

26 August 2020

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Dear Angela,

Circle Square, Oxford Road, Manchester – Application for Non-Material Amendments to Planning Permission for Plot 14 (Ref: 125554/JO/2019)

On behalf of our client, Bruntwood Ltd, we hereby submit an application under Section 96(a) of the Town and Country Planning Act 1990 in order to make a Non-Material Amendment (“NMA”) to Planning Permission 125554/JO/2019.

The Site

The Site comprises Plot 14 of the Circle Square masterplan, bounded by Plot 12 and Cloak Street to the north, Princess Street / A34 to the east, Manchester Technology Centre (Oxford House) to the west and Mancunian Way to the south. The wider Circle Square masterplan is to the northwest.

Planning History

On 18 November 2016 Planning Permission was granted on Plot 14 of the Circle Square Masterplan for a multi-storey car park and hotel development (113832/FO/2016).

Since approval, Plot 14 has been subject to a number of approved amendments, including approved NMA applications Ref: 118838/NMC/2018 and Ref: 122080/NMC/2018 for changes including the removal of the ground floor commercial unit and an increase in the number of hotel rooms proposed.

On 25 February 2020, Minor Material Amendment (“MMA”) Ref. 125554/JO/2019 was approved under Section 73 of the Town and Country Planning Act 1990 (“MMA”). The approved description of development is as follows:

“S73 Minor material amendment application to variation of condition 2 attached to application reference no. 113832 (as amended by application ref no's 118838 and 122080) to amend the detailing of the hotel facade and lift over-runs and to amend conditions to reflect those previously discharged.”

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This NMA application is submitted pursuant to Planning Permission 125554/JO/2019. Full details of the proposed amendments are set out in this covering letter.

The Description of the Non-Material Amendment, as stated on the application form is set out below:

“Rewording of condition 8 (secured by design) and the removal of condition 18 (operating hours), condition 19 (signage, layout and design strategy) condition 26 (extraction), condition 27 (acoustic), condition 31 (air quality) and condition 32 (refuse).”

Pre-application Consultation

The approved development on the Site was subject to a comprehensive process of public and stakeholder engagement, including engagement with Historic England, Places Matter!, the Environment Agency, Greater Manchester Police, local businesses and residents, and local Ward Councillors.

This application is submitted following ongoing consultation with the Local Planning Authority, between July 2019 and April 2020. It has been agreed with officers that all of the changes proposed could be progressed as an NMA to the existing permission, and the requirements for supporting information were agreed during the pre-application discussions.

Non Material Amendments to the Approved Development

Removal of Conditions

This application requests the removal of six conditions attached to Planning Permission Ref. 125554/JO/2019. In each case, either the required information was submitted and approved under the original application (Ref. 11832/FO/2016); or the information required to fulfil the condition relates to the ground floor commercial unit which was removed by the NMA application (Ref. 118838/NMC/2018) approved in January 2018. These amendments were made prior to the MMA (Ref. 125554/JO/2019) approved in February 2020. Further information is contained within the table below.

Table 1.1: Condition, Condition Wording and Reason for Removal

Condition		Condition Wording (125554/JO/2019)	Reason
18	Operating Hours	<i>Before any use hereby approved commences, within each of the ground floor units; details of the proposed operating 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.</i>	The ground floor commercial unit proposed in the original permission was removed by a subsequent NMA application (see application ref: 118838/NMC/2018), approved 22 January 2018. As such the required information set out in this condition is no longer necessary or relevant.

Condition	Condition Wording (125554/JO/2019)	Reason
19	Signage, Layout and Design Strategy – Commercial Units <i>In relation to the commercial units the following details shall be submitted and agreed in writing before first occupation of the units:</i> <i>(a) a signage strategy;</i> <i>(b) a layout and design strategy for any outside furniture and associated fixtures and fittings;</i>	The ground floor commercial unit proposed in the original permission was removed by a subsequent NMA application (see application ref: 118838/NMC/2018), approved 22 January 2018. As such the required information set out in this condition is no longer necessary or relevant.
26	Method of Extraction – Commercial Units <i>Final details of the method of extraction of any fumes, vapours and odours shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of each use / ground floor A3 / A4 unit 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.</i>	The ground floor commercial unit proposed in the original permission was removed by a subsequent NMA application (see application ref: 118838/NMC/2018), approved 22 January 2018. As such the required information set out in this condition is no longer necessary or relevant.
27	Acoustic – Commercial Units <i>The Commercial Units shall be acoustically insulated in accordance with the Recommendations in Noise Impact, Phase 1B Circle Square dated September 2016 by Fisher Acoustics with the implementation of these approved works to be confirmed within a Verification Report to be submitted to and approved in writing by the City Council as Local Planning Authority prior to occupation of any part of the development. The approved measures shall remain in situ whilst the use or development is in operation. For the avoidance of doubt any changes to the approved the structure are prohibited at any time without written approval of the planning authority.</i>	The ground floor commercial unit proposed in the original permission was removed by a subsequent NMA application (see application ref: 118838/NMC/2018), approved 22 January 2018. As such the required information set out in this condition is no longer necessary or relevant.
31	Air Quality Impact Assessment <i>An air quality impact assessment for the development shall be submitted to and approved in writing by the City Council as local planning authority.</i>	We request this condition is deleted as the required information was provided, and approved with the original application. This information is included within the following documents submitted in support of the original planning application (113832/FO/2016): • Ventilation Strategy (prepared by Hilson Moran); • Environmental Statement Vol.1 Chapter 16: Air Quality; and

Condition	Condition Wording (125554/JO/2019)	Reason
		- Environmental Statement Vol.2 Appendix 16.1-16.7. These documents specifically contain the following information: 1. Drawings showing the location of the air intake points for the mechanical ventilation; 2. Confirmation that the mechanical ventilation will be compliant with the recommendations in the acoustic report; and 3. If any other good practice measures are being installed with regard to air quality as recommended by the IAQM.
32	Refuse – Disposal and Storage	<i>The uses hereby approved shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse for each of the ground floor units has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.</i> The ground floor commercial unit proposed in the original permission was removed by a subsequent NMA application (see application ref: 118838/NMC/2018), approved 22 January 2018. As such the required information set out in this condition is no longer necessary or relevant.

Update to Secured by Design Accreditation Condition Wording

Condition 8 attached to Planning Permission 125554/JO/2019, requires post-construction confirmation of a Secured by Design accreditation to be submitted before the building is occupied. Due to the requirements of Secured by Design accreditation, the completion of the building has to take place before the accreditation can be issued. It is currently anticipated that tenants will occupy the building immediately following completion, and as such it isn't possible to comply with the requirements of this condition.

As such, we request the time trigger of the condition is updated to allow submission of Secured by Design accreditation within three months of the occupation of the building. The following condition wording is suggested:

“The development hereby approved (excluding the demolition, clearance and the junction improvement works) shall not commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall achieve a Secured

by Design accreditation. Written confirmation of Secured by Design accreditation shall be submitted to, and approved in writing by the local planning authority, within three months of the occupation of the building hereby approved."

Application Submission

No changes proposed have any material significance to the approved development.

This application comprises this Covering Letter and the following documentation:

- Application Form
- Site Location Plan

Summary and Conclusion

This application requests the removal of six conditions attached to Planning Permission Ref. 125554/JO/2019. In each case, either the required information was submitted and approved under the original application (Ref. 113832/FO/2016); or the information required to fulfil the condition relates to the ground floor commercial unit which was removed by the NMA application (Ref. 118838/NMC/2018) approved in January 2018. These amendments were made prior to the MMA (Ref. 125554/JO/2019) approved in February 2020.

In addition, amendments are proposed to the wording of Condition 8 (Secured by Design) attached to Planning Permission Ref. 125554/JO/2019, to ensure the condition can be complied with.

The proposed amendments will not have any material significance, with the development unchanged from the approved development on-site.

We would be grateful if you could notify us of validation of the Application and please do not hesitate to contact my colleague Ellen Sanderson-Clark (esandersonclark@deloitte.co.uk / 0113 292 1119).

Yours sincerely



John Cooper
Deloitte LLP