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	Agent (if used)
Manchester Quays Development (MGY) Limited C/o Agent	Michael Percival Deloitte LLP 100 Embankment Cathedral Approach Manchester M3 7FB

Part 1 – Particulars of the application/development

Proposal: Part Discharge of Conditions 6 (external seating), 9 (Disabled toilets), 12 (opening hours), 13 (external areas hours), 17 (fumes), and 20 (noise) attached to Planning Permission 131318/JO/2021, which varied 121511/FO/2018, in relation to Commercials Units 2 and 3.

Location: Manchester Goods Yard , Water Street, Manchester, M3 3GS

Date of application: 16 August 2024

Application number: CDN/24/0771

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.

External Seating
The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 16 August 2024:

- Caravan MGY - External Proposals

Received by the City Council as the Local Planning Authority on 30 September 2024:

- Operational Management Plan Rev A

The above information submitted has been considered and is acceptable. The development shall now be carried out in accordance with the above.

Condition 6 is now formally part discharged in relation to Commercials Units 2 and 3

Disabled toilets
The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 05 November 2024:

- GA Plan GA-01 A

The above information submitted has been considered and is acceptable. The development shall now be carried out in accordance with the above.

Condition 9 is now formally part discharged in relation to Commercials Units 2 and 3

Opening Hours
The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 30 September 2024:

- Operational Management Plan Rev A

The above information submitted has been considered and is acceptable. Condition 12 is now formally part discharged in relation to Commercials Units 2 and 3. Commercials Units 2 and 3 of the development shall now not be open outside the following hours:

07:00 to 02:30 Monday to Sunday (last entry time of 00:00 Sunday to Wednesday, 01:00 on Thursday to Saturday)

External areas hours
The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 30 September 2024:

- Operational Management Plan Rev A

The above information submitted has been considered and is acceptable. Condition 13 is now formally part discharged in relation to Commercials Units 2 and 3. The external seating area of Commercials Units 2 and 3 of the development shall now not be open outside the following hours:

23:00 and 07:00 Monday to Sunday

Amplified sounds including amplified music shall not be played within this area at any time.

Fumes
The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 30 September 2024:

- Interpretation of Requirements Rev 2

And received by the City Council as the Local Planning Authority on 22 October 2024:

- Caravan MGY Kitchen Extract Maintenance Schedule.

The above information submitted has been considered and is acceptable. Condition 17 is now formally part discharged in relation to Commercials Units 2 and 3. The development shall now be carried out in accordance with the above.

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.

Noise
The following information has been submitted for consideration in respect of this planning condition:
- Operational Noise Breakout Assessment
- Patron Noise Egress Assessment

Further testing of existing amplified sound and additional measurements relating to the when the windows/doors are open are required in order to discharge the condition.

Condition 20 is NOT formally discharged in relation to Commercials Units 2 and 3.

Date: 5 November 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.