

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 Iqbal
The Huntington Northmoor Road
Manchester
M12 4HP

Agent (if used)

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

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 5 (Site management Strategy), 7 (Cycle storage and fencing), 8 (cycle enclosure), 9 (waste), 10 (noise), 11 (Fume extraction), 12 (noise attenuation of plant), 13 (Gate design) and 14 (CCTV and lighting) attached to planning permission ref: 129778/FO/2021

Location: The Huntington , Northmoor Road, Manchester, M12 4HP

Date of application: 14 July 2022

Application number: CDN/22/0064

Part 2 – Particulars of decision (1)

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.

C7

The discharge of condition 7 (Cycle storage and fencing) is approved on the basis that the specified 2 metre high railings to the north of the building incorporate a bow top detail to match the specification of drawing referenced Proposed fence and gate detail Ref: 13,954/09 Amendment C is implemented as part of the development; which shall be further undertaken in accordance with the following details, as stamped as received by the City Council on 8 February 2022, is approved on the basis the development is undertaken in accordance with the following drawings:

Proposed bike store plans and elevations Ref: 13,954/06 Amendment A

Proposed site plan 3.0

Proposed fence and gate detail Ref: 13,954/09 Amendment C (excluding gate elevations)

The implemented measures shall be maintained in situ at all times thereafter.

C8

The discharge of condition 8 (Cycle storage) is approved on the basis that the following details, stamped as received by the City Council on 8 February 2022, is approved on the basis the development is undertaken in accordance with the following drawings:

Proposed bike store plans and elevations Ref: 13,954/06 Amendment A
Proposed site plan 3.0

The implemented measures shall be maintained in situ at all times thereafter.

C9

The discharge of condition 9 (waste) is approved on the basis that the following details, stamped as received by the City Council on 8 February 2022, are implemented upon commencement of the authorised use and maintained in situ at all times thereafter:

Proposed site plan Ref: 3.0 (detailing the position of segregated waste storage enclosures);
Proposed store plan and elevation Ref: 13,954 /08 Amendment A (Class E waste enclosure);
Bespoke Deacon bin store enclosures (Class C3 - 2 door and Class E - 5 door).

C14

The discharge of condition 14 (CCTV and lighting) is approved on the basis that CCTV cameras are not proposed and that the lighting relates to the following lighting specifications are implemented prior to the commencement of the use:

Edit Pimlico LED Outdoor Up and Down wall light in anthracite
Eterna 30W Cool White LED polycarbonate IP44 floodlight with PIR Sensor - Black.

The lighting shall be positioned in accordance with the detail of the drawings stamped as received by the City Council on 8 February 2022 and referenced Proposed elevations Ref: 5.0 and Proposed elevations Ref: 5.0. The implemented details shall maintained in situ at all time thereafter.

If any lighting installed as part of the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Part 2 – Particulars of decision (2)

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.

C5

The discharge of condition 5 (Site management strategy) is refused as the submitted details relate to a site management during construction plan. Condition 5 requires the submission of a site management plan relating to the operational phase of the

development. The requirements of condition 5 should be reviewed and appropriately responded to.

C10

The discharge of condition 10 (noise) is refused as insufficient information has been provided for assessment and therefore requirements of the specified condition have not been satisfactorily addressed.

C11

The discharge of condition 11 (Fume extraction) is refused as insufficient information has been provided for assessment and therefore requirements of the specified condition have not been satisfactorily addressed.

It is advised that a suitably qualified ventilation engineer be consulted and a kitchen fume extract strategy report is submitted 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.

C12

The discharge of condition 12 (noise attenuation of plant)) is refused as insufficient information has been provided for assessment and therefore requirements of the specified condition have not been satisfactorily addressed.

C13

The discharge of condition 13 (Gate design) is refused as the appearance of the proposed vehicular and pedestrian access gates would be incongruously related to the adjoining low wall and relating boundary treatment and would therefore be harmful to the appearance of the streetscene. The height and the opening width of the referenced gates has not been specified.

Date: 8 September 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.