MANCHESTER CITY COUNCIL

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

Partial approval of details reserved by condition

Applicant	Agent (if used)
Mr Ian Maugham 181 Claremont Road Salford M6 8PA	Mr Thomas Brown 31 Odessa Avenue Salford M6 8LG

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 6 (Extract), 7 (Acoustics) and 8 (Acoutics plant) pursuant to planning permission 139482/FO/2024

Location: 71 - 75 Bridge Street, Manchester, M3 2RH

Date of application: 13 August 2024

Application number: CDN/24/0751

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.

Fumes
The following information has been submitted in respect of condition 06 (Fumes):

-Supporting Information NAAD21 GUIDANCE DOCUMENT
-Supporting Information ODOUR RISK ASSESSMENT
Both received by the City Council, as Local Planning Authority, on 24/09/2024

-Drawing - Proposed 21B PROPOSED DIAGRAM OF EXTRACTION received by the City Council, as Local Planning Authority, on 22/10/2024

The submitted information is considered acceptable and condition 06 attached to Application ref. 139482/FO/2024 is hereby discharged provided the development is carried out and operated on an ongoing basis in accordance with the above information.

Acoustics plant part (a)
The following information has been submitted in respect of condition 08 (a) (Acoustics plant):

-Noise assessment or information 11214REVH BRAIDEN ACOUSTICS LTD received by the City Council, as Local Planning Authority, on 02/09/2024

The submitted information is considered acceptable and condition 08 attached to Application ref. 139482/FO/2024 is hereby discharged provided the development is carried out in accordance with the above information.

To satisfy part b of this condition, a validation assessment will be required once at the relevant stage to demonstrate compliance with the recommendations in the report and also to include actual sound measurements to confirm compliance with the condition criteria for noise breakout, noise break in and plant noise.

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.

Acoustics part (a)
Condition 07 (Acoustics part a) attached to application reference 139482/FO/2024 cannot yet be discharged as insufficient information has been provided. The following should be submitted:

Evidence the a noise limiter has been fitted agreed with Environmental Health. It has been recommended a noise limiter is to be installed and set by the consultant which we can agree with. However, it has been suggested a traffic light type system should be in operation which advises the user that the levels are about to be approached or have been exceeded. This will require a member of staff to be in front of the system at all times to address any exceedances which is unlikely to be possible operationally. Therefore, the limiter will need to be a type which automatically prevents the noise levels from exceeding the locked levels and which does not require user intervention to reduce the levels manually. The noise limiter will also need to be electronically interlocked to the openable façade to ensure that the lower levels recommended when the retractable façade is opened are maintained without user or staff member intervention to prevent the higher levels being replayed in this scenario at any time.

The following is provided for information, with regard to part (b):

The assessment now includes a noise breakout assessment to the office above the premises and the residential receptors at 65 Bridge Street with the retractable doors open and doors closed and has provided the maximum internal noise levels permissible to meet our criteria for both scenarios

Between the hours of 10:00 and 20:00 with the windows / frontage retracted the internal noise level must not exceed 80dB and with the doors closed must not exceed 99dB.

Sections 5.2.2.7 and 5.2.2.8 provide recommendations with regard to the lobbied door set and door seals required at the entrance / exits of the premises which will need to be complied with and demonstrated as part of the validation assessment.

Sections 5.3.1 and 5.3.1.1 include details of the necessary ceiling and staircase acoustic treatment which must be fully complied with and compliance demonstrated as part of the validation assessment.

The openable / retractable façade will need to be closed outside of the hours 10:00 and 20:00.

Date: 4 November 2024

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.