MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/26/0151
Date registered valid:	16 February 2026
Proposal:	Discharge of Conditions 4 (Fumes) and 6 (removal of existing flue) attached to planning permission 141702/FO/2024.
Address:	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 Ltd
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	17 March 2026

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:
Printed: 18 February 2026 Expired: 11 March 2026

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 – Insufficient information has been submitted in relation to the operation of the fume extraction system and its maintenance.

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

Reasons for recommendation to refuse

4. The discharge of condition 4 (Flue) is refused as the following details have failed to demonstrate that:
i. The proposed flue and extraction system has the capacity to operate effectively and without causing undue harm to the amenities of the area;
ii. Effective arrangements would be in place for the maintenance of the component parts of the fume extraction system.

- Proposed ground floor layout Option 1 Ref: JR/101 Rev H;
- Kitchen ventilation services Ref: C895/1 Rev A;
- Kitchen Extract Report by Commercial Kitchen & Bar Ltd dated 12 January 2026.

iii. The detail of the position of the proposed flue detailed on drawing referenced Proposed ground floor layout Option 1 Ref: JR/101 Rev H and Kitchen ventilation services Ref: C895/1 Rev A fails to accord with the detail of approved drawing referenced Proposed elevations 05 and Proposed plan & elevations Ref: 06 relating to planning permission Ref: 141702/FO/2024.

The proposed arrangements for fume and odour extract are therefore unacceptable and would be contrary to the details approved under planning permission Ref: 141702/FO/2024.

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.

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 (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA