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

Mr Gary Macarthur
30 Globe House Southall Street
Manchester
M3 1LG

Agent (if used)

Mr Yaqoob Malik
Footprint Design Ltd
Innovation Centre
Brunswick Street Nelson
Nelson
BB9 0PQ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (CMP), 4 (Noise (Residential Insulation)), 6 (Travel Plan), and 7 (Waste) attached to Planning Permission 137264/FO/2023.

Location: Globe House, 30 Southall Street, Manchester, M3 1LG

Date of application: 19 February 2024

Application number: CDN/24/0113

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.

CMP
Condition 3 (CMP) attached to planning permission application reference 137264/FO/2023 is discharged on the basis the development is complete.

Travel Plan
The following information was submitted in support of Condition 6 (Travel Plan) attached to planning permission application reference 137264/FO/2023:

-Transport or Travel information 230827 TRAVEL PLAN received by the City Council, as Local Planning Authority, on 18/04/2024

The information is considered to be acceptable and condition 6 of planning approval 137264/FO/2023 is now formally discharged, subject to the development only being carried out in accordance with these approved details.

Waste

The following information was submitted in support of Condition 7 (Waste) attached to planning permission application reference 137264/FO/2023:

-Drawing - Proposed A031.2_P(00)004 REV A PARKING AND WASTE PLAN received by the City Council, as Local Planning Authority, on 22/04/2024

The information is considered to be acceptable and condition 7 of planning approval 137264/FO/2023 is now formally discharged, subject to the development only being carried out in accordance with these approved details.

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.

Noise
Condition 4 (Noise) attached to planning permission application reference 137264/FO/2023 cannot yet be discharged. The following information is still outstanding:

We will still require a response to our previous comment to address part a) of the condition with regard to the ventilation system once the MVHR system has been selected.

Once selected, an assessment and updated report will be required to demonstrate that when any alternative ventilation system is in full operation, including during any boost function, the internal noise criteria will not be exceeded so details of acoustic treatment or mitigation will need to be recommended.

The assessment has included recommendations for the vent insulation. It is assumed these recommendations are for the façade vents for service penetrations. This may need to be reviewed once the alternative ventilation scheme has been selected and a revised report providing

Once this has been addressed, we will need an internal validation noise test once the development is completed and when there are no building works taking place to address part b). The validation noise test will need to include daytime and night time hours and whilst any ventilation is in full use (including during boost function where applicable)

Date: 9 May 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.