

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

Partial approval of details reserved by condition

Applicant

NOMA (GP) Ltd
C/o Agent

Agent (if used)

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M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 10 (Plant Noise- Verification) and 13 (Fumes) attached to application ref no 124348/FO/2019 as amended by 130703/JO/2021 and 132281/JO/2021.

Location: New Century House, Corporation Street, Manchester, M60 4ES,

Date of application: 16 June 2022

Application number: CDN/22/0391

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.

Condition 13 (Fumes)

Condition 13 (Fumes): On the basis of ongoing operation and compliance with the following:

- (a) Solution Environmental Services risk assessment Rev 2 stamped as received on 16-08-22;
- (b) NCH_EXTRACTION SYSTEMS CLEANING REGIME stamped as received on 16-08-22;
- (c) Details of PREMIUM BAFFLE FILTER, SITE SAFE CARBON UNITS, CENTRIFUGAL BOX FAN, UV-O ODOUR CONTROL UNITS and ELECTROSTATIC PRECIPITATION (ESP) FILTER as applicable to the above; and

(d) 108 Kitchen Extract Elevations, M10 P2 AC & Ventilation - Basement, M11 P2 AC & Ventilation - Ground Floor, M12 P2 AC & Ventilation - Mezzanine and M13 P2 AC & Ventilation - Schematic

and based on a high level of odour control being installed for the kitchens as set out in the above determined by the risk rating and the filters, ESP and odour control unit above

the condition is discharged

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.

Condition 10 (Plant Noise)

Condition 10 (Plant Noise): On the basis that the following requirement of the condition has not been met through the submitted information:

Prior to occupation of each floor a post completion report to verify that all of the target noise attenuation levels have been met and any potential adverse noise impacts in adjacent buildings arising directly from the plant and equipment within the proposed development have been adequately mitigated, shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme

the condition is not discharged

Date: 31 July 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 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.