

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

Approval of details reserved by condition

Applicant

Ms Amy Dickson
HHNQ Ltd
C/o Agent

Agent (if used)

Mr Ralph Taylor
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 13 (Acoustic verification) (Gym) and 14 (Plant Noise Verification) (Gym) attached to application ref no 122541/FO/2019

Location: 26-28 Hilton House , Hilton Street, Manchester, M1 2EH

Date of application: 14 September 2021

Application number: CDN/21/0670

Part 2 – Particulars of decision

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

Condition 13(Acoustic verification)

Condition 13(Acoustic verification) - On the basis of the following:

Verification Tests and Maximum operational noise levels set out within the Sandy Brown Gym fit-out, Hilton House, Manchester -Acoustic testing report 21161-R02-A 5 May 2021 and subject to the recommendations within section 4.22 being implemented and those within sections, 5.32 and 5.33 being implemented as necessary.

the verification element of the condition is partially discharged on the basis of continued use of the Gym for one to one personal training.

Should the operation of the gym change to any other form of operation then the previously identified mitigation requiring the installation of acoustic matting will be required to be implemented to comply with the (b) Specification and noise level target compliance levels as set out in Peak Acoustics note in relation to the Basement Gym floor dated 20-08-19 (including the installation of acoustic matting).

Prior to occupation for an alternative type of gym operation, a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development, shall be submitted and

agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

14 (Plant Noise Verification) (Gym)

Condition 14 (Plant Noise Verification) (Gym) -Accepted the noise report has measured the noise with proposed plant running and without the plant running (noted that the plant was not audible at the time the measurements were taken) and so this can be accepted as the verification element and is sufficient to discharge the condition.

Date: 25 February 2022

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

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. 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.