

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

Refusal of details reserved by condition

Applicant

Jacksons Row Developments Limited
C/o Agent

Agent (if used)

Mrs Nikki Sills
Zerum
South Central
11 Peter Street
Manchester
M2 5QR

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 8 (Acoustic insulation residential) attached to application ref no 135827/JO/2022 (as amended by 133317/NMC/2022, 134638/NMC/2022 and 135828/NMC/2022)

Location: No 2 St Michaels , Jacksons Row, Manchester, M2 5GU

Date of application: 17 November 2023

Application number: CDN/23/0788

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 8 Acoustic Residential

The following information has been submitted in respect of this planning condition:

- Noise Insulation Scheme Report, prepared by Jameson Acoustic received by the City Council, as Local Planning Authority, on the 17 November 2023

The above information has been considered.

Correspondence was sent to Zerum on the 7 December 2023 requesting the following outstanding information:

- An additional background noise survey has been undertaken and used to inform the facade specification for the residential and hotel units. Whilst we can accept the majority of the survey, comment has been included in the report to advise that music noise breakout from Albert Hall has not been included in the assessment at the request of the developer as they intend to address this at source. I am not sure how the developer intends to address this at source but this is not acceptable and the assessment to

determine the required insulation scheme to meet the condition criteria will need to include Albert Hall as an existing noise source as part of the assessment and factored into the insulation scheme requirements.

- The assessment includes the acoustic performance requirements of the full façade framed system (glass, frame, seals, spandrel panels, gaskets, opening panes/doors, etc. not just the glass) but this will need to be revised once point 1 above has been addressed and noise from the Albert Hall venue has been included in the assessment.
- We will need assessment and insulation requirements of any façade penetrations such as ventilation grilles or air intakes etc to ensure these penetrations do not compromise the acoustic integrity of the building which may impact the assessment and allow for noise break-in which could lead to an exceedance of the internal noise criteria.
- Details of the proposed residential apartment ventilation system will need to be provided and assessment along with insulation requirements recommending to ensure that when in full use, including during any boost function, the ventilation system does not exceed the internal noise criteria.
- We still need an AVO assessment to address the potential for overheating in the residential apartments, especially as the internal noise criteria cannot be achieved with windows open and recommendations providing where required.

No response has been received to date.

Condition 8 is not formally discharged for phase 3.

Date: 5 February 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.