MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

Mr Latakshi Devadiga Rashmi Potnis
LPR Ch Ltd
595 Cheetham Hill Road
Manchester
M8 5EJ

Agent (if used)

Mr Talat Zeria
HSH Engineering Design Service Ltd
428 Cheetham Hill Road
Manchester
M8 9LE

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 4 (Fumes) and 6 (removal of existing flue) attached to planning permission 141702/FO/2024.

Location: 595 Cheetham Hill Road, Manchester, M8 5EJ

Date of application: 16 February 2026

Application number: CDN/26/0151

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

C4 Flue
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.

C6 Flue
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.

Date: 18 March 2026

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.