

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133929/FO/2022
Date registered valid: 28 June 2022
Proposal: Installation of flue to the rear
Address: Units 5 And 6, Ifco Centre, 40 - 44 Wilmslow Road, Manchester, M14 5TQ
Ward(s): Moss Side Ward

Applicant: Ms Neda Yazdani LNMV Ltd 40-44 Wilmslow Road, Manchester, M14 5TQ
Agent (if any): Mr Talat Zeria HSH Engineering Design Service 428 Cheetham Hill Road, Manchester, M8 9LE
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 22 August 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 August 2022

Standard consultations:

Printed: 8 July 2022 Expired: 29 July 2022

Neighbour notifications

Printed: 8 July 2022 Expired: 29 July 2022

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 concerns the rear elevation of a parade of commercial units within the Rusholme District Centre. The rear of the parade overlooks a public car park serving the commercial units that front onto Wilmslow Road. The application site is currently a grocery store which is proposed to change use to a restaurant. Neighbouring units are also in food and drink use. The rear elevations support air conditioning units and roller-shuttered doors. Commercial bins are also stored in this location.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is within the Rusholme District Centre characterised by a mix of independent food and drink and commercial uses.

Description of development

Installation of flue to the rear.

Consultations & Notification Responses

A total of 6no.neighbours/businesses were notified of the proposal; no comments were received.

Environmental Health – Conditions for fumes/odours and external noise:

Fume/odours

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 - In the interests of the amenities of occupiers of nearby properties.

NSE6

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 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.

Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Planning History

There is one application associated with the site:

122749/FO/2019 - Units 5 And 6 Ifco Centre, 40-44 Wilmslow Road, Manchester M14 5TQ - Division of single shop (42-44) into one ice cream parlour (A3) at 42 & one shop (A1) at 44 and erection of single storey extension at rear

Withdrawn – 12.06.2019

Policy

The proposal concerns development for an existing kitchen which falls outside of the Class E Permitted Development allowance. Assessment of the proposal is therefore made on the basis of saved UDP policies DC10 and DC26 and Core Strategy policies SP1 and DM1.

Unitary Development Plan

The following saved policies from the Unitary Development Plan are also considered to be relevant.

Policy DC26 – Noise

Policy DC26.1 - Has been related to the actual and potential contribution of the use on the local noise environment, its impact on residential character and amenities of the area.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily. The proposal in this application is considered to be a potential noise source based on the nature of the age groups it seeks to accommodate.

DC10.1 - Food and Drink

In determining planning applications for developments involving the sale of food and drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the council will have regard to:

- a. The general location of the proposed development, including any reference to the area in other policies in the plan;
- b. The effect on the amenity of neighbouring residents;
- c. The availability of safe and convenient arrangements for car parking and servicing
- d. Ease of access for all, including disabled people; and
- e. The storage and collection of refuse and litter.

Policy DC10.2

The council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and at ground level, in local shopping parades of more than 8 shops or offices.

Policy DC10.3

Development will not normally be permitted where:

- a. It is proposed outside the general locations mentioned above, or
- b. There is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

Policy DC10.4

Where, having regard to the preceding policies, the council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, and the storage of refuse and collection of litter.

Issues

Principle

The proposal represents a conforming use within an existing District Centre. As such, the proposal is acceptable in principle subject to satisfactory impacts on residential amenity which is the main material consideration.

Visual amenity

The application indicates that the flue will comprise of an aluminium extraction flue pipe that terminates in an accelerate cone. It rises to 2.6 metres above eaves level and is itself 2.0 metres in height and 445mm at its widest point. It sits within the rear roof slope being 414mm below the roof ridge and is in keeping with the character of rear roofs many of which have similar flues. As such, there are no concerns with the visual impact of the flue which is typical of development associated with kitchen equipment in this area.

Lastly, the rear of the site faces the side elevations of No.12 Oundle Close which is situated 47 metres away across the car park to the west. The distance, combined with the pre-existing character and District Centre location support the acceptable development in this location with no significant impact on visual amenity.

Noise / Fumes

Assessment of the proposal requires further details to be submitted of the acoustic and emissions properties of the flue. The applicant has submitted a canopy report which relates to the interior of the site; however, this is inadequate to assess the likely external impacts. Conditions are recommended by Environmental Health for the submission of details relating to fumes/odours and noise insulation. These are appended at the end of this report, in the interests of residential amenity.

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.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application for the reasons outlined in the delegated report. The application received no objections on notification but is subject to the conditions specified below in the interests of residential amenity.

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 received on the 31st of May 2021, or as specified:

Application Form

Drawing - 07 Location Plan

Drawing - 01 Site Layout Plan

Drawing - 04 Existing Elevations

Drawing - 05A Existing Elevations received on the 28th of June 2022

Drawing - 02 Proposed Ground Floor Plan

Drawing - 03 Proposed First Floor Plan

Drawing - 06 Proposed Waste Management Plan

Supporting Information - Hot Fusion Canopy Report received on the 28th of June 2022

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.

3) 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 - In the interests of the amenities of occupiers of nearby properties pursuant to saved UDP policy DC10 and Core Strategy policies SP1 and DM1.

4) 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 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 pursuant to saved UDP policies DC26 and DC10 and Core Strategy policies SP1 and DM1.

Informatives

Information for Developers guidance documents can be downloaded using 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

QUINTRACK LTD, Units 3 And 4, Ifco Centre, 44 - 46 Wilmslow Road, Manchester, M14 5TQ
Unit 2, Ifco Centre, 48 Wilmslow Road, Manchester, M14 5TQ
Unit 1, Ifco Centre, 50 Wilmslow Road, Manchester, M14 5TQ
12 Oundle Close, Manchester, M14 5BL
37 Oundle Close, Manchester, M14 5BL
14 Walmer Street, Rusholme, Manchester, M14 5DY

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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH