

21 November 2023

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

Dear Angela,

**Base, Manchester Innovation Activities Hub (MIAH)
Section 73 application for Variation of Conditions attached to Planning Permission Ref:
137779/FO/2023**

On behalf of our client, Bruntwood SciTech Limited ('the Applicant'), we hereby submit an application for a minor-material amendment under Section 73 of the Town and Country Planning Act 1990 (as amended) ("S.73") to vary the wording of Conditions 3 (Permitted Uses), 4 (Opening Hours), 6 (Acoustic Impact Verification), 8 (Acoustic Impact Plant Verification), and 9 (External Areas Hours of Use) to Planning Permission 137779/FO/2023.

1 The Site and Planning History

The Application Site (the "Site") comprises the Base Building for which planning permission was secured in October 2019 (Ref. 125018/FO/2019). Construction was completed in July 2022. The Base Building is a five-storey building comprising offices (Use Class E) and ancillary workshop and maker space, together with associated disabled car and cycle parking, plant equipment and landscaping.

Planning Permission for the Change of Use of Levels 1 and 2 of the Base building from office use (Use Class E) to Education use (Use Class F.1a) was granted in May 2023 under reference: 136296/FO/2023. The Permission also included external alterations to the east elevation facade and landscaping to accommodate the inclusion of a new fire escape door.

In September 2023, Planning Permission (137779/FO/2023) was granted for a further Change of Use for Maker Space units 3 and 4 at ground floor and makerspace units OM.03 and OM.04 and office space at mezzanine level at the Base building, to permit Flexible Use Class E and Class F1(a) (Provision of Education). The approved Description of Development is as follows:

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“Change of use of makerspace units 3 and 4 at ground floor and makerspace units OM.04 and OM.03 and office space at mezzanine level at the Base Building from office use (Use Class E) to a flexible use comprising Use Class E (Office) and Use Class F.1a (Education).”

The original planning application included details of the proposed operation and necessary requirements of the space. However, some of the proposed requirements were not captured in the Decision Notice. It is therefore proposed to amend a number of conditions to reflect the original intention. Details of the proposed amendments are set out below.

2 Description of Development

The Description of Development for this S.73 application is as follows:

“Variation of conditions 3 (Approved Uses), 4 (Opening Hours), 6 (Acoustic Impact Verification), 8 (Acoustic Impact Plant Verification), and 9 (External Areas Hours of Use) attached to Planning Permission Ref: 137779/FO/2023.”

3 Pre-application Consultation

The consented scheme was subject to a process of pre-application public and stakeholder engagement, including engagement with Manchester City Council and the local ward councillors. The proposals were also subject to statutory consultation during the determination period of the Planning Permission.

This Application is submitted following pre-application consultation with the planning case officer, Angela Leckie, on 12 October 2023. It was agreed that the proposed amendments could be applied for via an application under S.73 to Planning Permission Ref: 137779/FO/2023. No significant planning issues were raised by the Local Planning Authority at pre-application stage.

4 Proposed Amendments

The proposed amendments that are the subject of this Application are summarised as follows, and set out in further detail below:

- **Condition 3 (Permitted Uses):** Clarity of the permitted uses to include Flexible Use Class E;
- **Condition 4 (Opening Hours):** Amendment to operational hours;
- **Conditions 8 and 8 (Acoustic Verification):** Amending to compliance conditions to acknowledge previously agreed details;
- **Condition 9 (External Areas Hours of Use):** Permitting use of external terrace in line with the hours agreed as part of the original Base Planning Permission.

The principle of use established by Planning Permission Ref: 137779/FO/2023 remains unchanged as a result of the proposed amendments.

Condition 3 – Permitted Uses

The supporting documents, including the Planning Statement, Application Form and Covering Letter submitted in support of the application for the change of use of the Base Building (Ref. 137779/FO/2023) clearly reference the proposed use as a flexible use comprising Use Class E (Office) and Use Class F.1a (Education). The description of development for Planning Permission Ref: 137779/FO/2023 therefore approves the following uses: *"flexible use comprising Use Class E (Office) and Use Class F.1a (Education)"*.

However, Condition 3 is contradictory to the description of development by restricting the permitted uses to the following: *"Class F1(a) (Provision of Education) and for no other purposes."*

We therefore request the wording of Condition 3 attached to the Planning Permission Ref: 137779/FO/2023 be updated as follows, with changes indicated in **red text**:

*"The premises shall be used for **a flexible use comprising Class E (Office) and Class F1(a) (Provision of Education)** and for no other purpose within **Classes E and F1(a)** of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order."*

Condition 4 – Operational Hours

Condition 4 currently restricts the hours of operation for MIAH to Monday to Sunday 08:00 - 21:00. As per the approved operation for the full Base Building, the proposed operator requires 24-hour access to the building, with teaching activities restricted between the following hours: 07:00 – 21:00 Monday to Sunday. This was stipulated in the Planning Statement originally submitted in support of the application.

