

## Planning

### Delegated Officer Report

#### Summary of application details

|                                |                                                                            |
|--------------------------------|----------------------------------------------------------------------------|
| <b>Application reference:</b>  | 145065/FO/2026                                                             |
| <b>Application type:</b>       | Full planning permission                                                   |
| <b>Proposal:</b>               | Erection of single-storey rear extension and alterations to rear and flue. |
| <b>Site address:</b>           | 479 Cheetham Hill Road Manchester M8 9LR                                   |
| <b>Ward(s):</b>                | Cheetham                                                                   |
| <b>Date application valid:</b> | 04 March 2026                                                              |
| <b>Applicant name:</b>         | Kris Abdulrahman                                                           |
| <b>Agent (if any):</b>         | Mr Karim                                                                   |
| <b>Case officer:</b>           | Katie Raw                                                                  |
| <b>Recommendation:</b>         | Refuse                                                                     |
| <b>Date of recommendation:</b> | 20 May 2026                                                                |

#### Description of site, building and/or area

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

The application site relates to 479 Cheetham Hill Road within the north Manchester ward of Cheetham. The application site is currently occupied by 'Burger Box' takeaway business. The site subject to the application is sited to the rear of the site to the south which can be accessed externally from Waterloo Street via a communal alleyway. The rear extension and flue which are subject to this application can both be seen on site.

#### Description of area

The property sits on the aerial road of Cheetham Hill Road. This part of the road is characterised by commercial uses including hot food takeaways and retail uses, with residential uses at first floor level. The site does not sit within the Cheetham Hill District Centre but rather to the south of the recognised area.

## Description of development

The current application seeks consent for erection of single-storey rear extension and alterations to rear and flue.

Although the applicant is seeking permission for new development as per the submitted description of development, the LPA acknowledge the development has already been erected. This is supported by the application form which states that works started on 1 October 2025 and were completed on 1 December 2025.

The rear extension consists of two elements- the infilling of the area between the existing outrigger up to the shared boundary with the adjoining neighbour constructed in red brick, and the extensions constructed of cladding sheets which extends the majority of the width of the rear courtyard. A metal door is sited within the rear elevation and the extension is subject to a metal sheet overhang.

The flue to the rear is sited against the boundary with no.475 Cheetham Hill Road and extends up to the height of the second floor window. The flue is constructed of a stainless steel flue with an uncapped open-top terminal.

### *Planning History*

ENF/16141/25- Enforcement Enquiry- Unauthorised erection of a single storey building to the rear.

Received 28 October 2025.

078629/JO/2006/N1- Variation of condition 5 attached to permission 047303/FU/NORTH1/95 to extend opening hours to 11 a.m. to 1 a.m. Sundays to Thursdays and 11 a.m. to 3 a.m. Fridays and Saturdays.

Approved 20 April 2006.

047303/FU/NORTH1/95- Change of use from shop to takeaway hot food shop and sweet centre.

Approved 21 April 1995.

## **Relevant planning history**

## **Consultation, notification and publicity responses**

### **Consultations**

#### *Local Residents*

*Local residents were consulted and no responses were received.*

#### *Highway Services*

Highway Services were consulted on the application and provided the following response:

The proposed external alterations are all within the red-line boundary of the site and as such, will not impinge upon the adopted highway.

The pedestrian access points are acceptable to Highways. For the avoidance of doubt, all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

There is no parking associated with the development.

There are no works planned to the adopted highway.

Should there be any basement excavations proposed adjacent to the highway structural drawings and calculations for the temporary and permanent support works must

be submitted for checking (for a fee) to MCC Bridges/Structures Section. The applicant is advised to contact [highways.structures@manchester.gov.uk](mailto:highways.structures@manchester.gov.uk).

Waste bins must be stored within the curtilage of the site.

Detail should be sought from the applicant in relation to any proposed construction or fit-out arrangements, where there is an impact on the highway.

The applicant is required to discuss and agree any requirements for licensing, hoarding / scaffolding, and skips with MCC's Highways Licensing Team via Email to:

highwaylicences@manchester.gov.uk

The applicant is required to discuss and agree any requirements for temporary pedestrian and traffic management with MCC's Event and Traffic Management Team via

Email to highwaynetworkmanagement@manchester.gov.uk

### *Environmental Health*

Colleagues in Environmental Health requested the following conditions be attached to any approval granted:

-Fumes- fume/odour condition

-NSE6- External plant/equipment/servicing condition

Further comments received 1 April based on flue seen on site:

The flue does not discharge above the eaves and looks to be discharging at the same level as the windows so Environmental Health would not be supportive of especially when considering how close it is in terms of the window. Significant noise attenuation would be required, due to the close proximity to the window.

