

6 June 2024

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

FAO Angela Leckie

Dear Angela,

Building 3A, Circle Square, Oxford Road, Manchester
Application for Minor Material Amendments to Planning Permission Ref: 128803/FO/2020

Please find enclosed an application for minor material amendments to Planning Permission ref: 128803/FO/2020, in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended) ('The Application'). The Applicant is Bruntwood Circle Square 4 Ltd ('The Applicant').

Description of Development

The Description of Development for this Application is as follows:

"Application to vary conditions 2 (Approved Plans and Documents), 3 (Site-Wide Noise), 4 (Plant / Externally Mounted Equipment Noise), and 6 (Hours of Operation) of planning permission ref. 128803/FO/2020."

Planning History

On 6 June 2016, Planning Permission was granted on Plots 2, 3 and 4 of the Circle Square Masterplan (Ref: 111025/FO/2016/C1). The site is bounded by Oxford Road to the west, Brancaster Road to the south, and the wider Circle Square masterplan to the east and north.

The Planning Permission has been subject to a number of amendments, including a minor material amendment ("S.73") in 2018 for changes to the façade and the layout of the ground and basement commercial units (Ref: 121851/JO/2018) and a concurrent non-material amendment ("NMA") which amended the description of development to reflect the revised internal arrangement (Ref: 121850/NMC/2018). The approved NMA changed the approved description of development to:

"Blocks 2,3 and 4 - Erection of two buildings (18 and 14 storeys (Blocks 2 and 4)) comprising offices (Class B1) with ground floor and basement 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 an external terrace (Block 2 & 4), alongside creation of public green space with pavilion building (Block 3) for events space / uses within Classes A1, A3, A4, D1(Exhibition Hall/ Public Hall only) ,

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D2(Concert Hall / Music Hall only)(Sui Generis) accessed from ground level within basement level below alongside creation of areas of public realm including tree planting and all associated access and servicing.”

A drop-in Planning Permission (Ref: 128803/FO/2020) was granted on 28 January 2021 for the commercial unit of Block 3 (the “Site”) to be utilised as a gym with ancillary office space, together with a creation of a new mezzanine level.

The Description of Development, as approved by Planning Permission Ref: 128803/FO/2020 is as follows:

“Unit A - Use of basement as a Gym with ancillary office space and creation of a new mezzanine level (234 sq. m (GEA)) (Class E) pursuant to Planning Permission 121851/JO/2018 and subsequent amendments.”

A S.73 Application (Ref: 139681/JO/2024) was submitted to introduce amendments to the Planning Permission (Ref: 128803/FO/2020) and it was validated by Manchester City Council on 11 April 2024. The S.73 Application (Ref: 139681/JO/2024) was subsequently refused on 21 May 2024 on the basis that insufficient evidence was submitted to demonstrate that the noise levels generated by the extended hours would not cause unacceptable noise levels. This Application therefore forms a re-submission to the refused S.73 Application (Ref: 139681/JO/2024).

The Description of Development as applied for by the S.73 Application (Ref: 139681/JO/2024) is as follows:

“Variation of Conditions 2 (Drawings), 3 (Noise (Use)), 4 (Noise (Plant)), and 6 (Hours) attached to Planning Permission 128803/FO/2020”

Proposed Amendments (the “Proposed Amendments”)

The approved use of the Site, under Planning Permission ref: 128803/FO/2020, is for indoor sports, recreation or fitness (Class E). The Site has been vacant since the departure of the previous occupier – Trib3. Since then, the Applicant has successfully secured a new operator, Jetts Fitness to fulfil original aspirations of the Circle Square Masterplan – to provide an affordable and boutique state-of-the-art gym at Circle Square.

Jetts Fitness has a proven tracked record in successfully operating over 15 gyms across the United Kingdom and 300 gyms across the world, and is dedicated in bringing the very best to Manchester with world class equipment, large functional and strength training areas as well as tailor-made classes.

This Application intends to extend the hours of operation of the Site to 24 hours operations Monday to Sunday to meet the operational requirements of the new operator. Under Planning Permission Ref: 128803/FO/2020, the Site is permitted to operate between Monday to Sunday 6:00am to 10:00pm. Therefore, the wording of this condition needs to be amended if the unit is to accommodate the new operator’s requirements. To support this amendment, updated technical analysis is required as the previously submitted information was prepared on the basis of the previous occupier and their associated hours of operation.

The previous occupier, Trib3, had not discharged the relevant occupation conditions. The amendment therefore also offers the opportunity to regularise the planning position to ensure that it now operates in full compliance the planning permission.

The Applicant has commissioned a Noise Impact Assessment, prepared by Hepworth Acoustics, to ensure that the proposed extended opening hours will not lead to any negative impact to local amenities in relation to noise. This Application is also accompanied by a revised Management Plan, prepared by Jetts Fitness, which set out revised management procedures and how the Site will be controlled and managed under the new occupier.

Whilst the gym was previously operated by Trib3, the following conditions were not discharged:

- Condition 3 – Noise Post Completion Report (prior to occupation)

- Condition 4 – Plant and Externally Mounted Ancillary Equipment Post Completion Report (prior to occupation).
- Condition 7 – Security Management Plan (prior to occupation)

As part of this application, it is requested that the above conditions are (re-)attached to the new decision notice with the wording is updated as per the below. The Applicant and incoming occupier will ensure that the information required by these conditions will be submitted prior to occupation – for completeness, the operator is not yet ready to occupy the unit and are not at this stage ready to discharge these conditions.

The Proposed Amendments would facilitate optimum utilisation of the space and accommodate different schedules and changing lifestyles of patrons, providing them the convenience to use the gym at their leisure. This resonates with the Applicant's longstanding aspiration for Circle Square to be a vibrant community.

As such, an amendment is needed to Conditions 2 (Approved Plans and Documents), 3 (Site-Wide Noise), 4 (Plant / Externally Mounted Equipment Noise), and 6 (Hours of Operation) attached to Planning Permission Ref: 128803/FO/2020 in order to formalise the proposed hours of operations and to make references to revised technical documents as required. The full proposed condition wordings are discussed in the below section in details.

Pre-application Consultation

The proposed amendments were originally discussed with the Case Officer at Manchester City Council via email correspondence. The approach to formalise the proposed amendments was agreed in principle by the Case Officer via email correspondence on 26th March 2024.

A previous application (Ref: 139681/JO/2024) was submitted to Manchester City Council in April 2024 and refused on the basis of outstanding information. consideration under Planning Application Ref: 139681/JO/2024 which was subsequently refused on 21 May 2024, as set out above. Sufficient information is now provided to allow proper consideration of this Application, noting that subsequent condition discharge applications will be required. This approach has been agreed with the Case Officer via telephone conversation on 23 May 2024.

For completeness, the noise report prepared by Hepworth Acoustics, submitted as part of this application, and the previous S.73 application suitably demonstrates that the noise levels generated by the extended hours will not cause unacceptable noise levels.

New Condition Wordings

The Conditions set out in this section are proposed to be updated under each respective heading below. All other condition wording remains as per Planning Permission Ref: 128803/FO/2020.

Condition 2 – Approved Drawings and Documents

The wording of Condition 2 attached to Planning Permission Ref: 128803/FO/2020 is proposed to be updated as follows:

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

- a. Site plan PL1502-MP-SK-283 S4 PO3;*
- b. Dwgs 10-001 Rev E and 002 Rev B;*
- c. Implementation of measures within Deloitte's e-mail dated 15-01-21 as amended by Deloitte's e-mail dated 25-01-21;*

- d. ~~Operational Management Plan For Unit 3A, Circle Sq, Manchester by TRIB3 Jetts Fitness Management Plan Information (dated June 2024); and~~
- e. *Ventilation Strategy Statement, prepared by Crookes Walker Consulting (submitted as part of the original application - Ref: 127683/FO/2020.)"*

Condition 3 – Noise Levels and Mitigation

It is requested that paragraph 2 of condition 3 (as worded on decision notice 128803/FO/2020) is removed as it is considered to be sufficiently covered by the first paragraph. For completeness, the mitigation measures set out in Hepworth's Acoustic report remain unchanged from the previous report, which comprise the below – given the limited extent and nature of the mitigation measures a post-completion report is not considered necessary:

- Careful and appropriate design of the PA system to be installed in the premises is recommended in order to minimise noise levels at the entrance i.e. by locating/orientating loudspeakers away from the entrance, etc;
- The entrance doors should be fitted with effective perimeter seals and should not be pinned open

The wording of Condition 3 attached to Planning Permission Ref: 128803/FO/2020 is proposed to be updated as follows:

"The Gym (Class E) use shall be implemented (fit out) and operated in accordance with the recommendations and noise levels specified within the Noise Impact Assessment, prepared by Hepworth Acoustics (section 3.7 4.7) Report No: ~~P20-338-R01v2 August 2020~~ P24-015-R01v2 May 2024.

~~*The above noise insulation scheme shall be completed prior to occupation. A post completion report to verify that all of the recommended mitigation measures have been installed and meet the above recommendation, shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.*~~

For the avoidance of doubt this shall include details of any noise insulation and mitigation measures to be adopted within the unit, as set out in Hepworth Acoustics Report (dated May 2024).

Thereafter the premises shall operate in accordance with the agreed recommendations.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively."

Condition 4 – Plant and Externally Mounted Ancillary Equipment

The wording of Condition 4 attached to Planning Permission Ref: 128803/FO/2020 is proposed to be updated as follows:

"Any plant and externally mounted ancillary equipment shall be installed and operated in accordance with the recommendations and noise levels specified within the Noise Impact Assessment, prepared by Hepworth Acoustics (section 3.7 4.7) Report No: ~~P20-338-R01v2 August 2020~~ P24-015-R01v2 May 2024. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

For the avoidance of doubt a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location shall be achieved.

A post completion report to verify that all of the recommended mitigation measures have been installed and meet the above recommendation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation."

Condition 6 – Opening Hours

The wording of Condition 6 attached to Planning Permission Ref: 128803/FO/2020 is proposed to be updated as follows:

~~“The units shall not operate outside of the following hours: Monday to Sunday 06:00 to 22:00 (classes 06:30 to 21:30). The development hereby approved shall be allowed to operate 24 hours a day, Monday to Sunday.”~~

Planning Policy Assessment

National Planning Policy Framework (2023)

Full consideration of the proposals against the NPPF is considered within the Covering Letter prepared by Deloitte, approved under Planning Permission Ref: 128803/FO/2020. Since the approval of the Planning Permission Ref: 128803/FO/2020 in January 2021, there have been three revisions to the document, one in July 2021 and two in 2023. The latest changes made to the NPPF in September and December 2023, which focused largely on reforms to housing delivery, “out of character” residential development, Green Belt alterations and energy efficiency improvements, they have been considered within the context of the Proposed Amendments and it has been concluded that they do not materially alter the conclusions from the original assessment.

Local Planning Policy – Local Development Plan

The Proposed Amendments are minor material in nature and are in compliance with the 2012 Manchester Core Strategy and Saved Policies of the 2006 Manchester Unitary Development Plan, a full policy assessment is included within the approved Covering Letter prepared by Deloitte submitted as part of the Planning Permission (Ref: 128803/FO/2020).

Since the Planning Permission (Ref: 128803/FO/2020) was granted in January 2021, the Greater Manchester Combined Authority Places for Everyone (Pfe) Plan was adopted by Manchester City Council on 20th March 2024, rendering it part of the Local Development Plan (along with the 2012 Manchester Core Strategy and Saved Policies of the 2006 Manchester Unitary Development Plan). We have therefore reviewed the Pfe plan against the context of these Proposed Amendments and consider that they are in accordance with the Pfe Plan policies.

Details of how the Proposed Amendments complies with the Pfe Plan is included below.

Policy JP-P1 Sustainable Places notes that the City Region should be well-served by local shops, services and amenities, including health facilities. The Proposed Amendments, if approved, allows the opening of a gym with 24 hours of operation in Circle Square, a mixed use development with strong focus on residential developments in Manchester City Centre.

Policy JP-P6 Health and Policy JP-P7 Sport and Recreation put strong emphasis on supporting healthy lifestyle. New or improved sports facilities will be supported, on the basis that they should be easily accessible whilst be mindful of impact to resident’s amenity from the sports facilities. The Site is located within Manchester City Centre, a highly accessible location with public transport / active travel. The Proposed Amendments are supported by a revised Nosie Impact Statement where additional night time noise survey was undertaken, noise mitigation measures were provided and subject to them being implemented, it was concluded that noise break-out from operation of the proposed Gym premises during the proposed hours of operation would not result in any unacceptable harm to residential amenity.

Summary

In addition to this Covering Letter, the Application also comprises the following supporting documentation:

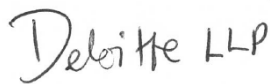
- Application Form and Notice Certificate prepared by Deloitte;
- Management Plan Information (dated June 2024) prepared by Jetts Fitness; and,
- Noise Impact Assessment, ref: P24-015-R01v2 (dated May 2024) prepared by Hepworth Acoustics.

This Application has been submitted via the Planning Portal under reference: PP-13096882.

A fee has been paid to Manchester City Council for £293, in addition to any administrative fees by the Planning Portal, in respect of the requisite application fee.

We request the Local Planning Authority's confirmation that the application has been validated. If you require any further details, please do not hesitate to contact my colleagues Jemma Brabrook (0161 455 6903 / jbrabrook@deloitte.co.uk) or Matthew Lam (0161 455 8448 / mlam@deloitte.co.uk).

Yours sincerely

A handwritten signature in black ink that reads "Deloitte LLP". The signature is written in a cursive, slightly stylized font.

Deloitte LLP
Encl.