

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

Refusal of details reserved by condition

Applicant

GB MCR Group Ltd
C/o Agent

Agent (if used)

Haris Kasuji
RR Planning Limited
82A Otley Road
Leeds
LS6 4BA

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 3b (fumes) and 4b (acoustic insulation) attached to planning permission 129225/FO/2021

Location: Former Revolution, 311 - 313 Wilmslow Road, Manchester, M14 6NW

Date of application: 6 June 2022

Application number: CDN/22/0366

Part 2 – Particulars of decision

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

Condition 3b

Condition 3b asks for confirmation that the approved scheme for the treatment of fumes, vapours and odours has been implemented. The submitted report indicates that the previously approved scheme has not been implemented therefore condition 3b can not be discharged as it relates to different equipment installed at the site.

It is also indicated in the submitted report that the precise location, orientation and details of some of the ventilation fan terminations vary from the proposals. It is unclear if this applies to the kitchen extraction equipment or heating / ventilation plant.

Confirmation has not been indicated that the approved scheme for treating fumes and odours has been installed. The approved scheme consisted of Grease baffle filters followed by an Electrostatic Precipitator then UV filtration. The Council will require clarification on these matters but if the previously approved scheme has not been installed then you would either need to apply to vary this condition from the planning permission and address the outstanding matters or install the approved scheme and submit the verification as required under this condition.

Condition 4 b -Acoustic insulation

For condition 4b, it is noted that the previously approved scheme has not been implemented as the submitted statement confirms that old plant will continue to be used. Therefore the Council is unable to discharge this condition and you will either need to apply to vary this condition on the planning permission and address the points below or install the previously approved scheme.

- i. The new scheme has not been approved and does not comply with the noise criteria (possibly due to a faulty fan).
- ii. The recommendations of the previous report (lagging the kitchen ductwork) have not been implemented.
- iii.Noise from the kitchen extraction termination was not measured due to the high level of the termination and although the consultant has said they don't believe there will be a significant contribution to the noise outside the apartment window due to the termination, the report needs to consider the cumulative noise from all external intakes / extracts and plant in the development.
- iv. Although the noise levels were measured on-site, they were not measured outside the nearest residential window, so the value at the window is a calculated value. Does the window open? If so the noise readings can be taken out of the window of the flat affected. It is not believed that the flats are occupied yet as conditions 5, 6 and 7 of planning application 127725 (for the same address) still have outstanding points before the relevant conditions can be discharged.

Date: 4 July 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.