### **Notifications and publicity**

#### *Local Residents*

Local residents were consulted and no responses were received.

### **Negotiations**

#### *Negotiations during the Course of the Application*

During the course of the application, it came to light that the plans differed to the development seen on site.

The agent confirmed it is the intention of the client to retain those structures seen on site, and that the plans were wholly inaccurate. The description of development alluded to works to be constructed, as opposed to seeking the retention of the development on site.

The agent advised revised correct plans would be submitted. The agent requested an extension of time for 4 weeks on 27 April 2026; however no plans were received to date. Contact was made on the phone with the agent on 8 May 2026, however plans have not been received.

## **Relevant policies**

### *The National Planning Policy Framework (NPPF) (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):

- a) an economic objective
- b) a social objective
- c) an environmental objective

The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 12. Achieving well-designed places

Chapter 16. Conserving and enhancing the historic environment

## *Draft National Planning Policy Framework (16th December 2025)*

The government has published a consultation National Planning Policy Framework which is intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making.

Of relevance to the application proposals the draft NPPF makes it clear that local planning authorities should amongst other things:

- Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision.
- Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals.
- Decisions on development proposals should apply a presumption in favour of sustainable development and this means that for development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

## *Places for Everyone*

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 Plan and its policies are 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 policy is of relevance:

JP- S1- Sustainable development

JP-J2- Employment Sites and Premises

JP-P2- Heritage

JP-S5- Clean Air

*The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. Updated March 2024 following adoption of Places for Everyone Joint Development Plan*

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management);

Policy SP1 (Spatial Principles) (partially superseded by PfE);

Policy EN1 (Design Principles and Strategic Character Areas);

Policy EC1 (Employment and Economic Growth in Manchester) (partially superseded by PfE);

Policy EC2 (Existing Employment Centre);

Policy EC4 (North Manchester);

Policy T1 (Sustainable Transport) (partially superseded by PfE);

Policy T2 (Accessible Areas of Opportunity and Need);

Policy EN3 (Heritage) (partially superseded by PfE);

Policy EN19 (Waste).

### *Unitary Development Plan Saved Policies*

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

#### DC10. Food and Drink Uses

DC10.1 In determining planning applications for developments involving the sale of food or 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.

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.

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.

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, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

## DC19. Listed Buildings

DC19.1 In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;

- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

## DC26. Noise and Development

DC26.1 states the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 states where the council believes that 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, it will in either case require the applicant to provide an

assessment of the likely impact and of the measures he proposes to deal satisfactorily with it.

Such measures might include the following

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or

noncritical rooms within a building; and

c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit.

Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission

DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

## Environmental Improvement and Protection

E3.3 The Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

### *Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007*

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful

places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

### *MCC Hot Food Takeaway Supplementary Planning Guidance Document (March 2017)*

Hot Food Takeaway Supplementary Planning Document (SPD) seeks to build on the Council's priorities and encourage centres and neighbourhoods which are vibrant and which contribute to the Council's objective of improving the health of people living in Manchester.

The Document has three overarching policies:

Policy 1- Vitality and Viability

Policy 2- Amenity

Policy 3- Hot food takeaways and schools

*EMAQ 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' 2022  
(documents referenced by colleagues in Environmental Health)*

Appendix 2: Information required to support planning applications for Commercial Kitchens.

## Section 11. Flue Design

The height and velocity of the final discharge are two important factors. Generally, the greater the flue height, the better the dispersion and dilution of odours. The discharge of air should be at a minimum height of 1 m above the roof ridge, especially if there are buildings nearby that may affect odour dispersion and dilution. Where this is not possible, for example because of ownership or structural constraints, additional techniques will be required in order to reduce odours, such as an increase in efflux velocity and the use of additional filters. The final discharge should be vertically upwards, using unimpeded flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.

## **Assessment**

### *Principle of Development*

The proposed development seeks permission for the erection of single-storey rear extension and alterations to rear and flue. The brick built section of the extension has resulted in an increase in the kitchen area and the metal sheet extension relates to a store. The flue is used to expel flues from the takeaway. Both elements of works would generally be considered acceptable in principle subject to the consideration of the above policies within the development plan. However, in this instance, the proposal cannot be supported as the benefit to the applicant site would be outweighed by the harm to the surrounding area. Such issues will be discussed in turn.

