MANCHESTER CITY COUNCIL

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

Partial approval of details reserved by condition

Applicant

Mr Jacob Knox
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (CMP), 4 (Materials) and 5 (acoustics) pursuant to planning permission 139981/FO/2024

Location: 5 - 7 Byrom Street, Manchester, M3 4PF

Date of application: 28 August 2024

Application number: CDN/24/0820

Part 2 – Particulars of decision (a)

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.

CMP
This condition is discharged on the basis the development is complete.

Materials
The following information has been submitted in regard of condition 4 (Materials) attached to 139981/FO/2024:

-Supporting Information MATERIALS (The air bricks were removed from the approved plans under 141332/NMC/2024)

The submitted information is considered acceptable and condition 04 attached to Application ref. 139981/FO/2024 is hereby discharged provided the development is carried out in accordance with the above information.

Part 2 – Particulars of decision (b)

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.

Noise
Condition 5(Acoustic) cannot yet be discharged as insufficient information has been provided. The following is outstanding:

It has been confirmed that the criteria has been met at the residential / hotel receptor. However, the assessment has found that the noise level at the neighbouring commercial building is 62dB and far in excess of the criteria and well above the measured background noise level used in the assessment of 50dB. The criteria still needs to be met at the commercial receptor as the intention of the condition is also to prevent a general increase in noise in the area so we cannot discharge the condition until mitigation measures have been recommended and implemented to control the noise level.

We can possibly look to agree a relaxed criteria of equal to background as a means of compromise in this instance but we wouldn't be able to discharge the condition or approve the plant operating above the background noise level.

We will need a scheme of mitigation recommending with an updated assessment to demonstrate that the proposed mitigation is sufficient to reduce the noise level at the receptor in line with at least the above relaxed criteria. Once agreed and installed, an updated validation assessment will be required to confirm the mitigation measures have been implemented and the noise level has been controlled to not exceed the LA90 at the commercial receptor.

Date: 5 December 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.