

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

Mr Sam Benjamin
Another Glass Ltd
17 Symphony Park
Manchester
M1 7FS

Agent (if used)

Mr Darren Newby
Concorde BGW
Palmer Street
Hyde Park
DN4 5DD

Part 1 – Particulars of the application/development

Proposal: Partial Discharge of Conditions 17 (Hours ground floor), 19 (Plant Noise), 27 (Fumes), 28 (NSE1), and 35 (Refuse) attached to Planning Permission 111027/FO/2016/C1, in relation solely to Commercial Unit L1.

Location: 17 Symphony Park, Manchester, M1 7FS

Date of application: 8 July 2024

Application number: CDN/24/0606

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.

Hours Ground Floor

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 08 July 2024:

- The unit trade times will be 12:00 noon to 12:00 midnight seven days a week.

Whilst the hours seem reasonable for a city centre location, relevant information has not been provided in order to discharge Condition 28 (NSE1). Further information has been requested. The hours for the commercial unit applied for under condition 17 cannot be discharged until the acoustic breakout of the unit can be approved, which requires condition 28 to be discharged.

As these details have not been provided by the determination date, Condition 17 (Hours Ground Floor) is not discharged.

Plant Noise

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 08 July 2024:

- The scheme does not have any external plant. The scheme equipment is housed internally within the landlord's internal plant zone.

The above information submitted has been considered.

It has been stated in the application form that there will be no external plant, but there will be air conditioning and the pizza ovens are to vent to a louvre in the facade. Noise from these systems are likely to have an external element so this condition cannot be recommended for discharge at this stage. Further information has been requested to clarify this.

As these further details have not been provided by the determination date, Condition 19 (Plant Noise) is not discharged.

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 08 July 2024:

- Kitchen Extract Flue 5085-10-21

The above information submitted has been considered.

No details have been provided as to any odour control on the extraction from the proposed pizza ovens (extracting to a louvre in the facade). A supporting odour risk assessment in line with the EMAQ guidance is required to be submitted.

As these further details have not been provided by the determination date, Condition 27 (Fumes) is not discharged.

NSE1

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 08 July 2024:

- Noise Breakthrough Assessment produced by Nova Acoustics, dated 24/04/2024

The above information submitted has been considered.

The submitted report is focused on noise from the ground floor of the unit and does not include the mezzanine where the kitchen is located and additional seating. The report needs to be updated to include any mitigation measures for the mezzanine floor as the noise will be nearer to the residents above. A verification report is also required as part of this condition once the mitigation measures have been installed.

As these further details have not been provided by the determination date, Condition 28 (NSE1) is not discharged.

Refuse

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 08 July 2024:

- Circle Square Vita Living North (Building 5&6) Retail Servicing Strategy

The above information submitted has been considered.

The submitted retail servicing strategy that has been submitted is for Blocks 5 and 6, not for Blocks 7 and 8.

The commercial unit needs to provide their own waste management strategy and show that their bins will fit in the internal bin store and how the waste will be transferred to the main bin store for collection.

As these further details have not been provided by the determination date, Condition 35 (Refuse) is not discharged.

Date: 17 September 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

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.