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 Jianfeng Xu
C/O Agent

Agent (if used)

Mr Barry Tang
Tang and Associates Ltd - Chartered Architects
Entrance W1 First Floor
Westwood House
Greenwood Business Centre
Manchester
M5 4QH

Part 1 – Particulars of the application/development

Proposal: Application to discharge Conditions 8 (Fume Extraction) and Condition 10 (External Equipment) attached to planning permission 112148/FO/2016/N1

Location: 175 Cheetham Hill Road, Manchester, M8 8LG

Date of application: 8 September 2017

Application number: CDN/17/0569

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.

Condition 8 Fume Extraction
The following information has been submitted for consideration:

o Statement from Viridian Consulting Engineers Limited
o Drawing number 1137/01

The information submitted as listed above has been considered and the following comments can be made.

The information submitted is not sufficient to discharge this condition. The City Council will require the risk assessment proforma found in the relevant DEFRA guidance document completing and submitting, and a suitable method for the control of fumes and odours submitting based on the outcome of the risk rating. This will include a description of the type and style of cooking, size of the kitchen and number of covers along with details of termination point and extract discharge rate. Full details of the

filters to be used are also required for submission and assessment. Simple grease baffle filters are unlikely to be sufficient for this development. The maintenance and cleaning strategy is also required to be submitted for approval for the equipment and filters.

Therefore, on this basis Condition 8 of planning approval 112148/FO/2016/N1 cannot be formally discharged until the issues outlined above are satisfactorily resolved.

Condition 10 Insulation External Equip
The following information has been submitted for consideration:

o Statement from Viridian Consulting Engineers Limited
o Drawing number 1137/01

The information submitted as listed above has been considered and the following comments can be made.

The information submitted is not sufficient to discharge this condition. The Council will need an assessment of any externally mounted proposed equipment in accordance with an acoustic study based on BS 4142:2014 to demonstrate that the equipment will not exceed MCC noise criteria. The equipment when in operation shall be selected and designed to not exceed 5dB below the existing background noise level at the nearest noise sensitive property. Consideration shall be given to any feature corrections for tonality or intermittency for example and details of any necessary noise attenuation that may be required in order for the equipment to comply with our requirement,

Therefore, on this basis Condition 10 of planning approval 112148/FO/2016/N1 cannot be formally discharged until the issues outlined above are satisfactorily resolved.

Date: 26 October 2017

Signed: 

Julie Roscoe
Head 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.