

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0567

Date registered valid: 23 August 2023

Proposal: Discharge of conditions 6 (fumes), 7 (external equipment), 9 (waste) and 10 (site management) attached to planning permission referenced 127272/JO/2020

Address: 824 Stockport Road, Manchester, M19 3AW

Ward(s): Levenshulme Ward

Applicant: Mr Ikhlaz Ahmed

Agent (if any): Mr Rashid Mehmood I. Planning Services

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 12 October 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 25 August 2023 Expired: 15 September 2023

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

Consultations & Notification Responses

Environmental Health – Recommend that the following conditions are not discharge for the specified reasons.

- i. Condition 6 (fumes) – The submission is inadequate and should be related to a kitchen fume extract strategy report prepared by a suitably qualified ventilation engineer. It should include a risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated May 2022.
- ii. Condition 7 (external equipment) - It has not been demonstrated that the significantly increased capacity of the restaurant can operate without changes to the existing kitchen extraction system. Any potential changes may affect requirements for external plant and equipment and need to be related to a related noise assessment.
- iii. Condition 9 (waste) - The submitted waste proforma referenced 3 x 1100 litre bins for mixed recycling and 1 x 140L bin for food waste. However, the submitted waste collection arrangements reference general waste bin collections. The referenced bin capacities do not accord with Council guidance recommending 1500 litres of capacity per 20 dining spaces.

Details of suitable separate storage provision for waste cooking oil and its disposal have not been provided and food waste storage is inadequate.

iv. Condition 10 (site management) – The plan needs to reference arrangements to manage potential noise disturbance caused by the transit of refuse including glass bottles to segregated waste storage areas.

Highways – No objection to the discharge of conditions 9 and 10.

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

N/A

Reasons for recommendation to refuse

6) The discharge of condition 6 (fumes) is refused on the basis that inadequate information has been provided to demonstrate that satisfactory arrangements for the extraction and discharge of fumes and vapours would be provided in support of the authorised development.

7) The discharge of condition 7 (external equipment) is refused on the basis that the submitted details have not demonstrated that the existing kitchen extraction system has the capacity to

accommodate the significantly expanded restaurant operation. The suitability of any required changes to the external plant and equipment would need to be assessed alongside a related noise assessment.

9) The discharge of condition 9 (waste) is refused as the identified bin capacities for the storage of segregated general and food waste and recycling do not accord with Council guidance. The submitted waste collection details do not identify arrangements for collection of recyclable materials and storage and disposal of cooking oil. Satisfactory arrangements for the storage and collection of waste and recycling have not been demonstrated in relation to the expanded restaurant operation.

10) The discharge of condition 10 (site management) is refused as required details relating to the transit of refuse including glass bottles to segregated waste storage areas outside the authorised trading hours and measures to ensure that eating and drinking is only undertaken within the premises.

Informatives

1) Condition 6 (Fumes) – A report by a suitably qualified ventilation engineer should be provided, which details a kitchen fume extract strategy report, including risk assessments for odour and noise and be based on appropriate guidance, including EMAQ document referenced 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated May 2022.

2) Condition 9 (Waste) – The details referenced in relation to bin capacities need to correspond to the contractual arrangements for collection to ensure appropriate waste and recycling management. Bin capacities need to be related to the proposed number of dining spaces and requirements for segregated waste and recycling as set out in Council guidance.

3) Council guidance can be accessed via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA