MANCHESTER CITY COUNCIL

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

Refusal of details reserved by condition

Applicant

Red Brick I (GP) Ltd & Red Brick I Nominee Ltd
C/o Agent

Agent (if used)

Mr Chris Wilkinson
Avalon Planning and Heritage
The Generator
Kings Wharf
Exeter
EX2 4AN

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 3 (acoustic insulation) attached to planning permission 140070/FO/2024

Location: Chancellors Court, Moseley Road, Manchester, M14 6ZU

Date of application: 18 June 2025

Application number: CDN/25/0571

Part 2 – Particulars of decision

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

Condition 3 - Acoustic insulation
The following information has been submitted in respect of this planning condition:

o NP-012351: Residential Noise Assessment (Prepared by NOVA Acoustics Ltd; Dated 20/03/2025)
o 009568: Dynamic Simulation, CIBSE TM52 Analysis (Prepared by Future Energy Surveys Ltd; Dated April 2025)

All stamped as received by the City Council as Local Planning Authority on 18/06/2025.

The above information has been considered and is not considered to sufficient to discharge this condition 3 (part a & b), see below.

The glazing / passive ventilation proposals in the Nova Acoustics report is considered acceptable in principle, however it is yet to be determined if additional mechanical ventilation will be required in habitable rooms.

Discrepencies between the two reports have been identified. The Nova Acoustics report states that if there is a chance of overheating then they advise that openable windows are not used as the primary source of ventilation. However, the thermal FES report states that "The calculation was undertaken assuming windows would be opened by occupants".

The windows can not be opened to prevent overheating, as the noise levels will be far too high inside the property. The overheating calculation should be revisited and be undertaken with the windows closed to see if mechanical ventilation is needed in the habitable rooms and not just in the bathroom and kitchen.

Until such time that satisfactory details to address the above points are submitted and agreed by the City Council as Local Planning Authority, condition 3 part a & part b cannot be discharged.

Date: 22 July 2025

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.