MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/25/0511
Date registered valid:	5 June 2025
Proposal:	Discharge of Conditions 3 (Use), 4 (Fumes), 5 (Noise and Equipment), 6 (Flue), 7 (Roller shutters) and 8 (waste) attached to planning 141702/FO/2024
Address:	Rear Of 595 Cheetham Hill Road, Manchester, M8 5EJ
Ward(s):	Cheetham Ward
Applicant:	Mr Latakshi Devadiga Rashmi Potnis LPR Ch Ltd
Agent (if any):	Mr Talat Zeria HSH Engineering Design Service
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	29 July 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:
Printed: 12 June 2025 Expired: 3 July 2025

Neighbour notifications
No neighbour notifications have been printed and sent.

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Consultations & Notification Responses

Environmental Health – The following comments have been received in relation to submitted revised details:

Condition 4 (Flue)

The diagram at present demonstrates it terminates 1m above the eaves but doesn't show the termination point in relation to the upper floor flat to demonstrate it does not terminate next to or below the window of the flat as previously requested. The diagram will need to be updated to show where the stack terminates in relation to the apartment window or building air intake if applicable including distance.

The maintenance strategy needs to include the cleaning / service and maintenance frequencies and requirements for the UV unit and details of who is responsible for each of the maintenance and cleaning measures outlined in the strategy submitted.

Condition 5 (Plant noise)

Calculations have been provided as requested which EH can accept

EH still required a response or the report updating to address point 2 of our previous comments as repeated below:

The plant data in section 7.1 includes the manufacturers data for the 1 x extract fan presented in 2 tables but there are 2 separate noise levels and both listed as extract fan. Is one of these octave band data tables for the intake rather than extract or should there just be 1 table? In which case please can this be clarified and revised.

The applicant will need to confirm the recommended mitigation measures will be fully adhered to address point 3 as repeated below and each of these recommendations will need to be demonstrated at validation stage:

Section 7.4 includes recommended mitigation measures including an atmospheric silencer as specified in the Silencer Schedule 1436/SS1 in the report. Also, it has been recommended that the extract fan unit and any ductwork between the atmospheric and penetration of the roof should be acoustically lagged comprising 50mm (min.) mineral wool slab (min. 16kg/m3) wrapped with a polymeric heavy mass barrier material of at least 10kg/m2. In addition, all building services should be mounted on appropriate anti vibration mounts in order to minimise structure borne noise to the residential flat situated at 1st floor level above the unit. These recommendations will need to be fully adhered to and compliance with these measures will need to be demonstrated in the verification report along with actual noise measurements of the plant once installed at the receptor.

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 polices 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: Refuse

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

3 Condition 3 (Use) cannot be discharged as it is an on-going requirement of the authorised development.

4. The discharge of condition 4 (Flue) is refused as satisfactory details relating to the termination point of the flue in relation to upper floor apartment windows and any building air intake have not been provided. Details of the future maintenance of the flue should also be provided.

5. The discharge of condition 5 (Noise and equipment) is refused as insufficient details of the extract fan extract have not been provided. Confirmation of the measures to ensure the implementation of mitigation measures reference in the submitted document 595 Cheetham Hill Road Manchester Plant Sound Assessment report 1436/PSA1 30 May 2025 by Lighthouse Acoustics.

6. Condition 6 (Flue removal) does not require formal discharge. It requires that the existing flue is removed following the installation of its replacement and the reinstatement of the related section of the gable wall is implemented following its removal using matching materials.

7. The discharge of condition 7 (Roller shutters) is refused and the submitted Drawing 06 replicates the details considered under planning permission ref: 141702/FO/2024. Full manufacturers details of the shutter, including the specification and colour treatment are required.

8. Condition 8 (Waste) cannot be discharged as it is an on-going requirement of the authorised development.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA