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)
Allied London Properties Ltd C/O Agent	Mr John Cooper Deloitte LLP 2 Hardman Street Manchester M3 3HF

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 11 (premises acoustics - gym) and 16 (plant acoustics - gym) attached to planning permission 103505/FO/2013/C1.

Location: XYZ Building, 2 Hardman Boulevard, Manchester, M3 3AQ

Date of application: 23 May 2017

Application number: CDN/17/0287

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.

External Plant Acoustics (Gym)
Condition 16 - External Plant Acoustics (Gym)

Condition 16 is discharged in relation to external plant noise from the gymnasium air handling unit (AHU) only, on the basis that the proposed plant items comply with the plant noise limits set out in the Acoustic Planning Report Ref: 17016-R02-B, 11 May 2017 by Sandy Brown.

A further application to discharge condition 16 would be required for any other externally mounted plant or equipment relating to other uses within the building.

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.

Gym Premises Acoustics
Condition 11 (Gym Premises Acoustics)

The following information has been submitted and considered in respect of planning condition 11:

Acoustic Planning Report Ref: 17016-R02-B, 11 May 2017 by Sandy Brown.

The assessment in that report has been based on background music only. Confirmation is required that only background music is to be used in the gym areas.

The acoustic report has provided two examples of acoustic floor build up to ensure that noise from the free weights area is suitably controlled to protect the amenity of the users of the office space. Confirmation that the recommended floor build up would be installed in the free weights area and confirmation of which of the two recommendations would be employed is required.

Further information is therefore required before condition 11 can be discharged.

Date: 31 January 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.