

17 January 2025

Delivered via Planning Portal

Angela Leckie
Manchester City Council
Town Hall
PO Box 488
Manchester
M60 2JT

Dear Angela

**DISCHARGE OF PLANNING CONDITIONS 15B, 17, 18 AND 19 PURSUANT TO PLANNING PERMISSION
127317/FO/2020, LAND AT NO.2 HEYROD STREET, MANCHESTER, M1 2WW**

On behalf our client, Shoalter Automation (UK) Limited ('the applicant'), an application to discharge Conditions 15b (Acoustic Insulation – Ground Floor Commercial), 17 (Acoustic Insulation), 18 (Opening Hours) and 19 (Ventilation) pursuant to the above planning permission at No. 2 Heyrod Street, Manchester has been submitted via the Planning Portal (ref: PP-13610570).

The application is proposing to occupy Unit 1A of the ground floor commercial units. The information submitted with this application relates to Unit 1A only.

The application comprises the following information:

- Completed Application Forms
- This Covering Letter
- Acoustic Review (doc ref. R2336-REP01D-SJW), prepared by Red Acoustics Limited associated to condition 17

The requisite fee of £145.00 has been paid via the Planning Portal.

Background

As Manchester City Council is aware, planning permission was granted for the redevelopment of the land at Heyrod Street, including the demolition of the existing building and the construction of residential apartments with ground floor commercial space (LPA ref. 127317/FO/2020). The full wording of the approved development is as follows:

Level 5 Transmission
6 Atherton Street
Manchester
M3 3GS

T 0161 233 7676 turley.co.uk

“Erection of a part 25 part 21, part 14, part 7 storey building for 352 apartments comprising 39 Studios, 77x 1 bed, 227 x 2 bed and 9 x 3 bed (Use Class C3) with ground floor commercial space within 4 units (494m²) for Class A1 (Shop), A2 (Financial and Professional Services) A3 (Café and Restaurant), A4 (Drinking Establishment), A5 (Hot Food Take Away), B1 (Office) and D1-D2 uses, ancillary indoor and outdoor amenity space (including 1st and 21st floor external areas) car 2 parking for 20 vehicles, cycle parking and associated hard and soft landscaping works, following demolition of existing buildings.”

This permission relates to the redevelopment of land at Heyrod Street, which comprises Plot D of the Portugal Street East (“PSE”) Strategic Regeneration Framework (“SRF”) area located within Manchester City Centre. The development will offer a high-specification residential led ‘build-to-rent’ scheme, complemented by ground floor commercial space and internal and external amenity space.

Furthermore, the applicant has secured the discharge of a number of conditions attached to the consented scheme (LPA ref. 127317/FO/2020). Please see below for a summary of discharged conditions

Condition	Application Number	Date of Decision Notice
3a	CDN/21/0379	15 th October 2021
3b	CDN/21/0379	15 th October 2021
3c	CDN/22/0658	Partial Discharge – 22 nd December 2022
	CDN/23/0382	26 th July 2023
4	CDN/21/0242	19 th August 2021
5	CDN/21/0522	16 th September 2021
6	CDN/21/0522	16 th September 2021
8a	CDN/21/0242	19 th August 2021
	CDN/21/0558	13 th October 2021
	CDN/21/0864	16 th December 2021
8b	CDN/24/0202	10 th May 2024
9	CDN/21/0242	19 th August 2021
9 (Parts 2-6)	CDN/24/0431	01 st July 2024
10	CDN/21/0379	15 th October 2021
11	CDN/21/0242	19 th August 2021
	CDN/22/0606	02 nd December 2022
11a	CDN/22/0642	02 nd December 2022
11b	CDN/22/0642	02 nd December 2022
11c	CDN/22/0642	02 nd December 2022
11d	CDN/22/0642	02 nd December 2022
11e	CDN/21/0708	21 st December 2021
11f	CDN/22/0642	02 nd December 2022

Condition	Application Number	Date of Decision Notice
11g	CDN/22/0642	02 nd December 2022
11h	CDN/22/0642	02 nd December 2022
12	CDN/21/0708	21 st December 2021
13	CDN/24/0136	Refused – 17 th April 2024
	CDN/24/0345	28 th May 2024
14	CDN/24/0048	20 th February 2024
	CDN/24/0722	28 th August 2024
15a	CDN/24/0048	20 th February 2024
	CDN/24/0406	28 th May 2024
16	CDN/21/0867	Partial Discharge – 30 th March 2022
	CDN/24/0048	Partial Discharge – 20 th February 2024
	CDN/24/0136	Refused – 17 th April 2024
	CDN/24/0345	28 th May 2024
16a	CDN/21/0379	15 th October 2021
17	CDN/21/0379	15 th October 2021
21	CDN/21/0558	13 th October 2021
22a	CDN/21/0242	19 th August 2021
22b	CDN/24/0402	28 th May 2024
24	CDN/23/0835	20 th December 2023
35	CDN/23/0197	8 th June 2023
36	CDN/24/0402	28 th May 2024
38a	CDN/21/0379	15 th October 2021
38b	CDN/24/0136	26 th February 2024
39	CDN/24/1151	Pending Determination

