

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

Refusal of details reserved by condition

Applicant

Mr Siddiq Horia Kheil
251 Charlestown Road
Manchester
M9 7BD

Agent (if used)

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12 Winsham Grove
Birmingham
B21 0QH

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 6a (External plant) and 7a (Acoustic Insulation) attached to planning permission ref: 138572/FO/2023

Location: 251 Charlestown Road, Manchester, M9 7BD

Date of application: 19 June 2024

Application number: CDN/24/0547

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 6a (External Equipment)

The Braiden Acoustic assessment has included a background noise assessment and provided plant noise limit of 41dB which is accepted. The plant has still yet to be selected and an indicative assessment of the wall vent has been included which suggests compliance with the criteria with the addition of a specific silencer recommended within the report. This will need to be updated once any extraction equipment has been selected and the details provided to the consultant for review. The assessment will need to include a rating table with calculations of noise level of the equipment (cumulative if more than 1 item) and reductions used for distance, any mitigation measures, the inclusion of any feature correction penalties where applicable and the resultant rating at the nearest noise sensitive receptor (the windows of the premises above). It has been suggested that calculations have been provided in the appendix for the indicative fan, but this doesn't seem to be in the report.

Until such time that the above details are submitted and agreed by the City Council as Local Planning Authority, condition 6a cannot be discharged.

Condition 7a (acoustic insulation)

The actual equipment has still not yet been selected but the assessment has been based on an indicative equipment selection of 6 tumble dryers and 5 washing machines found in a similar facility. The assessment will need to be revised once the actual type, model and number of tumble dryers and washing machines has been selected and the acoustic data is available. The revised assessment will need to provide the cumulative noise level of all the equipment in operation and also include breakout details with doors open, as quite often premises of this nature operate with doors open for ventilation.

Section 5.2.2.1 of the submitted assessment has provided indicative recommendations for the necessary acoustic upgrades to the separating ceiling. This will need to be revisited and updated once the actual equipment and number has been confirmed and the final cumulative noise level assessment has been undertaken and if there are revised recommendations with regard to the internal acoustic ceiling upgrade/treatment if required

Until such time that satisfactory details to address the above points are submitted and agreed by the City Council as Local Planning Authority, condition 7a cannot be discharged.

Date: 12 August 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.