

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

Refusal of details reserved by condition

Applicant

Miss Shannon Cooke
Kellen Homes
105 Birchwood Park
Warrington
WA3 6YF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 18b (acoustic insulation) (Phase 1 of the development) attached to planning permission 138788/FO/2023.

Location: Land At Mount Road, Manchester, M18 7QR

Date of application: 4 December 2025

Application number: CDN/25/1154

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 no.18b- Acoustic insulation

The content of the following documents has been reviewed.

- Post Completion Noise Testing and Verification Report - Plots 2,4,6,7,92,93 and 94 ref: 50-710-R4-2 dated October 25.
- Post Completion Noise Testing and Verification Report - Plots 91,100 and 107 ref: 50-710-R3-1 dated October 25.
- Post Completion Noise Testing and Verification Report - Plots 95,98,99, 102 and 128 ref: 50-710-R2-1 dated October 25.
- Post Completion Noise Testing and Verification Report - Plots 1,12,13,14,15,16 and 104 ref: 50-710-R5-1 dated November 25.
- Post Completion Noise Testing and Verification Report - Plots 3,5, and 96 ref: 50-710-R6-1 dated December 25.

Received 4th December 2025

- Technical Note on noise from ventilation by e3p dated 12th January 2026
- Email from applicant dated 26th January 2026
- Part O - Overheating summary report ref: 240212 c dated 23.09.2024, and Rooms with fans spreadsheet received 11th February 2026, together with the content of the email from applicant dated 26th January 2026.

It is considered that insufficient information has been provided to enable the discharge of condition no.18b for Phase 1 of the development. This is due to the levels of noise from the bedroom fans.

Other options should be considered, such as these fans either being replaced with quieter units, or alternatively a comprehensive overheating/noise assessment should be undertaken in accordance with the Acoustics Ventilation And Overheating Residential Design Guide published by the Association of Noise Consultants and Institute of Acoustics (January 2020 Version 1.1).

Date: 20 February 2026

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.