

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0154

Date registered valid: 24 February 2025

Proposal: Discharge of condition 3 (fume extraction) attached to planning permission referenced 140482/FO/2024

Address: 8 Slade Lane, Manchester, M13 0QE

Ward(s): Longsight Ward

Applicant: Mr Mudassar Hussain Latif Sweets Limited

Agent (if any): Mr Nadir Khan NK Architects

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 15 April 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 3 March 2025 Expired: 24 March 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 - Cannot recommend discharge of condition 3 for the following reasons:

- i. The various documents submitted do not constitute an acceptable kitchen fume extraction scheme/strategy. Rather than submitting a series of product brochures and technical data sheets with model options and various residence times, the strategy should present the intended scheme with clear reference to the risk assessment and level of control required. As previously advised, we recommend referring to appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated May 2022, in the absence of DEFRA guidance.
- ii. The submitted risk assessment is unacceptable as:
 - It appears to be based on DEFRA guidance withdrawn in 2017 rather than relevant guidance such as that recommended above.
 - From the submitted plans, dispersion would appear to be low level and restricted rather than the criteria selected.
 - Proximity of receptors appears to be just a few metres (to 1 Portland Road) rather than the criteria selected.

- The Significance Score should be reassessed, and this will then inform the appropriate level of control measures required.
 - Best practice minimum odour control requirements for commercial kitchen extraction systems are for the stack to discharge extracted air not less than 1m above the roof ridge of any building within 15m of the vent serving the kitchen or, if this is not possible and it is also not possible to discharge the extracted air not less than 1m above the roof eaves, then higher levels of control measures should be proposed.
- iii. A maintenance schedule for the extraction system must be provided within the strategy, including details for:
- Cleaning of washable grease filters.
 - Frequency of inspection and replacement of all filters proposed.
 - Inspection and maintenance schedule and intervals for any odour/fume abatement equipment.
 - Inspection and servicing of fans.
- iv. The strategy must cross reference required external plant noise limits that will result from compliance with condition 4a (Noise attenuation).

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: Refuse

Article 35 Declaration

N/A

Reasons for recommendation to refuse

3) The discharge of condition 3a (fume extraction) is refused as insufficient information has been provided to demonstrate that the fume extraction system has the capacity to operate without causing undue harm to the amenities of the area. The fume extraction system would thereby fail to comply with policies SP1 and DM1 of the Core Strategy for the City and policies JP-P6 and JP-S1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

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
Area Team Boundary - Name: NORTH AREA