



**MANCHESTER
CITY COUNCIL**

Julie Roscoe
Director of Planning, Building
Control, and Licensing,

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Contact: Adam Roche
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31 January 2022

Our reference. ENF/15312/21

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
NON-COMPLIANCE WITH CONDITION 7 ATTACHED TO PLANNING PERMISSION
122786/FO/2019 AT BLOCK A, LAND AT BLOSSOM STREET, MANCHESTER**

It has been brought to the Council's attention that the premises at Blossom Street has been occupied by a gym (former Use Class D2) and is therefore in breach of its planning permission (122786/FO/2019)

Planning permission was granted on 4 March 2009 for "Reconfiguration, enlargement and use of ground and Mezzanine floor of Block A of the Blossom Street development to enable use as A1, A2, A3, B1 and D2 (gym only) following removal of car parking and other associated works". As part of the decision, conditions were set including condition 7, which is as follows.

(7) Notwithstanding noise impact assessment prepared by DBX acoustics and design and access statement stamped as received by the City Council, as Local Planning Authority, on the 25 February 2019, the updated noise assessment stamped as received by the City Council, as Local Planning Authority, on the 1 July 2019 and the updated noise assessment stamped as received by the City Council, as Local Planning Authority, on the 1 August 2019, in the event commercial unit 1, as indicated on drawings 0276_03_400 Rev D and 0276_03_410 Rev A stamped as received by the City Council, as Local Planning Authority, on the 25 February 2019, is occupied by D2 'gym' use, details of how the unit will be acoustically insulated and treated to limit the break out of noise shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment including details of the specification of the flooring. For the avoidance of doubt, where entertainment noise is proposed the Laeq (entertainment noise) shall be controlled to 10 db below the La90 (without entertainment noise) in each octave band at the façade of the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of commercial unit 1 as a gym, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met which includes testing with free weights and measuring the resultant noise within the upper floor residential accommodation. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

I can find no record of the above condition having been discharged or an application for the same submitted

If it is your intention to use the unit as a gym, details of acoustic insulation to prevent the breakout of noise exceeding the decibel limit set out in the condition should be provided in a new discharge of condition application

In the interim, you are required to cease the use of the unit as a gym and minimize noise generated in the unit until such a time that the condition has been discharged and the acoustic insulation scheme implemented.

Please ensure that this use is ceased by 31 January 2022.

If after 31 January 2022 my Development Compliance Officer, Adam Roche, observes that you have not complied with the above condition, it is my intention to serve a Breach of Condition Notice.

I must advise that failure to comply with a Breach of Condition Notice is a criminal offence contrary to Section 187A of the Town and Country Planning Act 1990 (as amended). You may be liable on summary conviction in the Magistrates Court to a maximum fine of £2,500 for each offence and any subsequent offence following a conviction

I would also like to bring to your attention that breaches relating to noise may also be investigated by Environmental Health or the Environment Agency to determine whether a noise nuisance is being caused.

If you have any further queries, please contact Adam by email or on the above direct line number

Yours faithfully


Adam Neil
Development Compliance Manager