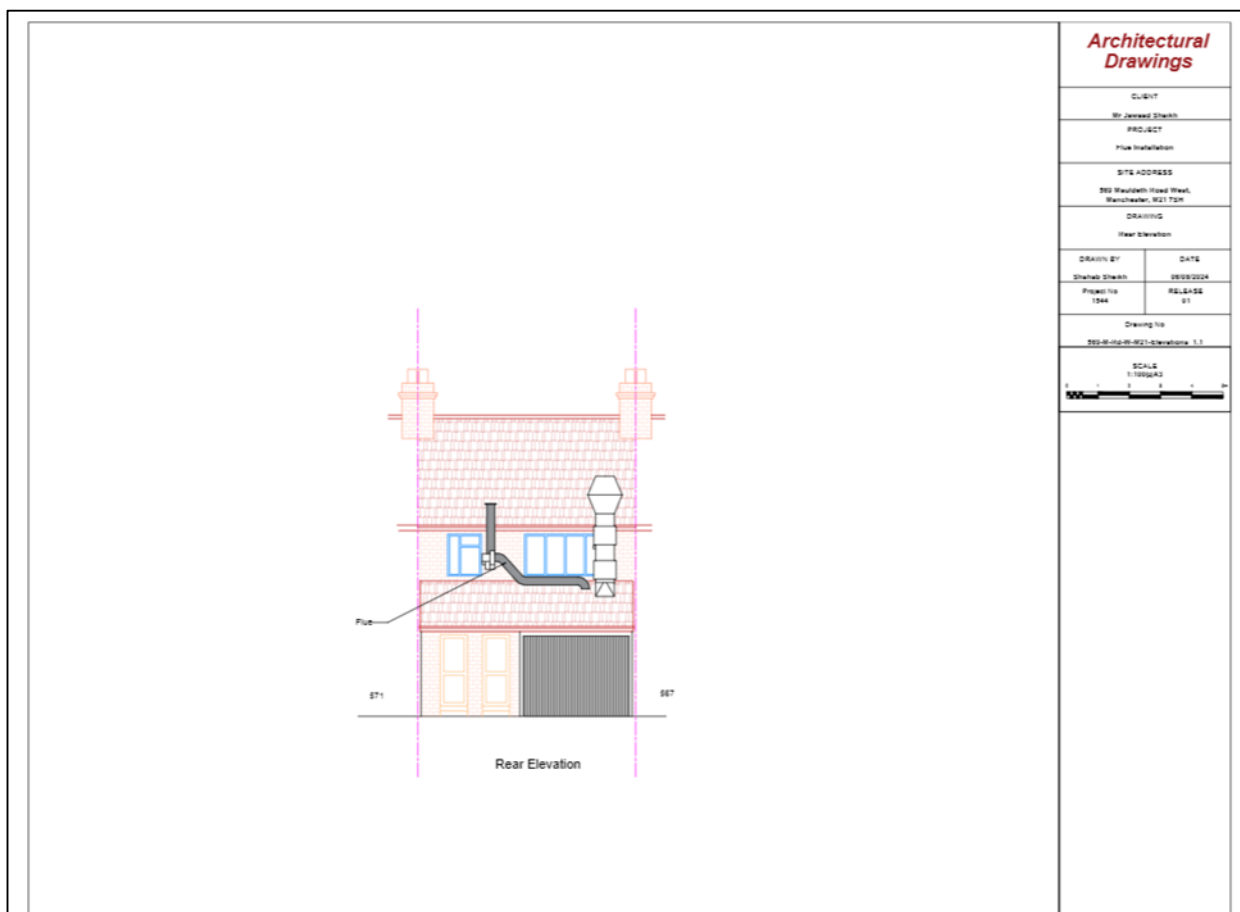


Figure 4. Elevations

Planning History

098505/FO/2012/S1

Description: Erection of single storey rear extension to form store

Decision: Approved 05/04/2012

11/01485/REF

Description: Appeal - Change of use from A1 shop to A5 hot food take away and installation of new shop front

Decision: Allowed 10/11/2011

095616/FO/2011/S1

Description: Change of use from A1 shop to A5 hot food take away and installation of new shop front

Decision: Refused 27/04/2011

088927/FO/2009/S1

Description: Change of use from retail (A1) to hot food takeaway (A5) and installation of a flue at rear of property

Decision: Refused 27/05/2009

F/AD04029

Description: Illuminated fascia name and trade sign.

Decision: Approved 13/04/1983

Consultation, notification & publicity responses

Consultations

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application.

Environmental Health are already aware of the installed flue and noise concerns. They have visited site and although the equipment does not meet the level of a statutory nuisance the flue is inadequate and is currently operating at a level that does not meet the MCC planning noise requirements. No abatement has been proposed in this application to offset the noise issues.

