

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

**Approval of details reserved by condition**

**Applicant**

Mulbury Homes (Oldham Road) Ltd  
C/o Agent

**Agent (if used)**

Rachel Poole  
Deloitte LLP  
The Hanover Building  
Corporation Street  
Manchester  
M4 4AH

**Part 1 – Particulars of the application/development**

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**Proposal:** Discharge of Conditions 13 (Post Construction Review), 14b (Plant), 15b (Acoustic), and 16b (Noise) attached to Planning Permission 125686/FO/2019

**Location:** Site Bound By Oldham Road To The East, Marshall Street To The North East, Chadderton Street To The North West And Addington Street To The South West, Manchester

**Date of application:** 13 June 2023

**Application number:** CDN/23/0386

**Part 2 – Particulars of decision**

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Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

**Condition 13 ES**

The following information has been submitted in respect of this planning condition:

- Covering Letter received by the City Council, as Local Planning Authority, on the 13 June 2023

The above information has been considered and is acceptable. A post construction certificate will be submitted within 3 months of the first occupation of the development.

Condition 13 is not formally discharged at this stage.

**Condition 14b Plant**

The following information has been submitted in respect of this planning condition:

- Noise Impact Assessment by Environoise Consult, dated 30/3/23 and the proposed plant is shown in Table 1.1 received by the City Council, as Local Planning Authority, on the 15 May and 24 July 2023

- Noise Level Verification by Environoise Consult, dated 24/7/23

The above information has been considered and is acceptable in order to discharge part (b) of this planning condition.

Condition 14b is now formally discharged.

**Condition 15b Noise residential**

The following information has been submitted in respect of this planning condition:

- Noise assessment received by the City Council, as Local Planning Authority, on the 15 May 2023
- Noise Level Verification by Environoise Consult, dated 24/7/23 received by the City Council, as Local Planning Authority, on the 24 July 2023

The above information has been considered and is acceptable. The development shall be carried out in accordance with the above information.

Condition 15b is now formally discharged.

**Condition 16b Noise commercial**

The following information has been submitted in respect of this planning condition:

- Noise Assessment by Environoise Consult, dated 30/3/23 and providing the maximum permissible limits for music noise as set out in Table 1.2 received by the City Council, as Local Planning Authority, on the 15 May 2023
- Noise Level Verification by Environoise Consult, dated 24/7/23.

The above information has been considered and is acceptable on the basis that there is no sound system in place.

In the Noise Level Verification by Environoise Consult, dated 24/7/23, tested pink noise from a loud speaker and based on the levels set out in table 3.3 of this report (same as table 1.2 for part a) of the condition the noise levels are met. However the testing was done using a pink noise through a loud speaker and not the venue sound system (if it is to have one), therefore there is still a risk of structure borne noise transfer to the apartments.

If a sound system is in place (speakers and any mountings) a further report to show that any structure borne noise transfer would still meet the Council's criteria.

Condition 16b is now formally discharged on the basis that no sound system is proposed.

Date: 13 October 2023

Signed:



Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

## Notes

1. This permission refers 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.

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](http://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 his 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.