

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

Partial approval of details reserved by condition

Applicant

Dhd & Co
296 Barlow Moor Road
Manchester
M21 8HA

Agent (if used)

Mr Saghir Hussain
Create It Studio Architects
Universal Square
Devonshire Street North
Manchester
M12 6JH

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 3 (materials), 6 (commercial insulation), 7 (residential insulation), 8 (external plant) and 9 (air filters) attached to planning permission 131616/FO/2021

Location: 296 - 298 Barlow Moor Road And 651 Mauldeth Road West, Manchester, M21 8HA

Date of application: 19 April 2022

Application number: CDN/22/0247

Part 2 – Particulars of decision (1)

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

Condition 3 Materials

I can confirm that the materials shown on the materials schedule reference A1341-Z100-A-01 are acceptable and subject to the development being constructed using these materials Condition 3 Materials is discharged.

Condition 9 Air Filters

Based on the recommendations contained in the letter from Redmore Environmental reference 5002c, dated 26 January 2022 I can confirm that air filters are not required and that Condition 9 Air Filters is therefore discharged.

Part 2 – Particulars of decision (2)

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

Condition 6 Commercial Insulation

Section 9 of the Lighthouse Acoustic report gives detailed sound insulation measures that should be employed if the unit is to be a bar / restaurant with music playing. These measures should be implemented (should this be the usage of the second unit) and a verification report will be needed to ensure that the MCC noise criteria are met in the adjoining residential units. The Sound Limiting Device mentioned in the report can be used by the tenant of the unit should they choose, but the MCC noise criteria should be met by good structural design and adequate insulation. Accordingly Condition 6 Commercial Insulation is not discharged.

Condition 7 Residential Insulation

If the windows have to be closed for the residential units to comply with the MCC noise criteria the mechanical ventilation systems will need to be fitted. The applicant will need to submit details of the proposed mechanical ventilation and demonstrate that when they are operating, the internal noise criteria will still be met. All glazing / trickle ventilators and mechanical ventilation should comply with the recommendations of the Lighthouse Acoustics noise report number 0924/APR1. Post completion testing will be required to ensure the MCC noise criteria are being met. Accordingly Condition 7 Residential Insulation is not discharged

Condition 8 External Plant

The Council will need to see the details of the proposed plant once it has been selected, along with calculations demonstrating whether it complies with the MCC noise criteria. Accordingly Condition 8 External Plant is not discharged.

Date: 10 June 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.