The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Notifications

Local Residents

As stated in Appendix 1, people who live near the area were told about the proposal.

2no. local residents (from the same address) commented objecting to the proposed development with concerns regarding

- Noise impacts – currently in use and creating a noise impact in the area
- Concerns around the general business operations (not a material planning concern)

The comments have been taken into consideration when assessing the proposal and have been discussed within the relevant policy section of this report.

Relevant policies & the principle of development

After careful consideration, it is concluded that the proposal is unacceptable and opposes with the following policies.

- [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 superseded)
 - 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 4 - Centres
 - C 10 – Leisure and the Evening Economy
 - Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 16 - Air Quality (partially superseded)
- [Extant Unitary Development Plan \(UDP\) -](#)
 - DC10 - Food and Drink Uses
 - DC26 - Development and Noise
- [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 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 12 – Achieving well-designed places

The Manchester Core Strategy Development Plan (2012-2027)

We have assessed the proposal against the following policies of the Core Strategy.

Development Management and Planning Obligations

DM 1 – Development Management

New developments must adhere to the 'Development Principles' and design guidance in the Supplementary Planning Documents.

We have assessed the proposal against the following issues.

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

The principle of a hot food takeaway use at the address has been decided through the 2011 appeal. As a condition of the appeal, the applicant was to discharge a condition for approval of a fume/odour extraction prior to implementing the use. This (and a pre-implementation scheme for Waste Management) has not been submitted to the City Council as LPA.

The City Council accepts that the hot food takeaway requires an extract systems and flue to operate so the principle of an external extract system is accepted as long as the scale, form and details meets the requirements of the local policy.

The flue that the applicant has installed and is proposed for retention does not meet the requirements. Its form and design are of a size and location that has significant visual and residential amenity harm, notably travelling across a number of windows with 2no. flues and external equipment.

Officers consider the new development to be unacceptable in its 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. Development should have regard to the character of the surrounding area.

As aforementioned, the principle of a flue at the hot food takeaway is accepted pending the right form scale, design and massing.

The flue the applicant has proposed for retention, is overly large, covers a window and sprawls across the rear of the building.

The installed flue has a harmful impact on the surrounding areas and causes harm to visual amenity in this location.

Officers consider the new development to be unacceptable in its impact to the character of the area.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The flue proposed for retention travails across a window creating an immediate residential amenity harm to the current or future occupants of the property by interrupting the view and potentially having a harmful effect on light.

Environmental Health are already aware of the installed flue and noise concerns raised by a local neighbour. They have visited site, and the noise produced does not meet the level of a statutory nuisance. As a Planning consideration there is no further evidence to suggest that the equipment

would create a noise disamenity above and beyond the level of a statutory nuisance. Barring the visual amenity of the installation it would be likely that noise concerns could be managed through condition (as is usual for this kind of installation) so would be particularly onerous to refuse based on noise grounds.

The applicant has not provided details or professional opinion that the odour control has been assessed and meets regulatory requirements. As a Planning consideration there is no further evidence to suggest that the equipment would create an odour disamenity above and beyond the level of a statutory nuisance. Similar to the noise amenity, barring the visual amenity of the installation it would be likely that fumes and odour concerns could be managed through condition (as is usual for this kind of installation) so would be particularly onerous to refuse based on fumes/odour grounds.

The proposal is expected to have a negligible effect on litter, vermin, or birds.

The proposal is expected to have a negligible effect on road safety and traffic generation.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal does not change how people can get in and out of the building.

The proposal is therefore in accordance with this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

The applicant and consultees did not find any contamination or stability issues at the site.

The proposal does not sit within a Conservation Area or near a designated heritage asset.

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

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.

The proposal is therefore in accordance with this development management principle.

Objective 1 - Spatial Principles

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

We consider this proposal to oppose with the principles of this policy.

Objective 2 - Economy and the City Centre

EC 1 - Employment and Economic Growth in Manchester

This policy outlines the overall strategy for employment and economic growth in Manchester.

We consider this proposal to oppose with the principles of this policy.

EC 2 – Existing Employment Space

This policy explains how to improve and protect current places where people work.

We consider this proposal to oppose with the principles of this policy.

EC 9 – South Manchester

This policy outlines the principles for employment opportunities in South Manchester.

We consider this proposal to oppose with the principles of this policy.

Objective 4 - Centres

C 10 – Leisure and the Evening Economy

This policy outlines the key principles around development management of proposals pertaining to Leisure and the Evening Economy. In particular development that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy.

We consider this proposal to oppose with the principles of this policy.

