

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0633

Date registered valid: 6 September 2022

Proposal: Discharge of condition 3 (fumes) attached to planning permission referenced 132142/FO/202

Address: 461A Cheetham Hill Road, Manchester, M8 9PA

Ward(s): Cheetham Ward

Applicant: Mr Abdul Ghafoor 461A Cheetham Hill Road, Manchester, M8 9PA

Agent (if any): Mr Sohail Musa, SMS Architecture, 59 Croston Street, Bolton, BL3 4BB

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25 October 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 7 September 2022

Expired: 28 September 2022

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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Issues

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

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

1) The following information received by the City Council as Local Planning Authority on 30 September 2022 is satisfactory:

- Information contained within the e-mail from SMS Architecture;
- Specification of the pan filters;
- Location Plan for the property along with rear elevation of the unit showing the flue;
- Maintenance & cleaning contract for the odour equipment specified;
- Risk Assessment and Method Statement for the annual duct clean.

Subject to implementation of the agreed details and the ongoing maintenance of the flue so long as the approved use is operational, condition 3 can be discharged.

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

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH AREA