### *Residential Amenity Considerations, Including Noise and Odour*

## Rear extension:

The LPA understand that the courtyards to the rear of the row of properties along Cheetham Hill Road are utilised by ground floor uses and not in connection with any residential uses at the upper levels. The rear extensions results in an approximate 6.8 metre continuous blank elevation against the shared boundary with no.475 Cheetham Hill Road. However, given the existing pattern of development and dense development and given the extension only extends 2.5 metres beyond the existing rear building line of the main dwelling, it is not considered such extension would give rise to significant adverse overbearing implications and given it is single storey, no adverse loss of light implications. As the extension would align with the built form of no.481 Cheetham Hill Road, no.481 would not be adversely impacted in respect of overbearing/ tunnelling implications/ loss of light implications.

Given the separation afforded from the alleyway between the development to the immediate neighbour to the rear no.356 Waterloo Street, and the direction of the neighbour's primary elevation, the extension is not considered to give rise to considerable harm to the closest neighbour to the rear.

Notwithstanding the above, the acceptability of the extensions does not overcome the visual harm caused by the development, which will be discussed further in the report.

## Flue to the rear:

In respect of residential amenity, concern is raised in relation to noise and odours. Colleagues in Environmental Health suggest that significant noise attenuation would be necessary given the proximity of the flue as seen on site to the habitable window of the dormer at the second storey level. No acoustic report has been submitted to support the application. The proximity of the flue to residential windows, without acoustic mitigation, is likely to result in persistent and intrusive noise environment, particularly during quieter periods of the day and evenings.

In addition, Environmental Health raised concern with the flue in respect of the positioning of the flue in close proximity to the second floor window. The flue discharges slightly below the eaves connected with the second floor dormer window. Colleagues in Environmental Health refer to the EMAQ 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' 2022 document which states 'the discharge of air should be at a minimum height of 1 m above the roof ridge, especially if there are buildings nearby that may affect odour dispersion and dilution', or provide alternatives solutions where this is not possible. The current flue does not discharge 1 metre above the roof ridge of the dormer. As such, the development is likely to result in the emission of cooking odours and particulates at a level that would affect the neighbouring residents.

As such, the proposed development would be detrimental to the residential amenity of the occupiers of nearby residential accommodation, particularly to occupants of the upper floors of

Cheetham Hill Road by reason of noise and odour. As such, the proposal would be contrary to policies DM1 and SP1 of the Core Strategy, and UDP policy DC26.

### *Design and Visual Amenity*

#### Rear extension:

Whilst the element of the red brick extension infilling the space between the two storey outrigger and the common boundary with no.475 Cheetham Hill Road would be considered acceptable in size and form, and materiality by matching with the host extension, the extension constructed in metal sheets is unacceptable.

The black metal cladding sheets results in a poor finish to the extension, appearing as a temporary and lightweight feature which does not positively enhance nor is sympathetic to the existing property or wider row of terraced properties. The overhang of the extension beyond the rear elevation of the extension further emphasises the bulky nature of the proposal and does not add any meaningful architectural interest to the extension.

Whilst the extension is hidden to the rear of the site, it is visible when travelling northwards along Waterloo Road and given the openness of the site in connection with the alleyway is easily visible to passersby.

As such, the proposal is considered to give rise to visual harm to surrounding properties and passersby and does not contribute positively to the applicant site, contrary to policies DM1, SP1 and EN1 of the Core Strategy .

#### Flue to the rear:

The flue to the rear is sited against the boundary with no.475 Cheetham Hill Road and extends up to the height of the second floor window. The flue is constructed of a stainless steel flue with an uncapped open-top terminal.

It is noted that the extract flue is similar to extract flues in commercial settings and due to the nature of the development is difficult to design in a way that does not lead to visual clutter. Although the rear of the site is visible when travelling northwards along Waterloo Road and given the openness of the site in connection with the alleyway is easily visible to passersby, it is considered the best location given the flue is sited off the primary elevation of Cheetham Hill Road.

However, given the requirements from Environmental Health in respect of the height of odour determination, the height of the proposal does not result in a satisfactory relationship in relation to odour extraction, and so the acceptability of the design does not overcome the LPA's concern with the development. On this basis, the design of the flue cannot be supported, contrary to policies DM1, SP1 and EN1 of the Core Strategy, and UDP policy DC26.

