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| <b>Project Name:</b>    | <b>Former Huntsman Inn, 130 Wilmslow Road, Manchester, M14 5AH</b> |                |                               |
| <b>Document Title:</b>  | <b>Final Comments</b>                                              |                |                               |
| <b>Revision:</b>        | <b>A</b>                                                           | <b>Date:</b>   | <b>16/11/2022</b>             |
| <b>AZH Project Ref:</b> | <b>P211002</b>                                                     | <b>PI Ref:</b> | <b>APP/B4215/W/22/3304111</b> |

## 1. Introduction

This statement has been prepared in response to the statement of case made by the Manchester City Council and third party objectors.

## 2. Suggested amendments to the Statement made by the Manchester City Council

The Appellant believes the LPA intended to say in:

- Paragraph 8.23 ‘....Given that the premises is authorised to remain open between the hours of 11.00 – 23.30 **Sunday** to Thursday and from 11.00 to 00.30 on Fridays and Saturdays,.....’
- Appendix 1 the proposed Condition 2 should say ‘Drawing referenced **P211002 01/PL/D3 and 18105-P-26-B and 18105-P-27-A...**’. Reference to P211002 is a matter of detail and providing further clarity. The drawing referred to in the Council’s draft condition as 18105-P-25-B shows the existing/as-built layout and not the proposed layouts/elevations.

## 3. Suggested Conditions set out in Appendix 1 of the LPA’s SoC

The Appellant disagrees with the suggested conditions as follows:

- The amendments as set out above in Section 2.
- The opening hours are set out in the existing planning approval 120947/FO/2018 which was for the change of use from a public house to a restaurant. The Council have made no case and provided any justification as to why this should be reconsidered, in particular how such a condition which seeks to agree opening hours at a time prior to occupation of development could be considered reasonable. The Appellant believes this condition should be deleted.
- Condition 9 seeks to control noise from any proposed ‘externally mounted ancillary plant, equipment and servicing’ and not manage overall noise levels from the site. The second and third sentence of the condition should be clarified by stating ‘Prior to commencement of use of **any such equipment, details shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved scheme(s) to reduce noise from such equipment shall be implemented in full before use of the equipment commences.**’

## 4. Response to the Statement made by Manchester City Council

The development as proposed includes the need to extend the rear boundary wall in order to provide adequate mitigation against noise impact on residential properties to the rear of the application site. Subject to this provision, the LPA accept in their Statement:

- In Para 8.29 and 8.30, the noise levels as assessed in the acoustic assessment would be acceptable.
- In Para 8.35 subject to installation of appropriate equipment, which can be conditioned, there would be no adverse impact on residential amenity from odours.

The LPA's grounds for concern are therefore limited to the visual impact of the proposed boundary wall extension.

It should be noted that the previous two appeals relating to the application site and attached to the Council's Statement in Appendix 2 were determined on the existing layout without any mitigation. Both appeals were dismissed as a result of concerns over noise and/or odour impact on the amenity of residents, which the Council now accept would not be material subject to mitigation that has for the first time been proposed as part of this planning application.

In paragraphs 8.15 to 8.17 the Council state the proposed extension to the wall will be visually unattractive and would be a harmful feature. It is however noted the Council did not raise any concerns over the much greater length of the 5.5m high wall approved as part of the 2018 (120947/FO/2018) application and no such concern was mentioned at all in the officer's report for that 2018 approval (copy of the officer's report was provided with Appellants appeal statement). Furthermore, in the context of the existing 5.5m wall between the application site and adjoining property 128 to the left and the even higher blank gable wall of the adjoining superstore to the right and which forms the backdrop of any aspect of the application as viewed from the car park, the proposed wall will not appear out of character compared to its surroundings.

## **5. Other Matters**

The Appellant notes the Council's comments with regards to regulations on smoke free environments. However, the Council are yet to inspect the property or take any action which suggests the development does not comply with such regulations. The Appellant to the best of his knowledge has made every effort and believes he is compliant with those regulations. Never-the-less and as recognised by the Council in their Statement in paragraph 8.44 and as asserted by planning inspectors (see section 5 of the Appellants Appeal Statement to the enforcement appeal APP/B4215/C21/3284746) in a number of previous planning appeals it is not the role of the planning system to duplicate other controls legislated by other laws.

The Council's reference to other nearby premises operating unlawfully (Para 8.45) is a separate matter and not relevant to this application. The Council's concerns over the use of the service yard (Pars 8.46) as an area accessible to customers is matter that can be easily conditioned, monitored and enforced if required.

## **6. Third Party Comments**

The Appellant notes the objection made by the Platt Claremont Residents. The objection provides no context in terms of the objection being voted at a meeting of the association or by committee members or trustees of the association. The extent of concerns and wider views by the residents is therefore unclear.

The Appellant also notes all the other objections are associated with the adjoining Manchester Super Stores who have a contentious relationship with the Appellant. The claims by the objectors relating to antisocial behaviour by the Appellants cliental is not recognised by the Appellant and the objector does not provide any details to confirm his objection in this context.