

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

Partial approval of details reserved by condition

Applicant

Mr Mossroor Khan
902 Burnage Lane
Manchester
M19 1RG

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Application to discharge condition numbers 1 (Time), 2 (Specified plans), 3 (materials), 4 (opening hours), 5 (servicing hours), 6 (roller shutter timings), 7 (waste management), 8 (Fumes and vapours), 9 (acoustic insulation) and 10 (externally mounted plant and equipment) from planning approval reference 126882/FO/2020

Location: 189 Burnage Lane, Manchester, M19 1FE

Date of application: 26 October 2021

Application number: CDN/21/0802

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.

Condition 1 - Timescales

Provided that the works commence on or before the 13.07.2023 and all pre-commencement conditions have been discharged these conditions will satisfy the condition.

Condition 2 - Spec Plans

Condition 2 attached to planning permission 126882/FO/2020 requires that the development is carried out in accordance with the following drawings and documents:

MK/189/101 REV P02
MK/189/102 REV P02
MK/189/103 REV P02
MK/189/104 REV P01
MK/189/100 REV P02

All drawings stamped as received by the City Council as Local Planning Authority, on the 18.05.2020.

Provided that the development is carried out in accordance with the above drawings and documents, condition 2 will be satisfied.

Condition 3 - Materials

Condition 3 attached to planning permission 126882/FO/2020 requires that the materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Condition 3 can only be discharged once the extension has been built in accordance with conditions 2 and 3.

Condition 4 - Opening Hours

The premises shall not be open outside the following hours:-

Monday to Sunday (Including Bank Holidays) 08:00 - 23:00

The property and business shall operate in accordance with the above hours, condition 4 can be discharged.

Condition 5 - Servicing Hours

Condition 5 requires that deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

The property and business shall operate in accordance with the above hours, condition 5 can be discharged.

Condition 6 - Roller Shutters

The covering letter states the tenant has confirmed that the roller shutters at the premises shall remain in open position during the hours of 9.30 am and until the premises close in accordance with the authorised opening times (condition 4).

The rollershutters shall remain open in accordance with the above hours, condition 6 can be discharged.

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.

Condition 7 - Waste

The waste management condition (7) cannot be discharged as there is still no provision for food waste disposal at the commercial premises.

Condition 8 - Fume

The fume condition (8) cannot be discharged as there is insufficient information provided. The applicant will need to confirm the cooking style at the premises which will determine the system to be installed at the site. We will need to see a plan drawing of

the system along with details of where the flue will terminate and that it terminated high enough (at least 1m above eaves). The applicant needs to consider the following:

The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include 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 September 2018. Details should also be provided in relation to replacement air.

Condition 9 -Acoustic Insulation

The first part of condition 9 has been complied with. In order to discharge this condition in full the following information will be required to be submitted in order to discharge it in full:

The applicant will need to provide a verification report which confirms all mitigation measures for reducing noise from external plant and equipment are installed and confirm that the noise levels from all equipment do not exceed the limits set out in the original report. This must include measurements carried out at the quietest time that the equipment will be in operation.

Condition 9 can only be full discharged when the second part of the condition is satisfied.

Condition 10 - External Equipment

The first element of condition 10 has been complied with. However, in order to discharge this condition in full the following will be required to be submitted to comply in full:

"Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria has been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria."

Date: 19 October 2022

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.