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

St James Estates Ltd
C/o Agent

Agent (if used)

Fraser Dann
WSP
3 White Rose Office Park
Leeds
LS11 0DL

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 3b (Noise Verification) attached to previously approved planning application 122770/P3OPA/2019

Location: 11 St James Square, Manchester, M2 6DN

Date of application: 24 March 2021

Application number: CDN/21/0239

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.

C3b - Noise Verification
Information has been submitted pursuant to the discharge of Condition 3(b) as attached to development consented under 122770/P30PA/2019. The information consists of:

- Covering Letter prepared by WSP (Reference 62262149 dated 24 March 2021) - Received 24 March 2021
- Acoustic Report prepared by Wardell Armstrony (Reference 0007 VO.1 dated 23 March 2021) - Received 24 March 2021

The submitted information has been considered by Manchester City Council as Local Planning Authority. It is not considered that the information provided is sufficient to allow the discharge of Condition 3(b) for the following reasons:

1. The measurements undertaken demonstrate that the internal noise criteria has not been met and the noise levels inside the properties exceed the criteria.

2. It has been indicated in the report that reason for the exceedance are due to building service plant, ventilation systems and noise from adjacent occupied apartments.

3. The properties should not be occupied as the noise condition hasn't been discharged and if the building owner was prepared to risk letting people move in, the noise survey should have been undertaken prior to them becoming occupied.

4. Building services plant and ventilators servicing the studios should have been assessed as part of the noise assessment. Plant should have been designed so not to exceed the internal noise criteria when in full operation so clearly these will require further acoustic insulation measures which will need to be recommended and complied with followed by further noise assessment.

5. Comments and Assessment of noise or vibration from the Metrolink line has not been included within the validation report which will be required to address that part of the condition

6. The report should include the details of the noise mitigation measures initially recommended such as glazing specification and construction requirements and any ventilation specification and assessment to confirm any previous recommendations have been checked and complied with.

7. It has been recommended in the report that further noise measurements are undertaken when typical activities resume following Government restrictions. The noise levels during these time are likely to be higher as it is likely that there will be increased traffic noise and pedestrian noise externally so I expect this will only demonstrate greater exceedance in the properties.

8. However, I would agree that further assessment is required to determine the actual noise level in the apartments during more normal noise levels. As discussed in point 7, this may require additional acoustic insulation measures for glazing, facade works and services / ventilation insulation.

9. The updated report needs to include further assessment of the western façade elevations as this facade experiences the greatest noise level. Therefore, access needs to be made available for the acoustic consultant to fully assess this facade.

10. The updated assessment needs to include all studios tested for the purposes of the submitted validation report for consistency. However, as there has found to be an exceedance, additional apartments should also be tested. Only 1st and 2nd floor studios appear to have been tested for validation purposes so studios on the 3rd and 4th floor should also be included in the updated assessment especially as building services ventilation plant may be also be contributing to an exceedance in these apartments.

11. Now the building is occupied it is going to be very difficult to assess the apartments without contributing noise from occupiers of other apartments so details of how this will be overcome needs to be submitted. Will the owner of the building request the studios are vacated to allow thorough sound testing

12. We will need to agree a date in which the additional sound testing is to be completed by and submitted to MCC for review along with a date for any additional

acoustic insulation / mitigation measures that may need implementing to be complied with and further verification.

As the submitted information is inadequate, Condition 3(b) Noise Verification is not discharged.

Date: 3 August 2022

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.