Objective 6 Environment

EN 1 – Design Principles and Strategic Character Areas

This policy outlines the key design principles for development in Manchester. All development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the ‘Southern Character Area’.

We consider this proposal to oppose with the principles of this policy.

EN 16 – Air Quality

This policy sets out the key principles of air quality management in the city. The policy seeks to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester’s principal traffic routes and at Manchester Airport.

The applicant has not provided details or professional opinion that the odour control has been assessed and meets regulatory requirements. As a Planning consideration there is no further evidence to suggest that the equipment would create an Air Quality disamenity above and beyond the level of a statutory nuisance. Similar to the noise amenity, barring the visual amenity of the installation it would be likely that fumes and odour concerns could be managed through condition

(as is usual for this kind of installation) so would be particularly onerous to refuse based on Air Quality grounds.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced most of the UDP, but some UDP policies still apply to this proposal.

DC10 - Food and Drink Uses

This policy outlines the key issues when considering proposed Food and Drink uses.

We consider this proposal to oppose with the principles of this policy.

DC26 - Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City.

We consider this proposal to oppose with the principles of this policy.

Places for Everyone Plan (2022 – 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

Strategy

JP-Strat9: Southern Areas

This policy outlines the spatial strategy for the Southern Areas of the City Region which includes Southern areas of Manchester.

We consider this proposal to oppose with the principles of this policy.

Sustainable and Resilient Places

JP-S1: Sustainable Development

This policy outlines how, to help tackle climate change, development should aim to maximise its economic, social, and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.

We consider this proposal to oppose with the principles of this policy.

JP-S5: Clean Air

This policy outlines a comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impacts on the green infrastructure network and where air quality targets are not being met.

We consider this proposal to oppose with the principles of this policy.

Places for Jobs

JP-J1: Supporting Long-Term Economic Growth

The policy outlines the ambition to have a thriving, inclusive and productive economy in all our boroughs.

We consider this proposal to oppose with the principles of this policy.

JP-J2: Employment Sites and Premises

This policy outlines the strategy for a diverse range of employment sites and accessible premises, both new and second-hand, to offer opportunities for all kinds and sizes of businesses.

We consider this proposal to oppose with the principles of this policy.

Places for People

JP-P1 Sustainable Places

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider this proposal to oppose with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

We consider this proposal to oppose with the principles of this section.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)

- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)
- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)
- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)
- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manchester Tree and Woodland Action Plan 2024-2034](#)
- [Manual for Streets \(2007\)](#)
- [National design guide & National Model Design Code \(2021\)](#)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

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 planning application for the retention of the flue at 569 Mauldeth Road West has been reviewed and recommended for refusal. The main reason for this decision is the installations visually intrusive

nature. The proposal does not comply with several local and national planning policies aimed at protecting residential environments and ensuring high-quality design standards. Consequently, the application fails to meet the necessary criteria for approval.

Recommendation: Refuse

Article 35 Declaration

We try and work proactively and positively with applicants however as the scheme was for the retention there was no ability to negotiate with the applicant for a scheme that would be acceptable. The scheme was refused on the scheme as installed.

Reasons for recommendation to refuse

1. Harm to visual amenity

The flue to be retained is a visually intrusive feature and unduly detrimental to the amenities of the occupants of connected and adjacent residential properties, notably travelling across a residential window. As such the proposal is contrary to Policies DM 1, SP 1, EN 1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

575 Mauldeth Road West, Manchester, M21 7SH
 99 Nell Lane, Manchester, M21 7SW
 Unit 3, 557 Mauldeth Road West, Manchester, M21 7SP
 Unit 1, 557 Mauldeth Road West, Manchester, M21 7SP
 Top Flat, 40 Nell Lane, Manchester, M21 7SN
 38A Nell Lane, Manchester, M21 7SN
 557 Mauldeth Road West, Manchester, M21 7SP
 Unit 4, 557 Mauldeth Road West, Manchester, M21 7SP
 34 Nell Lane, Manchester, M21 7SN
 571 Mauldeth Road West, Manchester, M21 7SH
 44 Nell Lane, Manchester, M21 7SN
 42 Nell Lane, Manchester, M21 7SN
 30A Nell Lane, Manchester, M21 7SJ
 97 Nell Lane, Manchester, M21 7SW
 40 Nell Lane, Manchester, M21 7SN
 38 Nell Lane, Manchester, M21 7SN
 36 Nell Lane, Manchester, M21 7SN
 Sai Spice, Unit 2, 557 Mauldeth Road West, Manchester, M21 7SP
 567 Mauldeth Road West, Manchester, M21 7SH
 573 Mauldeth Road West, Manchester, M21 7SH

Appendix 2 – Planning constraints

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

Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA