

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137235/FO/2023
Date registered valid: 26 June 2023
Proposal: Installation of fume extraction flue to rear
Address: Unit 4, 461A Cheetham Hill Road, Manchester, M8 9PA
Ward(s): Cheetham Ward

Applicant: Mr Bilal Hussain M.A.K. Halal
Agent (if any): Mr Sohail Musa SMS Architecture
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 21.08.2023

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit: 01 August 2023

Standard consultations:

Printed: 30 June 2023 Expired: 21 July 2023

Neighbour notifications

Printed: 30 June 2023 Expired: 21 July 2023

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The proposed application site relates to Unit 4, 461A Cheetham Hill Road on the western side of Cheetham Hill Road. The property comprises a commercial unit at ground floor. The property has recently been subdivided into 5 no. Class E units

To each side of the building are small, enclosed car park areas, accessed from Albyns Avenue and Beckenham Road respectively. To the rear is a servicing area used for bin storage and goods trolleys, accessed via the car park area off Albyns Avenue. To the front of the building is a bus stop, cycle stand and bus lane.

The application site is situated within a commercial frontage along the western side of Cheetham Hill Road, at the edge of Cheetham Hill district centre. The immediate area is dominated by various retail, office, food and drink and other commercial uses which line both sides of Cheetham Hill Road. To the rear, including the side roads of Albyns Avenue and Beckenham Road which adjoin the site, the area is largely residential in character, mainly comprising two storey, terraced dwellinghouses.

Description of development

Planning permission is sought for the installation of a fume extraction flue to rear. The flue is intended to serve Unit 4, which is the second in unit from the Albyns Avenue end of the premises.

The application follows the approval for an earlier scheme (Ref: 127783/FO/2020) which allowed for elevational alterations, including new shopfronts in association with the subdivision of existing retail unit to create 6x retail units (Class E).

The sub-division did not require planning permission and involved 5 individual shop units at ground floor level and a further unit at mezzanine level.

Consultations & Notification Responses

Local residents were notified however no responses were received.

Environmental Health- Conditions are advised in relation to external equipment and fume extraction. They recommended that the applicant consults with a suitably qualified ventilation engineer and submits a kitchen fume extract strategy report for approval in connection with the discharge of conditions.

Planning History

132142/FO/2021 Elevational alterations, together with the installation of a fume extraction flue to rear. APPLICATION APPROVED 07.06.2022

127783/FO/2020 Elevational alterations including new shop fronts in association with the subdivision of the existing retail unit to allow 6 x retail units (Class E). APPLICATION APPROVED 23.12.2020

115808/AO/2017 Retention of an illuminated surround sign to ATM. APPLICATION APPROVED 24.05.2017

115807/FO/2017 Retention of an ATM to front elevation. APPLICATION APPROVED 24.05.2017

114665/FO/2016 Retention of Automated Telling Machine (ATM) and two bollards. APPLICATION APPROVED 23.02.2017

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26 of the UDP;
- Policies DM1 and SP1 of the Manchester Core Strategy;
- The Guide to Development in Manchester (SPD);
- The National Planning Policy Framework (NPPF).

Issues

Principle

Consent is sought for a flue on the rear elevation of a ground floor commercial property. The principle of locating food and drink uses (café and restaurants) into this parade of units has already been established and a neighbouring unit have already installed comparable external plant (extract flues) . Such premises almost inevitably require flues therefore the principle of the installation of a flue is considered acceptable. The only issues for consideration relate to the visual impact of the fume extraction flue, alongside the design and scale of the extraction flue.

Design

There are other extraction flues in the nearby vicinity. Unit 1 and 2 461 Cheetham Hill Road have recently obtained planning permission for comparable flues (Ref. 132142/FO/2022 & 136922/FO/2022). To reduce the impact further, a condition has been included which will require the flue to be painted black, so that the flue will appear much less strident.

Scale

The flue is approx. 2.5 metres above ground level with a width of (0.58metres) and is considered not to be overly large in relation to the scale of the building and local environment.

Noise/Fumes

The premises are situated within an established commercial area , and the rear of the building is an already established service area. It is believed that any impact from a flue on the rear of Unit no.4 would not be so significant in terms of noise/fumes to warrant refusal. It is however proposed that conditions to require the submissions additional details in relation to the acoustic properties of any external equipment for the kitchen extraction system, and that a post-installation assessment to confirm that the works conform to the appropriate industry standard is attached to any approval in order to safeguard nearby occupiers from any undue noise/fumes.

Residential and Visual Amenity

The application site is located at the back of pavement on a main radial road to the south of Cheetham District Centre. However, within the vicinity of the site , are properties which are in residential use, including to the south of the application site along Beckenham Road and Albyns Avenue.

