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 Shahid Choudhry
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First Floor
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Manchester
M8 8RY

Agent (if used)

Mr Nigel Baxter
26 Deer Hill Drive
Huddersfield
HD7 6LF

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 1 (cyle store) and 2 (acoustic insulation) relating to planning application 114508/P3OPA/2016 (approved under appeal referenced APP/B4215/W/17/3176140)

Location: First Floor , 18-20 Derby Street, Manchester, M8 8RY

Date of application: 6 November 2017

Application number: CDN/17/0695

Part 2 – Particulars of decision (1)

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.

Acoustic Insultation Condition 2
The submitted Acoustic Report is insufficient and lacks the following information requested on the 4th December 2017;

1 . The noise assessment does not appear to have included measurements on Sunday which would be required when considering there are two places of worship in such close proximity to the proposed residential properties. The places of worship are both industrial style premises and unlikely to be acoustically treated for their use as if they were in a residential location. Noise breakout from raised / amplified voices and music has not been considered in the report or noise from congregations arriving to and departing the places of worship or noise from congregations outside the venues.

Sunday's typically experience a reduced background noise level and this is likely in an industrial / commercial area such as Derby Street as the units may not be occupied and there will be an expected reduced traffic flow due to a reduction in deliveries and also staff arriving and leaving. An assessment of the ambient noise on Sunday will be required and the impact of noise from the places of worship be considered.

2. The applicant will need to provide further information on the surrounding noise climate to include the places of worship including their hours and any events that are held during the week night during noise sensitive hours.

3. It may well be that additional insulation measures are required in terms of glazing performance and specification in order to comply with the condition if it is found that the places of worship lead to a greater impact on amenity than already assessed.

4. Are there any external amenity areas or terraces associated with the application? It would not appear so from the drawings provided but if there are, then comment will be required with regard to meeting the criteria in the above condition.

As such, condition 2 cannot be discharged.

Cycle Storage Condition 1
I refer to the information received on the 6th November 2017 by Manchester City Council, submitted in compliance with condition 1 (Bicycle Storage) of planning application reference 114508 . Subject to the works being carried out in accordance with the information provided, condition 1 is discharged.

Part 2 – Particulars of decision (2)

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.

Date: 5 February 2018

Signed: 

Julie Roscoe
Head 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.