

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142597/NMC/2025

Date registered valid: 31 March 2025

Proposal: Non-material amendment to application 137232/FU/2023 to amend conditions 2 (Specified Plans), 6 (Gym Acoustic Verification Report) and 7 (Waste Management), and to remove conditions 3 (Gym use restriction), 4 (Free Weight Restriction), and 5 (Gym Management Plan), due to the gym studio being removed from the scheme and other amendments including the reinstatement of the mezzanine level to retail unit T1 (Class E).

Address: Vita Living North, Circle Square (Plots 5 & 6) , Oxford Road, Manchester , M1 7GB

Ward(s): Deansgate Ward

Applicant: Manchester Charles Street Residential Scottish LP

Agent (if any): Mr John Cooper Deloitte LLP

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 24 April 2025

Application Details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Not applicable

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

The application relates to retail units T1 and T5 of Vita Living North, set within the part 16 storey part 34 storey tower block present at Circle Square Plots 5 & 6, situated on Charles Street. The commercial units are two storey and neighbour communal amenity areas, which includes a gym, that serve the residential accommodation situated in the upper floors of the block. The commercial units are currently vacant, with the submitted supporting information stating they have struggled to find commercial occupiers who are willing to occupy both floors of the unit.

Description of Development

The proposal seeks a non-material amendment to application 137232/FU/2023 to amend conditions 2 (Specified Plans), 3 (Gym use restriction), 4 (Free Weight Restriction), 5 (Gym Management Plan), 6 (Acoustic Verification Report) and 7 (Waste Management), due to the gym studio being removed from the scheme and other amendments including the reinstatement of the mezzanine level to retail unit T1 (Class E).

Consultations & Notification Responses

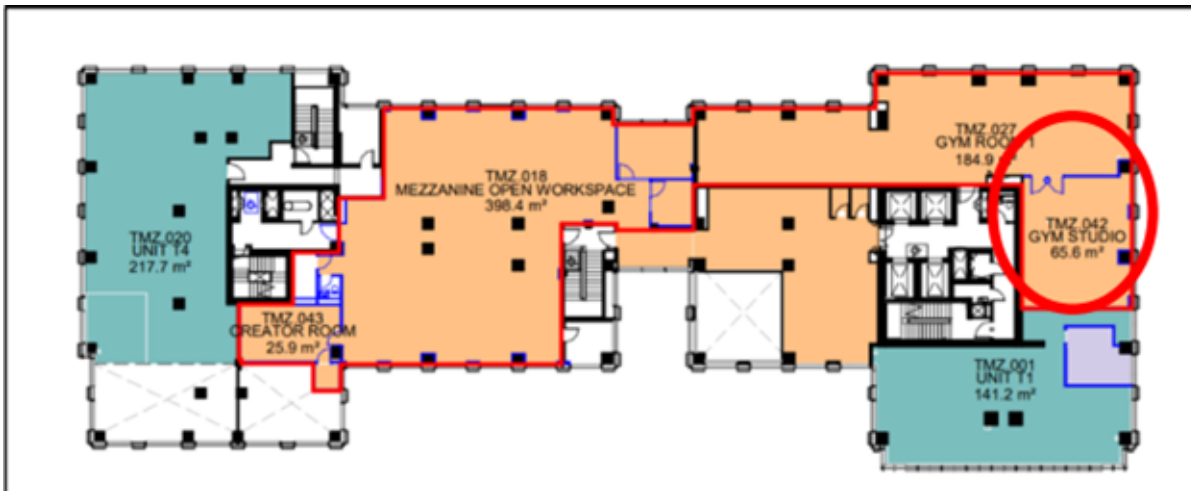
No consultations were required for this non-material amendment.

Issues

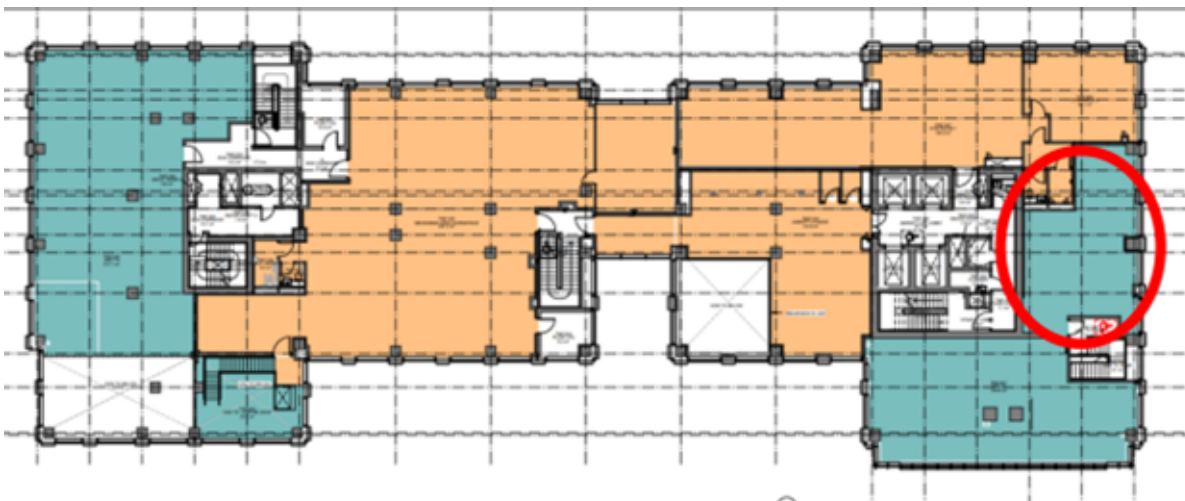
The previously proposed gym studio is no longer required.

The applicant has successfully secured an occupier for retail unit T1. The letting of the retail unit will support the overarching commercial strategy for Circle Square and aligns with the commercial 3 floorspace proposed as part of the original permission.

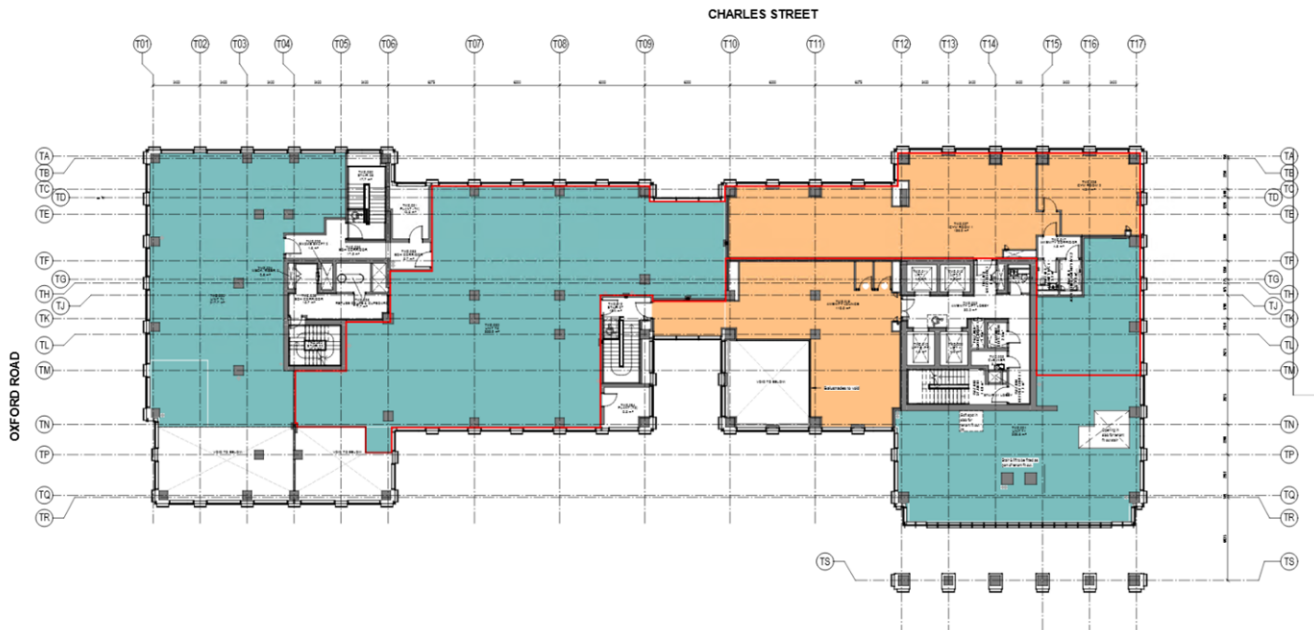
The use of this space was previously approved as Commercial (Class E) under the original permission of the development (116450/FO/2017).