DISCHARGE OF CONDITIONS

Condition 15b (Acoustic Insulation – Ground Floor Commercial)

Condition 15 states:

“Prior to occupation of

(a) The residential accommodation; and

(b) The ground floor commercial unit

a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with the development to ensure that it achieves a background noise level of 5dB below the

existing background (La90) at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.”

The applicant confirms there will be no air conditioning installed within the ground floor commercial unit 1A, so no condenser or any externally mounted ancillary equipment will be associated with this aspect of the development. As such, this condition is not relevant to Unit 1A.

Condition 17 (Acoustic Insulation)

Condition 17 states:

“Before the development commences a scheme for acoustically insulating the ground floor commercial to ensure that there is no unacceptable level of noise transfer from the ground floor uses to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.”

It is noted that a previous condition discharge application was approved to discharge the first part of condition 17 (LPA ref. CDN/21/0379) with the Noise and Vibration Assessment Report, prepared by Hydrock (doc ref. 15429-HYD-XX-XX-RP-1001-P01). The mitigation measures recommended in the aforementioned report is to limit night-time operations (i.e. 11pm – 7am) in commercial premises. However, Unit 1A intends to operate as a convenience store with a business model to run 24 hours per day, 365 days a year. It is not possible to undertake the mitigation measure recommended in the approved Report; this application seeks to discharge condition 17, alongside with the submission of an updated Acoustic Report, tailored to retail Unit 1A.

The enclosed Acoustic Report, prepared by Red Acoustic Ltd (Ref. R2336-REP01D-SJW), clarifies that because the use of the Unit 1A will not be an entertainment noise space, it is not required to achieve a background noise level of 5dB below the existing background noise (La90) at the nearest noise sensitive location. It hereby recommends the following target acoustic criterion, in respect of each noise sensitive location:

- Adjacent Residential Habitable Space's $\leq$ NR10 Lfeq
- Adjacent Restaurant Unit $\leq$ NR30 Lfeq
- Adjacent Gym Unit Yoga Studio $\leq$ NR25 Lfeq

The suggested mitigation to be incorporated into Unit 1A to achieve the above levels includes:

- Vibration Isolation of the Replenishment Curtain and Associated Fixings, which consists of:
 - Fixing of any guide rails and motor housing on resilient pads or springs with a maximum natural frequency of 15Hz and provision of all screws/ bolts with rubber or neoprene sleeves.
 - Fitting of resilient sleeves to all connections, including cabling and pipework, which pass through or are attached to walls, beams or floors and dealing of all gaps with acoustic mastic.
 - Fitting of a rubber or neoprene strip to the bottom of the door to reduce impact noise on closure.
 - Fitting the motor unit with an acoustics enclosure.
- Requiring walls and soffit within Unit 1A to be lined with 12.5mm Wallboard Fixed using a GypLyner wall lining system with 25mm insulation in the cavity, and using an MF Support system with 100mm insulation in the cavity, respectively.

Condition 18 (Opening Hours)

Condition 18 states:

"Before any use of the ground floor commercial uses hereby approved commences details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition."

Unit 1A of the Castings will be used as a convenience store and will operate 24 hours per day, 365 days a year.

Condition 19 (Ventilation)

Condition 19 states:

"Final details of the method of extraction of any fumes, vapours and odours from any kitchen within the ground floor commercial unit shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation."

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance or documents

which supersede this guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.”

Condition 19 is not applicable to Unit 1A as there will be no kitchens proposed within the unit.

In reviewing the information detailed above, I trust you have all the information that you require to validate this application and approve the details associated with Unit 1A for the discharge of Conditions 15b (Acoustic Insulation – Ground Floor Commercial), 17 (Acoustic Insulation), 18 (Opening Hours) and 19 (Ventilation) pursuant to planning permission 127317/FO/2020. However, should you require any further information, please do contact my colleague Amy Gaskell (amy.gaskell@turley.co.uk).

Yours sincerely



Melissa Lee Wing Tung
Assistant Planner