

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

Partial approval of details reserved by condition

Applicant

Kamani Commercial Property
6 Tariff Street
Manchester
M1 2FF

Agent (if used)

Mr Mark Percival
Moravian College
14 Fairfield Square
Droylsden
Manchester
M43 6AD

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3a (acoustics), 4a (acoustics external equipment), 5 (servicing), 11 (access) and 12 (details) attached to planning permission 125943/FO/2020

Location: Cheetwood House , Newton Street, Manchester, M1 1FZ

Date of application: 24 July 2020

Application number: CDN/20/0260

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.

acoustics

Condition 3a - Acoustics

Part a) of condition 3 is discharged on the basis that the development is carried out in accordance with Hepworth's Report No: P19-407-R01v1, August 2019.

Access

Condition 11 - Access

Condition 11 is discharged on the basis that the development is carried out in accordance with Architecture M drawing number 402 Rev D and provided an automated door opener/closer is fitted to the door.

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 Ext Equipment

Condition 4a - Acoustics External Equipment

The following information has been submitted under part a) of Condition 4:

Hepworth's Report No: P19-407-R02v1 October 2020;
Mitsubishi document - 'Sound Modes', received by the City Council as local planning authority on 3 March 2021;
Hepworth Acoustics MEMO P20-554-M01v1 dated 5 February 2021, received by the City Council as local planning authority on 3 March 2021; and
Mitsubishi document PURY-P400YJM-A, received by the City Council as local planning authority on 3 March 2021.

Hepworth's Report No: P19-407-R02v1 October 2020 is acceptable for the external equipment proposed for the Greenlab ground floor unit and basement yoga unit.

The Hepworth Acoustics MEMO P20-554-M01v1, February 2021 was submitted for 3no air source heat pumps for the offices (one for each office floor) but the memo does not mention the other plant proposed for the Greenlab ground floor unit and basement yoga unit. An assessment of the cumulative impact of all the equipment operating together is required.

Given the above, the information submitted is insufficient to discharge condition 4a, as the cumulative impact of all the equipment proposed as part of this application operating at the same time has not been assessed. Condition 4a is therefore not discharged.

servicing

Condition 5 - Servicing

The following information has been submitted with regard to condition 5:

Discharge of Planning Conditions Document by Architecture M.

The information specified for Condition 5 in the above document is insufficient to meet the requirements of Condition 5, as it shows servicing taking place from Cavell Street rather than Back Piccadilly as specified in the condition. Condition 5 is therefore not discharged.

Details

Condition 12 - Details

The following information submitted in relation to Condition 12 is acceptable:

Ground Floor Unit:
413 Ceiling Detail
414 Floor Detail;

Stone Facade Detail Dale Street:

The Method Statement contained within Jonny Griffiths' email dated 14 September 2020 is acceptable, but detailed drawings to show the proposal in detail and how the stonework would be detailed, including section drawings showing the proposed jointing, returns etc, are required and have not been provided.

Insufficient/unacceptable information has been submitted in relation to the rest of the building and the requirements of Condition 3.

Given the above, Condition 3 is not discharged.

Date: 18 April 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.