

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

Partial approval of details reserved by condition

Applicant

Mr Susan Arslan
Unit 1 The Southpoint
12 Lane End Road
Manchester
M19 1TU

Agent (if used)

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12 Hastings Gardens
Stockport
SK5 8BF

Part 1 – Particulars of the application/development

Proposal: Discharge of condition numbers 2 (waste), 3 (fumes and odours), 4 (external equipment noise), 5 (acoustic insulation) and 6 (opening hours) from prior approval application 127690/P3CPA/2020

Location: Unit 1 The Southpoint, 12 Lane End Road, Manchester, M19 1TU

Date of application: 9 November 2021

Application number: CDN/21/0832

Part 2 – Particulars of decision (1)

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

Condition 2 - Waste

From the information that has been provided which includes the provision of 1 x 660 Litre bin to be collected once a week;
Bagnall & Morris Waste Services Ltd - Waste Service Agreement and Transfer Note and the Waste Stream Treatment information, received on the 7th of February 2022, condition 2 of application 127690/P3CPA/2020 is discharged.

Condition 6 - Hours

Condition 6 of application 127690/P3CPA/2020 is discharged. For the avoidance of doubt, the premises shall operate in accordance with the opening hours as set out in Condition 6 of the above application which states that:

The premises shall not be open outside the following hours:

Monday - Sunday including Bank Holidays: 09.00am to 23.30pm

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to policies DC26 of the Unitary Development Plan for Manchester and SP1 and DM1 of the Core Strategy.

Part 2 – Particulars of decision (2)

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

Condition 3 - Fume

From the information that has been provided, condition 3 of application 127690/P3CPA/2020 is partially discharged.

The Odour Impact Assessment provided by Air Spectrum on the 7th of February 2022, including the risk assessment, odour mitigation proposed (fine filtration and active carbon filter and flue termination 1m above the roof, with cleaning and maintenance schedule), this is sufficient to discharge the first part of the condition.

For the condition to be fully discharged, a Validation Report is required to be submitted.

Condition 4 - External Plant

From the information that has been provided, which includes the Noise Impact Assessment provided by Y Acoustics on the 7th of February 2022, and with mitigation proposed, (acoustically treated fan motor casing, in duct silencers and floor/ceiling enhanced build up), the first part of condition 4 of application 127690/P3CPA/2020 is discharged.

For the condition to be fully discharged, a Validation Report will need to be submitted.

Condition 5 - Acoustic insulation

From the information that has been provided which includes the Noise Impact Assessment by Y Acoustics, condition 5 of application 127690/P3CPA/2020 is partially discharged.

An enhanced floor/ceiling build is proposed to prevent noise transfer to the residential above, based on predicted internal levels of 80dB(A) for busy restaurant/takeaway. It is calculated that the maximum permissible noise level will be 83dB(A). However it is not clear whether music is proposed in the restaurant area and if so the maximum permissible noise levels for the music needs to be given, in addition to how the entertainment criteria set out in the condition will be met.

A Verification Report which confirms that the works have been implemented and in accordance with MCC's criteria is also required to be submitted.

Date: 1 June 2022

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.