

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 Wei Cheng Lin
Blue Sakura Ltd
2-3 Merrion Way
Liversedge
LS2 8BT

Agent (if used)

Ms Joanne Ooi
Hamond Projects
40 Wormald Street
Liversedge
Leeds
WF15 6BE

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (Acoustics), 9 (Acoustics Plant), 11 (Fumes), 13 (Hours), 14 (Servicing), 15 (External Hours) and 16 (External Music) attached to Planning Permission 108963/FO/2015/C1. Units 2 and 3 only

Location: 8 First Street, Manchester, M15 4RP

Date of application: 3 March 2025

Application number: CDN/25/0192

Part 2 – Particulars of decision (a)

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 11 (Fumes),

Condition 11 (Fumes): On the basis of implementation and ongoing operation in accordance with the following:

RISK ASSESSMENT FOR ODOUR & MAINTENANCE OF EQUIPMENT by Cyclone Ventilation stamped as received on 29-04-25; and

Dwgs: Kitchen Extraction Ducting Layouts CV1285 002 and 003, HVAC (GROUND FLOOR) and A107 HVAC (MEZZANINE FLOOR) A108,

the condition is discharged

Condition 14 (Servicing)

Condition 14 (Servicing): This is a compliance condition so provided that Deliveries, servicing and collections, including waste collections do not take place outside the following hours: 07:30 to 20:00 Monday to Saturday 10:00 to 18:00 Sundays and Bank Holidays the requirements of the condition will be met

Condition15 (External Hours)

Condition15 (External Hours): On the basis of the Blue Sakura covering letter dated 24-02-24 no further action is required in relation to this condition at this time.

Condition 16 (External Music)

Condition 16 (External Music): On the basis of the Blue Sakura covering letter dated 24-02-24 no further action is required in relation to this condition at this time.

Part 2 – Particulars of decision (b)

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 (Acoustics)

Condition 3 (Acoustics): On the basis of the submitted information the condition cannot be discharged

The submitted Acoustic Report does not consider noise breakout impact to House of Social which is located nearer to the site than Vita Students.

Condition 9 (Acoustics Plant)

Condition 9 (Acoustics Plant): On the basis of the submitted information the condition cannot be discharged

The assessment has been based on receptors 100m away but there are nearer noise sensitive receptors, such as Vita Students, the under construction House of Social and also the proposed PBSA on the former Premier Inn site (Vita and the Premier Inn were included in the noise breakout assessment). House of Social are more likely to be impacted by noise from the low level kitchen extraction system.

Condition 13 (Hours)

Condition 13 (Hours):The submitted Acoustic Report does not consider noise breakout impact to House of Social which is located nearer to the site than Vita Students. Hours of operation cannot be agreed until an updated Report is submitted and on this basis the condition is not discharged

Date: 16 May 2025

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.