

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0940

Date registered valid: 7 October 2024

Proposal: Discharge of Conditions 5 (fumes), 6 (acoustics), 7 (external equipment), 8 (refuse), 9 (bin store), 10 (cycle storage) and 11 (landscaping) attached to planning permission 139602/FO/2024

Address: 410A Wilbraham Road, Manchester, M21 0SD

Ward(s): Chorlton Ward

Applicant: Mr. Riaz Ahmed Ali

Agent (if any): Mr. Niamat Ali NA Design

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: **2 December 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 14 October 2024 Expired: 4 November 2024

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: No

Tree Preservation Order: No

Description of area

Description of development

Consultations & Notification Responses

Issues

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Refuse

Article 35 Declaration

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

5) The following information has been submitted in respect of planning condition 5 (fumes):
-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Supporting Information- Odour Assessment (Redmore Environmental, ref: 8417r1, 24 September 2024), stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 5 is not sufficient.

The outstanding evidence is required:

The odour risk assessment (Redmore Environmental, 24 September 2024) is accepted by Environmental Health, where the report classifies the site as a high risk. The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval which takes the risk assessment into account. Details should also be provided in relation to replacement air as well as proposed servicing/maintenance. A schematic drawing also needs to be provided of the entire kitchen extraction system showing the proposed filters/odour controls.

Until such details are received and agreed, condition 5 cannot be discharged.

6) The following information has been submitted in respect of planning condition 6 (acoustics):
-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Noise Assessment- Acoustic Tests (ref: APF/C/AFA892, dated 27th June 2024), stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 6 is not sufficient.

The outstanding evidence is required:

Recommendations have been made to include acoustic ventilators due to windows needing to be closed to meet the internal noise levels. A section has been included on overheating but an assessment has not been included. An overheating assessment is required in conjunction with the acoustic report as the proposed vents may not be sufficient to prevent overheating at night.

Until such details are received and agreed, condition 6 cannot be discharged.

7) The following information has been submitted in respect of planning condition 7 (external equipment):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Noise Assessment- Acoustic Tests (ref: APF/C/AFA892, dated 27th June 2024), stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 7 is not sufficient.

The outstanding evidence is required:

At the time of writing the Noise Assessment- Acoustic Tests report, the detailed design of the kitchen extraction system was not known. As such an addendum report will be required once this has been confirmed to demonstrate that the criteria in the condition can be achieved.

Until such details are received and agreed, condition 7 cannot be discharged.

8) The following information has been submitted in respect of planning condition 8 (refuse):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Drawing- Proposed- Floor Plan, numbered NA-P02, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 8 is not sufficient.

The outstanding evidence is required:

The location of the collection point for the residential bins. An understanding is needed of how access will be restricted so only residents will have access to the residential bins, and the commercial use only has access to the commercial bins.

Until such details are received and agreed, condition 8 cannot be discharged.

9) The following information has been submitted in respect of planning condition 9 (bin store):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Drawing- Proposed- Floor Plan, numbered NA-P02, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 9 is not sufficient.

The outstanding evidence is required:

The plans show a bins screen and not a secure and ventilated bin storage area for the commercial bins. No secure bin store is provided for the residential bins. Re-consideration is required for the bin storage area proposed, to satisfy the wording of the condition.

Until such details are received and agreed, condition 9 cannot be discharged.

10) The following information has been submitted in respect of planning condition 10 (cycle storage):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Drawing- Proposed- Floor Plan, numbered NA-P02, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 10 is not sufficient.

The outstanding evidence is required:

The condition states the cycle storage should be secure. No reference is made on the plans to any locking system to confirm this is the case. Confirmation and further information is sought.

Until such details are received and agreed, condition 10 cannot be discharged.

11) The following information has been submitted in respect of planning condition 11 (landscaping):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Drawing- Proposed- Floor Plan, numbered NA-P02, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The information submitted to discharge condition 11 is not sufficient.

The outstanding evidence is required:

Further information is required for the proposed composite decking area in relation to the height and materials, and clarification sought as to whether the decking requires consent in its own right. No further information was supplied during the course of the application.

Until such details are received and agreed, condition 11 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA