MANCHESTER CITY COUNCIL

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 James Wallbank
Renaker Build Limited
47 Bengal Street
Manchester
M4 6BB

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Partial discharge of condition 20 (Ventilation) relating to Units 1, 2B, 3A and 3B only, attached to planning permission 111719/FO/2016/C1

Location: Land At Owen Street, Manchester, M15 4RT

Date of application: 29 September 2021

Application number: CDN/21/0645

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 20 - Fume (Unit 1)
The following information has been submitted to discharge condition 20 in respect of Unit 1:

Retail 1 Rev 01 Planning - Condition 20 received by the City Council as local planning authority on 29 September 2021.

Having had regard to the above information, condition 20 is discharged in respect of Unit 1 only, on the basis that there is no commercial kitchen within Unit 1.

Condition 20 - Fume (Units 2B, 3A & 3B)
The following information has been submitted to discharge condition 20 in respect of Units 2B (Salvis), 3A and 3B of the development:

Retail 3a Rev 001 Planning - Condition 20 received by the City Council as local planning authority on 29 September 2024;
Retail 3b Rev 001 Planning - Condition 20 received by the City Council as local planning authority on 29 September 2024; and

Ventilation Strategy Statement for Salvis Restaurant, Deansgate Square, 20_027-Z1-MEP-G525-RP-XX-001 Revision P01 dated 24 February 2021 by MEP Design.

It has been stated in the submitted information for units 2B (Salvis), 3A and 3B that the kitchen extraction scheme has been designed in accordance with the Defra Guidance. The Defra Guidance has been withdrawn and there is a now the EMAQ guidance (Control of odour and noise from commercial kitchen exhaust system). Both documents include a requirement to do an odour risk assessment based on the type of cooking, the number of covers and proximity to residents. None of the submissions include this risk assessment, so it is not clear if sufficient odour control has been installed.

It is also not clear where all the extraction points are (Units 2B and 3B appear to involve the use of external louvres and 3A vents into the underground car park). Clearer drawings need to be provided to show the exact locations of the louvres to allow assessment of their impacts on amenity (including visual amenity). As Unit 3A discharges into a confined space, a higher level of odour control may be required as the odours will not be readily dispersed.

For all three units (2B, 3A and 3B) more details are required to be added to the submitted kitchen extraction strategies, including servicing and maintenance.

Given the above, condition 20 is not hereby discharged in relation to Units 2B, 3A and 3B.

Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3.

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.

Date: 10 December 2024

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.