Previously approved Mezzanine GA (under 137232/FU/2023)



Proposed Mezzanine GA



Original Mezzanine GA approval (under 116450/FO/2017)

The Mezzanine Open Workspace, which was approved under 137232/FU/2023, will be retained as an ancillary residential amenity area.

As conditions 3 (Gym use restriction), 4 (Free Weight Restriction), and 5 (Gym Management Plan) all related specifically to the Gym use of the Gym Studio, these have been modified to apply to Gym Room 1 and Gym Room 2 instead.

Conditions 6 (Acoustic Verification Report) and 7 (Waste Management) remain in place and relate to both the Mezzanine Open Workspace and Gym Rooms 1 and 2.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights

conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Condition(s) to be attached to decision for approval

1) The proposal seeks to amend Planning Permission 137232/FU/2023, by amending conditions 2 (Specified Plans), 3 (Gym use restriction), 4 (Free Weight Restriction), 5 (Gym Management Plan), 6 (Acoustic Verification Report) and 7 (Waste Management). This is due to the gym studio previously approved being removed from the scheme and other amendments including the reinstatement of the mezzanine level to retail unit T1 (Class E).

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- o CSAR-FCBS-XX-XX-DR-A-1000 Rev P01: Site Location Plan (Received 16/06/2023)
- o CSAR-FCBS-ZT-MZ-DR-A-1101 Rev P01: GA Plan - Mezzanine - Strip Out (Received 16/06/2023)
- o CSAR-FCBS-ZT-MZ-DR-A-1102 Rev P02: GA Plan - Mezzanine Proposed (Received 31/03/2025)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The proposed relocation is within the site edged red boundaries of the original application. The conditions approved under 137232/FU/2023 have been reworded to ensure that they still cover either both the Mezzanine Open Workspace and Gym Rooms 1 and 2, or just Gym Rooms 1 and 2 where applicable, so all acoustic, waste management, and use restriction concerns will still apply to the relevant areas across the mezzanine. The proposal simply returns the use of the approved Gym Studio to a commercial use, which is the use the area in question had approval for under the original approval for the overall development. The City Council is therefore satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

3) Gym Room 1 or Gym Room 2 hereby approved shall be wholly ancillary to the residential accommodation on site and shall not be open to the public for use at any time for the lifetime of the development.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

4) No free weights shall be used within Gym Room 1 or Gym Room 2 hereby approved for the lifetime of the development.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

5) Prior to the first use of Gym Room 1 or Gym Room 2 hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented upon the first use of the development and then be adhered to for the lifetime of the development. The management plan shall include a system for the processing of noise complaints from local residents if received.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

6) a) The Mezzanine Open Workspace area and Gym Room 1 and Gym Room 2 areas of the development hereby approved shall proceed in accordance with the submitted Technical Acoustic Note (Prepared by Fisher Acoustics; Dated 24/05/2023; Received 16/06/2023) and Covering Letter (Prepared by Deloitte; Dated 25 March 2025; Receive 31 March 2025). The proposed noise mitigation measures shall be installed prior to the first use of the development hereby approved and shall be retained for the lifetime of the development.

b) Prior to the first use of the development hereby approved, a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements listed in the approved Technical Acoustic Note and subsequent Addendum Note shall be submitted to and approved in writing by the Local Planning Authority. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

7) The Mezzanine Open Workspace area and the Gym Room 1 and Gym Room 2 areas of the development shall proceed in accordance with the submitted approved Waste and Servicing Strategy (Prepared by SLR Consulting; Dated May 2017; Received 25 May 2017 under Planning Permission Ref: 116450/FO/2017) and Covering Letter (Prepared by Deloitte; Dated 25 March 2025; Received 31 March 2025), and shall be implemented upon the first use of the development and adhered to for the lifetime of the development.

Reason - To secure proper waste storage and collection arrangements on site in accordance with Core Strategy Policy DM1.

Appendix 1 – List of consultees & neighbours notified

N/A

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Flood Zones Type 3 (high risk) -

Flood Zones Type 3 (high risk) -

Flood Zones Type 3 (high risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: CENTRAL