

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

**Approval of details reserved by condition**

**Applicant**

Mr Riaz Ahmed  
Kingston Estates  
936-938 Stockport Road  
Manchester  
M19 3NN

**Agent (if used)**

Architecture & Interior Design Ltd  
51 Coleshill Road  
Hodge Hill  
Birmingham  
B36 8DT

**Part 1 – Particulars of the application/development**

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**Proposal:** Discharge of conditions 4 (noise) and 7 (fumes) attached to planning permission referenced 124089/FO/2019.

**Location:** 936-938 Stockport Road, Manchester, M19 3NN

**Date of application:** 6 July 2023

**Application number:** CDN/23/0419

**Part 2 – Particulars of decision**

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Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

**C4**

The discharge of condition 4 (noise attenuation) is approved on the basis that the development is implemented in accordance with the following documents stamped as received by the City Council as local planning authority on 18 August 2023:

- i. Powered Ventilation Ltd letter report Ref: 936-938 Stockport Road Manchester M19 3NN dated 8 August 2023 - Calculation statement on proposed extract system
- ii. Letter from Rand Tech Consulting Ltd Ref: MDR/J5327a Ref: 936-938 Stockport Road Manchester M19 3NN - Proposed kitchen and supply & extract ventilation system - External noise assessment (as amended by email from Architecture and Interior Design Ltd agreeing the following operating hours based on the implemented criteria for noise assessment:
  - o The premises shall only operate to the public between the hours of: 11.00 am to 1.30 am (Monday to Sunday (inclusive));
  - o Operational activity shall cease within the premises and its external areas by 2.00 am. (Monday to Sunday (inclusive))

Upon commencement of the authorised use, the development shall be fully implemented in accordance with the approved scheme, the details of which shall remain in place thereafter.

The above operating hours are related to the development as a requirement of condition 5.

**C7**

The discharge of condition 7 (fume extraction) is approved on the basis that the development is implemented in accordance with the following documents stamped as received by the City Council as local planning authority on 18 August 2023:

- i. Powered Ventilation Ltd letter report Ref: 936-938 Stockport Road Manchester M19 3NN dated 8 August 2023 - Calculation statement on proposed extract system
- ii. Letter from Rand Tech Consulting Ltd Ref: MDR/J5327a Ref: 936-938 Stockport Road Manchester M19 3NN - Proposed kitchen and supply & extract ventilation system - External noise assessment (as amended by email from Architecture and Interior Design Ltd agreeing the following operating hours based on the implemented criteria for noise assessment:
  - o The premises shall only operate to the public between the hours of: 11.00 am to 1.30 am (Monday to Sunday (inclusive));
  - o Operational activity shall cease within the premises and its external areas by 2.00 am. (Monday to Sunday (inclusive));
- iii. Extechnology Ltd - Odour equipment specification Maemes 936-938 Stockport Road Manchester M19 3NN dated 7 August 2023.

Upon commencement of the authorised use, the development shall be fully implemented in accordance with the approved scheme, the details of which shall remain in place thereafter.

Date: 4 September 2023

Signed:



Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

## Notes

1. This permission refers 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.

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](http://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 his 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.