### *Certificate of Ownership*

The applicant has signed Certificate A stating that nobody except the applicant was the owner of any part of the land or building to which the application relates. However, the plans submitted show the flue extends onto the neighbour's land, and so Certificate A should have been signed. However, if the plans were amended to accurately reflect the situation on site, then the correct certificate was signed- Certificate A.

Whilst the application has not been refused on these grounds, this does not mean that the Local Planning Authority are satisfied that the correct notice has been served on neighbouring properties when basing the assessment of the works off the submitted plans, and would state that this responsibility falls upon the applicant.

### *Inaccurate Information*

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) provides general requirements for the submission of planning applications and states that "an application for planning must....be accompanied by.... 7(1c)(ii) any other plans, drawings and information necessary to describe the development which is the subject of the application".

With this in mind, it is considered that the information submitted under this application fails to meet the requirements set out in this Order on account of the inaccuracies amongst the submitted drawings.

The following inaccuracies have been found. The LPA note there may be further inaccuracies not accounted for within this list:

- Whilst the application form stated works had begun and been completed, the description of development indicates works have not yet begun.
- The height of the flue as seen on site is not reflected accurately within the plans.
- The flue on the plans extends beyond the site edged red and so extends onto land not contained within the applicant's ownership. Certificate A has been signed and in the case of the submitted plans, Certificate B should have been served and notice no.1 served on the property of no.475 Cheetham Hill Road.
- Windows within the host property are drawn inaccurately in respect of size and formation.
- The width of the host property appears inaccurate when considering the flue and window is contained within the applicant's ownership on site, but on the plans is shown as extending beyond such site.
- The roof pitch of the extension is drawn incorrectly and the overhang seen on site is not visible on the plans.
- The door within the rear elevation is missing on the plans.
- The proposed site plan only references the metal clad structure to be retained; however the red brick element of the rear extension is subject to enforcement action (erected sometime between June 2024- June 2025) and needs to be correctly referenced within the proposed site plan.
- The existing outrigger (prior to development) is drawn inaccurately in respect of proportions and the door is missing. On the existing floor plans, such element is not shown at all.

Given the inaccuracies, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

## **Conclusion**

### **Article 35 Declaration**

Officers have worked with the applicant in a proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the agent during the course of the planning application, but these concerns have not been overcome. The agent was provided the opportunity and a further opportunity via a time extension to amend the plans so they accurately reflected the works on site. No such plans were received and the proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

### **Recommendation: Refuse**

## Reasons for refusal

- 1) The proposed rear extension by reason of its siting, design and use of poor-quality materials, fails to integrate with the host property and appears as an incongruous and visually intrusive addition. The extension occupies a prominent position visible from passersby along Waterloo Road and is at odds with the residential character of the area. As such, the proposal is contrary to Policies SP1 and DM1 of the Manchester Core Strategy and the design principles set out in Chapter 12 of the National Planning Policy Framework.
- 2) The proposed flue to the rear would be detrimental to the residential amenity of the occupiers of nearby residential accommodation, particularly to occupants of the upper floors of Cheetham Hill Road by reason of noise and odour. As such, the proposal would be contrary to policy DC26 of the Unitary Development Plan and policies DM1 and SP1 of the Core Strategy.
- 3) Errors have been identified within the submitted drawings. Such errors include, but are not limited to the following:

-Whilst the application form stated works had begun and been completed, the description of development indicates works have not yet begun.

-The height of the flue as seen on site is not reflected accurately within the plans.

-The flue on the plans extends beyond the site edged red and so extends onto land not contained within the applicant's ownership. Certificate A has been signed and in the case of the submitted plans, Certificate B should have been served and notice no.1 served on the property of no.475 Cheetham Hill Road.

-Windows within the host property are drawn inaccurately in respect of size and formation.

-The width of the host property appears inaccurate when considering the flue and window is contained within the applicant's ownership on site, but on the plans is shown as extending beyond such site.

-The roof pitch of the extension is drawn incorrectly and the overhang seen on site is not visible on the plans.

-The door within the rear elevation is missing on the plans.

-The proposed site plan only references the metal clad structure to be retained; however the red brick element of the rear extension is subject to enforcement action (erected sometime between June 2024- June 2025) and needs to be correctly referenced within the proposed site plan.

-The existing outrigger (prior to development) is drawn inaccurately in respect of proportions and the door is missing. On the existing floor plans, such element is not shown at all.

Given the quality and accuracy of the submitted information, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England)

Order 2015 (as amended) and policies SP1 and DM1 of the Manchester Core Strategy.