Given the existing circumstances, in particular the existing service area to the rear of the wider building within which Unit no.4 is located, and the established commercial character of the locality to the Cheetham Hill Road frontage, it is not considered that the proposed flue would give rise to significant impacts to residential and visual amenity , subject to the conditions recommended above.

The external kitchen equipment would be sited approx. 2.5metres above ground level which would only be partially visible from Alybns Avenue towards the rear of the property. Elevational drawings and the submitted supporting information indicate that the flue will comprise of galvanised steel ducting. A small section of this may be visible from the public highway looking into the secured alleyway and the rear of the property, however this unit is not the end property and the rears of other commercial units and flues intervening, there will be limited views within the public realm. As advised earlier it is proposed to require the flue to be painted black to reduce the potential visual impact.

Notwithstanding this development is typical of the associated plant for commercial kitchens found at the rears of similar premises.

On the basis of the above and subject to the conditions as recommended the proposal is acceptable in accordance with saved UDP policies DC10 and DC26 and with Core Strategy policies SP1 and DM1.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to guide the application through all the stages of the planning process and resolve any issues that arose in dealing with the 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 permission.

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents: Local plan and drawings numbers:

Drawing- Site Plan

Drawing: Proposed Floor Plan ref. 05A

Drawing: Proposed Floor Plan ref. 06A

Drawing: Proposed Elevations ref. 07

Drawing: Proposed Elevations ref. 08

All stamped as received by the City Council, as the Local Planning Authority on 09 June 2023

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 (2012).

3 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.

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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4 a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

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 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

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 - To safeguard residential amenity and to protect local air quality, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) Prior to becoming operational, the fume extraction flue hereby approved, as shown on drawing referenced 07. Proposed Elevations received by the City Council as Local Planning Authority on 09 June 2023, shall be painted black.

Reason- To safeguard visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Flat 4, 380A Cheetham Hill Road, Manchester, M8 9LS
Flat 3, 380A Cheetham Hill Road, Manchester, M8 9LS
Flat 2, 380A Cheetham Hill Road, Manchester, M8 9LS
Flat 1, 380A Cheetham Hill Road, Manchester, M8 9LS
Rear Of, 461 Cheetham Hill Road, Manchester, M8 9PA
Ground Floor, 461 Cheetham Hill Road, Manchester, M8 9PA
First Floor, 463A Cheetham Hill Road, Manchester, M8 9LR
461A Cheetham Hill Road, Manchester, M8 9PA
461F Cheetham Hill Road, Manchester, M8 9PA
461E Cheetham Hill Road, Manchester, M8 9PA
461D Cheetham Hill Road, Manchester, M8 9PA
461C Cheetham Hill Road, Manchester, M8 9PA
461B Cheetham Hill Road, Manchester, M8 9PA
378 Cheetham Hill Road, Manchester, M8 9LS
Flat Above, 360 Cheetham Hill Road, Manchester, M8 9LS
461 Cheetham Hill Road, Manchester, M8 9PA
First Floor, 461 Cheetham Hill Road, Manchester, M8 9PA
3 Beckenham Road, Manchester, M8 9AD
380 Cheetham Hill Road, Manchester, M8 9LS
372 Cheetham Hill Road, Manchester, M8 9LS
364 Cheetham Hill Road, Manchester, M8 9LS
Flat Above, 368 Cheetham Hill Road, Manchester, M8 9LS
Flat Above, 372 Cheetham Hill Road, Manchester, M8 9LS
11 Beckenham Road, Manchester, M8 9AD
First Floor, 459B Cheetham Hill Road, Manchester, M8 0PF
459 Cheetham Hill Road, Manchester, M8 0PF
463 Cheetham Hill Road, Manchester, M8 9LR
360 Cheetham Hill Road, Manchester, M8 9LS
465A Cheetham Hill Road, Manchester, M8 9LR
465 Cheetham Hill Road, Manchester, M8 9LR
Ground Floor, 360 Cheetham Hill Road, Manchester, M8 9LS
7 Beckenham Road, Manchester, M8 9AD
1 Beckenham Road, Manchester, M8 9AD
3 Albyns Avenue, Manchester, M8 9AQ
374A Cheetham Hill Road, Manchester, M8 9LS
9 Beckenham Road, Manchester, M8 9AD
5 Beckenham Road, Manchester, M8 9AD
2 Beckenham Road, Manchester, M8 9AD
1 Albyns Avenue, Manchester, M8 9AQ
366 Cheetham Hill Road, Manchester, M8 9LS
376 Cheetham Hill Road, Manchester, M8 9LS
374 Cheetham Hill Road, Manchester, M8 9LS
370 Cheetham Hill Road, Manchester, M8 9LS
368 Cheetham Hill Road, Manchester, M8 9LS
362 Cheetham Hill Road, Manchester, M8 9LS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA