Deloitte.

Deloitte LLP
100 Embankment
Cathedral Approach
Manchester
M3 7FB

Phone: +44 (0)161 832 3555
Fax: +44 (0)161 829 3800
www.deloitte.co.uk

Direct phone: +44 161 455 6512
johcooper@deloitte.co.uk

23 September 2024

Planning Department
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

FAO Angela Leckie

Dear Angela

Vita Living North (Plots 5 & 6), Circle Square, Manchester

Application for Change of Use (Level 35 – Rooftop Bar)

Please find enclosed an application ("this Application") for change of use to existing residents' amenity space on Level 35 within Circle Square Plots 5 & 6 ("Vita Living North") from residents' amenity areas (Use Class C3) to public houses, wine bars, or drinking establishments for the exclusive use of residents and their guests (Sui Generis) of the Circle Square Masterplan ("the Proposed Development").

The Applicant is Manchester Charles Street Residential Scottish LP ("the Applicant").

Description of Development

The proposed Description of Development is:

"Change of Use to residents' amenity space on level 35 of Vita Living North (Circle Square Plots 5 & 6) from residents' amenity space (class C3) to public houses, wine bars, or drinking establishments for the exclusive use of residents and their guests (Sui Generis)."

Background

Planning Permission (ref: 116450/FO/2017) for Vita Living North was granted on 12th September 2017. The description of development as written on the decision notice is as follows:

"Resubmission of application ref no 111026 (as amended by 116413/NMC/2017) (Blocks 5 and 6) to incorporate amendments comprising additional floor of accommodation (now 37 storeys but overall height of tower element reduced 0.5m)and changes to number (6 additional) and mix of apartments.

Original consent for Erection of part 17, part 36 storey building to comprise 411 residential apartments (Class C3) (14 studios, 136 x 1 bed, 228 x 2 bed and 33 x 3 bed) with mid and top roof level private dining /

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media room / gardens, ground and mezzanine floor residential amenity uses and lower ground, ground and mezzanine level commercial uses (Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Offices), D1 (Non-residential Institutions Creche only) and D2 (Assembly and Leisure - Gym only)) and associated junction improvements to Oxford Road / Charles Street, access, servicing, and landscaping).”

The Vita Living North Planning Permission (Ref: 116450/FO/2017) has been subject to 1no. non-material amendment application (Ref: 131143/NMC/2021) in relation to stairs and ramp amendment – approved on 13 August 2021.

Construction for Vita Living North was completed in October 2021 and has been in use since then.

The Site

Vita Living North is bound by Charles Street to the north; Vita Student Circle Square to the east (approved on 9th March 2017 with planning permission ref: 114863/FO/2016); Symphony Park to the south; and Oxford Road to the west.

The Site subject to this Application (the “Site”) is of a smaller scale, and it does not go beyond the existing building fabric on Vita Living North, spanning 240 square metres on Level 35.

Pre-application Consultation

Pre-application consultation has taken place on 19th April 2024 with Angela Leckie, Principal Planning Officer at Manchester City Council, through email correspondence to seek agreement on the scope and form of this Application. The principle of the change of use proposed and scope of this Application were agreed with the Case Officer via email correspondence on 26th June 2024 and 2nd July 2024.

Proposed Development

This change of use application is submitted for the change of use of the existing residents’ amenity space (Class C3) on Level 35 of Vita Living North into a rooftop bar for the exclusive use of residents and their guests (Sui Generis).

Currently, amenity space offering within Vita Living North includes an entrance lounge, residents’ lounges, workspaces, meeting rooms, gym, and a private dining room spread across the ground level, mezzanine level, Level 15 and 35.

The Proposed Development comprises the change of use of a residents’ amenity space (Class C3) on Level 35 of Vita Living North into a rooftop bar for the exclusive use of residents and their guests (Sui Generis). The existing use of the Site is communal residents lounge with an external terrace. The Proposed Development consists of the reconfiguration of the layout of the Site, both within the indoor space and outdoor terrace. Additional seating from the existing layout is also proposed in order to better suit the proposed use of the Site as a rooftop bar for the exclusive use of residents and their guests. For details, please refer to proposed layout plan Ref: CSAL-VITA-ZT-XX-DR-A-0003-P01 submitted with this Application.

The Vita Living North (Ref: 116450/FO/2017) proposals set out the aim to create a place which encourages a community to flourish, with a large amount of investment gone into providing residents with a unique suite of onsite amenities – nurturing social interactions and shared experiences within Vita Living North

The Proposed Development demonstrates the Applicant's longstanding aspiration to cultivate social interaction and provide top quality residents' amenities. This would also ensure that the space would be put into optimal use and fulfil its purpose to serve the residents of Vita Living North.

The hours of operation of the Proposed development, as agreed in principle with the Case Officer, are as follows:

- Internal area: Monday to Sunday – 12nn to 12am; and,
- External terrace: Monday to Sunday – 12nn to 11pm.

Planning Policy Framework

The key Development Plan documents relevant to the Proposed Development are:

- The 2012 Manchester Core Strategy and the Addendum to the Manchester Core Strategy (2024);
- Saved Policies of the 2006 Manchester Unitary Development Plan (UDP); and,
- The Places for Everyone Plan (2024).

Other material considerations associated with the Proposed Development are as follows:

- The National Planning Policy Framework (the "NPPF") (2023);
- Supplementary Planning Documents (SPDs);
- Planning Practice Guidance (PPG); and,
- The Former BBC SRF (2013).

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Relevant Planning Policies and Material Considerations

Document	Policy
Manchester Core Strategy (2012) and the Addendum to the Manchester Core Strategy (2024)	CC1 – Primary Economic Development Focus : City Centre and Fringe CC7 – Mixed Use Development DM1 – Development Management
Saved Policies of the 2006 Manchester UDP	DC26 – Development and Noise
Places for Everyone (PfE) Plan (2024)	Policy JP-Strat2 – City Centre Policy JP-P4 – New Retail and Leisure Uses in Town Centres
Former BBC Site Strategic Regeneration Framework (SRF), endorsed by MCC Executive Committee on 24 July 2013 Planning Framework, Former BBC Site, Oxford Road, Report to the Executive Committee, endorsed on 14 April 2015 Former BBC Site - Delivery Strategy and Phasing Plan, Report to Executive Committee endorsed on 29 July 2015	

Planning Policy Assessment

The Proposed Use

PfE Plan Policy JP-Strat2 notes that "the City Centre will continue to provide the primary focus for business, retail, leisure, culture and tourism activity in Greater Manchester". Furthermore, PfE Plan Policy JP-P4 outlines that the City Centre is located highly on the hierarchy for retail and leisure uses. Core Strategy Policy CC1 notes a range of economic development uses, including retail, leisure, and entertainment will be encouraged in the City Centre.

The Proposed Development, located in Manchester City Centre, will support the City's leisure activity offerings and it brings forth positive impact to the City's economic development uses, albeit of a relatively smaller scale appropriate to its purpose for the use of residents and their guests only. This demonstrates that the Proposed Development is in compliance with Core Strategy Policy CC1, PfE Plan Policies JP-Strat2 and JP-P4.

Furthermore, Core Strategy Policy CC7 notes that "The City Centre presents the most viable opportunities for mixed-use development" and that employment uses within residential development is encouraged. Although of a small scale, the Proposed Development creates a greater mix of uses within Vita Living North in Manchester City Centre, with a small nett increase in on-site employment related to the operation of the new use. The Proposed Development is therefore in compliance with Policy CC7.

Design

The Former BBC SRF provides guidance that residential offerings within the Circle Square Masterplan area should be of high quality, and contribute to the enhancement of sense of place and vitality.

The Proposed Development aims to maximise residents' amenity offerings and enhance sense of place of Vita Living North in accordance with the Former BBC SRF. Every care has been taken to ensure that the Proposed Development would be designed to the highest quality and a revised layout is proposed in contributing to high quality residents' amenity space, as presented on the proposed layout plan Ref: CSAL-VITA-ZT-XX-DR-A-0003-P01.

Amenity Considerations (Noise / Flood Risk)

Core Strategy Policy DM1 – Development Management requires that all development should consider specific issues related to the nature of the development. Saved Policy DC26 of the 2006 Manchester UDP notes that "the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City".

The Applicant has consulted with a qualified acoustics consultant in order to show that the Proposed Development is wholly compliant to the noise requirement as specified on the planning permission ref: 116450/FO/2017. An email confirmation from Fisher Acoustics is submitted in support of this Application to confirm that the Proposed Development is compliant to the approved noise requirement given that there are no changes proposed to the existing approved arrangement. This approach was agreed with the case officer via email correspondence on 26th June 2024. This demonstrates that the Proposed Development is in compliance with Core Strategy and Saved Policy of the Manchester UDP.

In terms of flood risk, the Site is located within Flood Zone 3, however, it is at rooftop level and it does not introduce a new vulnerable use. Therefore, the Proposed Development is in compliance with Core Strategy.

Summary

The Proposed Development has been fully considered against the relevant policies of the Development Plan and found to be address the requirements of the Development Plan as a whole. In addition, no material considerations have been identified that would justify refusal of this Application.

Application Submission

In addition to this Covering Letter, the following documentation is submitted in support of this Application:

- Application Form prepared by Deloitte;
- Site Location Plan prepared by the Applicant;
- Suite of drawings prepared by the Applicant;
- Operational / Management Strategy prepared by the Applicant; and,
- Noise Impact Confirmation Email from Fisher Acoustics.

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The Application has the Planning Portal reference: PP-13012472 and the application fee of £578 in addition to the prerequisite Planning Portal Administrative Fee has been paid online via Planning Portal.

The development is therefore wholly compliant with the policies of the Development Plan and there are no material considerations which would justify refusal of the Application. We therefore respectfully request that this Application be supported by the Planning Authority.

We would be grateful if you could notify us of the validation of the Application and please do not hesitate to contact my colleagues Jemma Brabrook (jbrabrook@deloitte.co.uk / +44 161 455 6903) or Matthew Lam (mlam@deloitte.co.uk / +44 161 455 8448).

Yours sincerely



For Deloitte LLP
Encl.