

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

Refusal of details reserved by condition

Applicant

Mr Suhail Sharief
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Manchester
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Application to discharge condition no. 3 (acoustic insulation) attached to planning permission 131865/FO/2021

Location: 704 Wilmslow Road, Manchester, M20 2DW

Date of application: 3 March 2022

Application number: CDN/22/0132

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 requested on 3 March 2022 has not been provided:

-The noise report does not provide any of the noise data from the background noise monitoring survey. You have stated that the lowest background noise level is the typical background noise level they are using in your calculations. The Manchester City Council noise guidance

https://www.manchester.gov.uk/downloads/download/5199/information_for_developers asks that the lowest statistical average of the noise levels (see appendix a) be used to calculate the typical background noise level. In this instance you have gone for the lowest background noise level, which will mean that the level that needs to be achieved by the extraction system may be lower than if the statistical average was used.

-You have proposed a scheme for reducing the noise levels from the extraction system, and has given approximate levels of attenuation for each of the proposed mitigating measures. The Council will need full details of the actual equipment / mitigating measures that are being installed and you will need to use the manufacturers data to

calculate the potential noise levels nearest noise sensitive receptors. We will need schematic and elevational drawings for the proposed scheme.

As the submitted information is inadequate Condition 3 Acoustic Insulation is not discharged.

Date: 6 July 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.