

Planning

Growth & Development

Delegated officer report for planning application

Application no. 143941/FO/2025
Date registered valid: 9 September 2025
Proposal: Retention of external extraction flue and air conditioning unit.
Address: 125 Manchester Road, Manchester, M21 9PG
Ward(s): Chorlton Ward

Applicant: House of Biryani Ltd
Agent (if any): Mr Sam Harkin WSP
Case officer: Jake Walther
Tel: 0161 234 1632
Email: jake.walther@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 02/03/2026

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11/06/2025

Standard consultations:

Printed: 16 February 2026 Expired: 2 March 2026

Neighbour notifications

Printed: 13 February 2026 Expired: 27 February 2026

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 relates to a mid-terrace two storey building finished in brick and painted light red. There is a retail unit at ground floor and lightwells to basement at the front, to the rear there is a single storey rear outrigger connecting to the rear alleyway.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This section of Manchester Road is predominantly commercial, with residential on the adjoining streets. The applicant site is within the Chorlton District centre and neighbours' other commercial properties.

Description of development

The applicant is seeking retrospective permission for a flue and an air conditioning unit at the rear of the property.

Amendments to the Proposal

Following the initial noise impact assessment, and concerns from neighbouring residents and Environmental Health officers, the applicant reconfigured the extract system of the flue, making some internal adjustments to the fan position. These changes, in terms of appearance from the outside were very minor, having no further impact on visual amenity. Following the amendments a full re-consultation was undertaken.

Planning History

142945/FO/2025 - Installation of external extraction flue and air conditioning unit – **Refused**.

129159/P3MPA/2021 - Prior Notification for the Change of Use from a shop (Class A1) to 2no. residential use (Class C3) at basement and ground floor including elevational alterations – **Withdrawn**

127738/FO/2020 - Retention of railings to front lightwells – **Withdrawn**

125696/P3MPA/2019 - Prior Notification for the Change of Use from a shop (Class A1) to 2no. residential use (Class C3) at basement and ground floor – **Withdrawn**

114876/FO/2016 - Change of use from retail (Class A1) to a restaurant and hot food take away (Class A3/A5) and installation of a new shop front and flue to rear - **Refused**

097140/FO/2011/S1 - Change of use of ground floor retail shop (A1) and cellar to drinking establishment (A4) including enlargement of enclosed decking area to the front to create outside seating area - **Approved**

Consultations & Notification Responses

Neighbours, as per Appendix 1 – 2no. objections received from 1 neighbour early on in the application process, the objection was too the loud noise created before changes had been made to the proposal to improve noise disturbances.

Following amendments to the scheme, neighbours were re-consulted and no objections were received.

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
- Policy EC1 - Employment and Economic Growth in Manchester
- Policy EC9 - South Manchester

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
- DC10 – Food and Drink Uses

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
- JP-S5 – Clean Air

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.

The National Planning Policy Framework December 2025 (Draft)

The Government published a draft update to the National Planning Policy Framework (NPPF) in December 2025. While the draft has not yet been formally adopted, it is a material consideration and weight can be afforded to its policies. The following emerging policies from the draft NPPF are considered relevant to this application:

Chapter 3 – Decision-making policies

- DM1: Preparing development proposals

Chapter 4 – Achieving Sustainable Development

- S3: Presumption in favour of sustainable development

Principle

The principle of installing a new air conditioning unit and extract flue is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the residential or visual amenity or character of the area. It is considered that due to the location of the premises within a commercial parade and within the Chorlton District Centre the addition of a rear flue is considered satisfactory in principle.

Visual Amenity

The proposed air conditioner and extract flue would be in-keeping with the existing precedent of flues and ventilation systems in this parade of shops, its siting at the back of the property, would not be visible within the street scene or public realm and, as such, should have a minimal impact upon the visual amenity of the area.

Residential Amenity

Both the proposed air conditioning unit and the flue would generate noise and odour when in operation. The parade of shops in which this commercial unit is located contains residential accommodation on the upper floors, and there are also residential dwellings directly to the rear on Cheltenham Road. As such, consideration must be given to the potential impact of noise and odour emissions on the residential amenity of neighbouring occupiers. The key considerations are summarised below:

Noise

The configuration of the flue was altered during the course of the application. The original arrangement produced an operational noise level around 20dB above the prevailing background noise, whereas the revised configuration resulted in operational noise that was not audible above background levels. Following this reconfiguration, a new noise impact assessment was undertaken which confirmed these findings. A further consultation was carried out, during which the updated assessment and the operational noise performance of the flue satisfied Environmental Health officers and attracted no objections from neighbouring properties.

An addendum report is, however, required to clarify whether the noise measurements were taken when both the A/C unit and the flue were operating simultaneously. If the A/C unit was not in operation at the time of the assessment, updated measurements will be required in order to discharge the condition. As there are currently no objections or complaints regarding the existing configuration, the agreed timeframe for discharging the condition is three months, as confirmed with the applicant and Environmental Health officers.

Fumes

The applicant has proved an odour risk assessment which has been reviewed and approved by environmental health officers. Subsequently, the applicant will be required to discharge the fumes condition through the submission of a detailed fume-extraction strategy. This must be prepared with reference to appropriate technical guidance, including the EMAQ document Control of Odour and Noise from Commercial Kitchen Exhaust Systems (May 2022), to ensure that the system incorporates suitable filtration and maintenance measures. The strategy will need to demonstrate that odour and associated environmental impacts can be effectively mitigated during ongoing operation.

To confirm compliance, it has been conditioned that the full extraction strategy to be submitted and approved within three months of the decision notice.

Conclusion

The proposed air conditioning unit and extract flue are acceptable in principle and appropriate within this commercial parade, with no harm expected to the visual amenity of the area. Noise and odour impacts have been assessed and has been satisfactorily mitigated through the

revised flue configuration and the required submission of an addendum noise assessment and detailed fume-extraction strategy. Subject to these conditions being discharged within three months, the proposal is considered to comply with Core Strategy Policies DM1, saved policies DC10 and DC26 of the UDP.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application, and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1. Specified Plans:

The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Drawing – Kitchen Ventilation and Air Conditioning – 20 January 2026 – Reference: C853/1 REV D
- Supporting Information – EMAQ Survey and Report – 09 September 2026
- Supporting Information – Noise Impact Assessment – 12 February 2026 – Reference: P5755-PN01

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

2. Fumes/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 within 3 months of the date of the decision notice.

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.

- a) b) Within 1 month of the approval of part a) of this condition, confirmation shall be submitted in writing 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.

3. Noise:

- 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. Within 3 months of this decision notice, a 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 subsequently implemented in full.
- b) Within 1 months of the approval of part a) of this condition, 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Chorlton Civic Society

Flat 2, 1A Cheltenham Road, Manchester, M21 9GL
Flat 1, 1A Cheltenham Road, Manchester, M21 9GL
129 Manchester Road, Chorlton, Manchester, M21 9PG
127A Manchester Road, Chorlton, Manchester, M21 9PG
123A Manchester Road, Chorlton, Manchester, M21 9PG
125A Manchester Road, Chorlton, Manchester, M21 9PG
127 Manchester Road, Chorlton, Manchester, M21 9PG
1 Cheltenham Road, Manchester, M21 9GL
4 Kensington Road, Manchester, M21 9QJ
2 Kensington Road, Manchester, M21 9QJ
123 Manchester Road, Chorlton, Manchester, M21 9PG
121 Manchester Road, Chorlton, Manchester, M21 9PG
121A Manchester Road, Chorlton, Manchester, M21 9PG
3 Cheltenham Road, Manchester, M21 9GL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA