

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0081

Date registered valid: 25 January 2021

Proposal: Discharge of conditions 17 (fume extraction), 18 (hours of operation) and 31 (sub station design) attached to planning permission referenced 127087/JO/2020

Address: Site Of Former Bellamy Court , Abbey Hay Lane, Manchester, M18 8DU

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Mike Bagot Rowlinson Constructions Limited London House, London Road South, Stockport, SK12 1YP

Agent (if any): Miss Bryony Preston Pozzoni Woodville House, 2 Woodville Road, Altrincham, WA14 2FH

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11 July 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 1 February 2021 Expired: 22 February 2021

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

Highway Services - For condition 31, the submitted sub-station design information is sufficient to allow us to recommend the discharge of this condition from a highway perspective.

Environmental Health 11.02.2021 -
Condition 17

The applicant has submitted a good amount of information to discharge this condition but they will need to see further information based on the following:

The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

A detailed plan drawing of the system should also be submitted which details the location of fans, silencers, filters etc. The plan submitted has limited details and should also show where the system will terminate.

Condition 18

This condition can be discharged.

19.05.2021- The plan drawing of the system is fine, though it terminates with a cowl which should be replaced with a high velocity rain resistant terminal.

In addition, there is no risk assessment, as previously requested. This will confirm the suitability of the system for the café use.

23.06.2021 - have reviewed the information submitted and it is insufficient to discharge the condition. The system should ventilate vertically with a rain resistant jet cowl terminal at least 1m above the eaves. With regard to the risk assessment, it is contained in the following document
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/645289/pb10527-kitchen-exhaust-0105.pdf). Although this document has now been withdrawn, the RA template can still be used.

08.07.2021 - The ventilation/extract scheme is fine , and the condition can be discharged.

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

Article 35 Declaration

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

17) The information below has been examined and is considered to be acceptable.

Plan ref: 22_057_M_01 rev.I9 (Ground Floor Domestic Services and Ventilation Plan); 22_057_M_02 rev.I8 (First Floor Domestic Services and Ventilation Plan); 22_057_M_03 rev.I8 (Second Floor Domestic Services and Ventilation Plan); 22_057_M_04 rev.I8 (Third Floor Domestic Services and Ventilation Plan);

INOX project ref:3561 rev._03 kitchen ventilation information; Plasmaclean Xtract 2100 manufacturers specification;

received 25.01.2021

4332-1203 rev.A dated 27.01.2021(Roof Plan) ; 4332-1350 rev.K (Elevations sheet no.1); 4332-1351 rev.K (Elevations sheet no.2) received 28.01.2021; (as revised by Plan ref: 22_057_SK01 I1 Ventilation Schematic Bellamy Court received 6th July 2021)

IAC Acoustics specifications for duct silencers; received 4th May 2021

Plan ref: 22_057_SK01 I1 Ventilation Schematic Bellamy Court received 6th July 2021 ;

On the basis that the development is implemented in accordance with the information and plans specified above condition no.17 is discharged.

18) The content of the email from Southway Housing Association dated 1st December 2021 confirming the proposed opening times of the ancillary restaurant would be 7 days a week 8am - 7pm to allow for serving of breakfasts and an evening meal have been noted and are considered to be acceptable . On the basis that the ancillary restaurant operates in accordance with the confirmed hours specified above condition no.18 is discharged .

31) The submitted finalised details designs of the substation , including elevational design ,materials and colouration , together with a methodology and design of the details of the hard and soft landscaping treatment (and associated maintenance)of the site adjacent to the substation as shown on plan ref: ES352 -A2-016/02 J and on landscaping plans ref: 3380 02 rev.D , 3380 03 rev.C and the 5 year landscape maintenance document, together with the confirmation from the planning agent that the GRP will be dark green in colouration dated 12th July 2021, are considered to be satisfactory .

On the basis that the development is implemented in accordance with the approved details, condition no.31 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environmental Health
Highway Services

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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2