

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

**Approval of details reserved by condition**

**Applicant**

Mr Sabeel Sharif  
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Oldham  
OL9 7LH

**Agent (if used)**

Mr Steven Winterbottom  
Nicol Thomas  
Heyside House  
Blackshaw Lane  
Oldham  
OL2 6NS

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

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**Proposal:** Discharge of planning conditions 6 (Acoustic Treatment), Condition 7 (Plant), Condition 8 (Air Quality Filtration) attached to planning permission 124656/FO/2019

**Location:** India House, 75 Whitworth Street, Manchester, M1 6HB

**Date of application:** 5 September 2022

**Application number:** CDN/22/0628

**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 6 Acoustics**

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

INDIA HOUSE, MANCHESTER Pre-Commencement Noise Impact Assessment  
Prepared for: The Guinness Partnership Client Ref: 05769.  
Pre-Commencement Noise Impact Assessment Filename: 425.05769.00008\_India House - Pre-Commencement Noise Impact Assessment\_v2 SLR Ref No: 425.05769.00008 April 2023.

Condition 6 (a) is now formally discharged on this basis.  
However part (b) of condition 6, as set out below, remains to be complied with.

b) Upon completion of the development and before any of the apartments are first occupied, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall give the results of post-completion testing to confirm that the required internal noise criteria is met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the noise criteria. The report and any necessary measures shall be approved in writing by the City Council as

Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the development is first occupied.

Reason - To ensure an acceptable development in the interests of residential amenity, pursuant to policy DM1 of the Core Strategy.

#### **Condition 7 Plant**

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

Specification sheet THE Q-AIRE RANGE received by the City Council 5 Sept 2022.

Condition 7 (a) is now formally discharged on this basis.

However part (b) of condition 7, as set out below, remains to be complied with.

b) Upon completion of the development and before any of the external plant is first operational, a verification report will be required to validate that the work undertaken throughout the development conforms to the above noise criteria. The report shall give the results of post-completion testing to confirm that the proposed noise limits are being achieved once the plant and any mitigation measures have been installed. Any instances of non-conformity with the above criteria shall be detailed along with any measures required to ensure compliance. The report and any necessary measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the plant is first brought into use.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

#### **Condition 8 Air quality**

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

Document titled: PROPOSED COVERSION AND CHANGE OF USE OF EXISTING GROUND FLOOR ACCOMMODATION AT INDIA HOUSE, WHITWORTH STREET, MANCHESTER M1 6HB Planning Approval; Reference: 124656/FO/2019 Condition 8.

Drawing numbered: 5042-KGA-00-B1-DR-M-101.

NuAire specification sheet 09. 12. 21. Document Number 671811.

All received by the City Council 5 September 2022.

Condition 8 is now formally discharged on this basis.

Date: 20 April 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.