

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

**Refusal of details reserved by condition**

**Applicant**

Mr James Nichols  
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**Agent (if used)**

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**Part 1 – Particulars of the application/development**

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**Proposal:** Discharge of Conditions 8 (Acoustic Requirements), 9 (Externally Mounted Plant Details) and 12 (Air Quality Mitigation) of planning permission ref: 129082/FO/2021.

**Location:** 16, 20 And 24 Kennedy Street, Manchester, M2 4BY

**Date of application:** 25 June 2021

**Application number:** CDN/21/0476

**Part 2 – Particulars of decision**

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

**Acoustic Requirements**

Condition 8 (Acoustic Requirements) cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

**Level 1 Event Space**

Internal noise limits and glazing (including frame and components) performance have been provided for the level 1 event space with restrictions in the low frequency range (63Hz and 125Hz). Windows are to remain closed in this space so the applicant will need to confirm compliance and how this will be managed (i.e. sealed windows). If the glazing and framing system recommended cannot be installed then an updated memo will be required with the internal noise limits reviewed and updated assessment with the revised glazing / framing construction to be installed.

Any penetrations to the building for mechanical ventilation intake / extracts in this space will need assessment and any necessary acoustic insulation performance specifying to prevent noise break out from these areas and to maintain the external noise limits.

We will also require confirmation there any no external doors or doors leading to any external areas from the event space. if there are, then lobbied door set will be required to ensure noise criteria is not exceeded when doors are opened for access or egress and performance requirements specifying

Internal acoustic treatment has been proposed in the level 1 immersive space, is there any internal treatment required for the event space other than glazing and frames?

Details of how the internal noise level will be set and subsequently controlled will be required

It is possible that due to the stage of design the noise limits may need amending but this can be confirmed later in the design or at validation stage

### Level 1 Immersive Media space

Internal acoustic treatment has been recommended based on an independent lining with the following construction and acoustic insulation requirements: independent lining should be formed from 2 x 12.5 mm plasterboard with 25 mm mineral fibre insulation within a 75 mm cavity (overall construction zone 100 mm). There should be no rigid connections between the lining and the perimeter walls. However, internal noise limits do not appear to have been specified. We will require internal noise limits providing to demonstrate how the criteria will be met and once agreed the applicant will need to confirm compliance with the insulation recommendations

Details of how the internal noise levels from events, gaming equipment, amplification from music / voices / microphones during product launches etc will be controlled to not exceed the internal criteria once specified and agreed.

We will also require confirmation there any no external doors or doors leading to any external areas from the event space. It is assumed not as it is referred to as level 1 if there are, then lobbied door set will be required to ensure noise criteria is not exceeded when doors are opened for access or egress and performance requirements specifying If the window in this space is to be retained then secondary glazing will be required in compliance with the performance, specification and construction requirements recommended in the report.

Any penetrations to the building for mechanical ventilation intake / extracts in this space will need assessment and any necessary acoustic insulation performance specifying to prevent noise break out from these areas and to maintain the external noise limits

### Roof Terrace / Event space

Comment has been provided with regard to music noise levels in the roof terrace including retractable roof and open spaces. We would not look to support any sort of music or use of speakers in an open space or in an external terrace particularly on the roof in this location. As explained in our original comments, we wouldn't be looking to support an open external space in this location regardless of music due to the close proximity of existing noise sensitive residential premises. My original comments are repeated below for ease of reference with regard to the external terrace:

An external roof terrace on the 4th floor forms part of the application which is proposed to include to live, recorded and DJ led music. Unfortunately, we cannot support an external roof terrace in this location, especially one that is to host events and include

music of any kind and we would recommend this element of the application is refused. As previously stated, there are noise sensitive residential properties approximately 15 metres away facing the site which rely on natural ventilation. Any noise from music or noise from patrons such as laughter or raised voices which cannot be controlled is likely to be audible to these residents, especially during the warmer months when their windows will be open and the terrace is likely to be fully occupied. In order to protect the amenity of these residents, we recommend the external terrace be refused.

Other

The performance of the sky lights over 16 Kennedy Street have been recommended in the report along with the performance of any external doors and the applicant will need to confirm compliance with the recommendations. Further comment is required to confirm whether the external doors will lead from any of the event spaces or areas where events or music is proposed. If this is the case then lobbied door sets will be required to ensure noise break out is controlled during access or egress with performance and specification of the lobbied doors specifying

### **Condition 9 - External Plant**

Condition 9 - External Plant cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

1. The Plant noise limits need to include the limits at the residential receptors in the Chambers building at 2-6 Booth Street and the nearby offices and will need to be included as part of the final assessment
2. Emergency plant criteria has been specified which we can accept although we will require a management plan for emergency plant testing to include recommended times, days, duration and how nearby receptors will be notified
3. Any kitchen extraction plant will need to be included in the assessment and cumulative rating once at that stage
4. Will there be a plant screen for the roof mounted equipment? We will need performance, materials and construction requirements providing. Will the screen remove line of sight from nearby receptors?
5. Low level louvred plant extract or intakes should not be considered for this location due to the street layout and history of complaints from this type of equipment as explained in our original comment/memo
6. The plant is yet to be selected so the above comments need to be addressed in the full plant assessment when the equipment has been selected and details made available to the consultant.

### **Condition 12 AQ**

Condition 12 Air Quality cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

We will need details of the clean air filters/ intakes to be installed which should include their location on the building (needs recommending by the consultant) the type, specification and maintenance requirements including inspection and replacement frequencies and whose responsibility this will be. Also details of how these maintenance

and specification requirements will be upheld should the building management or building owner change in the future.

Date: 6 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](http://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.