Outside of the teaching hours, the building will only be accessed with a fob system, whilst it is also protected by CCTV 24 hours a day and monitored by the on-site security team. The security team conducts regular patrols around the campus.

We therefore request that the wording of Condition 4 attached to the Planning Permission Ref: 137779/FO/2023 is updated as follows:

"The uses hereby approved shall be open 24 hours a day and 7 days a week, with teaching activities restricted to the following hours: Monday to Sunday 07:00 - 21:00."

~~*"The uses hereby approved shall not be open outside the following hours: Monday to Sunday 08:00 - 21:00."*~~

Condition 6 - Acoustic Impact Verification

A 'Technical Note – Acoustics (8 March 2022)' and a 'Technical Note - Acoustics (13 Oct 2022)' were prepared by Stroma and previously approved under condition discharge application Refs: CDN/22/0144 and CDN/22/0753 to partially discharge Condition 19 of the original Base building Permission (Ref: 125018/FO/2019). This condition was partially discharged subject to the provision of a verification report to be submitted once the spaces are occupied, to confirm that the acceptable noise criteria have been met.

The reports produced to support application refs: CDN/22/014 and CDN/22/0753 are resubmitted alongside this Section 73 application, and it is requested that the wording of Condition 6 of Planning Permission ref: 137779/FO/2023 be updated to align with the wording in the Decision Notice for ref: CDN/22/0753:

"The uses hereby approved shall be implemented in accordance with Technical Note - Acoustics, 8 March 2022 - prepared by Stroma (submitted with and discharged under application ref no CDN/22/0144) and the Technical Note – Acoustics, 13 October 2022 – prepared by Stroma (submitted with and discharged under application ref no CDN/22/0753) the Acoustic Design Note, 27 July 2023—prepared by Stroma (submitted with and discharged under application ref no CDN/22/0144).

~~Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non-compliance shall be suitably mitigated in accordance with an agreed scheme.~~

~~The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E and F as permitted by this consent) A follow up Verification Report shall be submitted to Manchester City Council once the spaces have been occupied to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations shall be detailed along with any measures required to ensure compliance with the agreed noise criteria."~~

Condition 8 – Acoustic Impact Plant Verification

An External Plant Noise Assessment (8 March 2022) and a Building Services Noise Commissioning Measurements Report (13 October 2022) were prepared by Stroma and previously approved under condition discharge application Refs: CDN/22/0144 and CDN/22/0753 to discharge Condition 18 of the original Base building Permission (Ref: 125018/FO/2019).

The reports produced to support application refs: CDN/22/014 and CDN/22/0753 have been resubmitted alongside this Section 73 application and it is requested that the wording of Condition 8 of Planning Permission ref: 137779/FO/2023 is updated as follows:

*“The uses hereby approved shall be implemented in accordance with External Plant Noise Assessment **25 January 2022**, prepared by Stroma (submitted with and discharged under application ref no CDN/22/0144) and Building Services Noise Commissioning Measurements Report, 13 October 2022 - prepared by Stroma (submitted and discharged under application ref no CDN/22/0753).*

~~*Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non-compliance shall be suitably mitigated in accordance with an agreed scheme.*~~

The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E and F as permitted by this consent).”

Condition 9 – External Areas Hours of Use

The approved opening hours for the external terrace were established under Condition 29 of the original Base Planning Permission (Ref: 125018/FO/2019) as 08:00 to 22:00 Monday to Sunday. The external terrace is for use of the whole building and as such it is proposed that Condition 9 should be updated to a compliance condition which reflects the wording of Condition 29 of the original Base Planning Permission.

We therefore request that Condition 9 attached to the Planning Permission ref: 137779/FO/2023 is updated to the following:

~~*“The external terrace shall not be open outside 0800 to 2200 Monday to Sunday External areas/outside seating shall only allow use of external areas within the application site in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority, and shall not allow for the use of amplified sound or any music in these external areas at any time.”*~~

5 Planning Policy and Guidance

The Planning Policy Framework relevant to this Application has remained consistent since the approval of the Planning Permission for the Change of Use in October 2023. The key Development Plan documents remain the 2012 Manchester Core Strategy and Saved Policies of the 2006 Manchester Unitary

Development Plan. The National Planning Policy Framework 2023 (NPPF) forms a Material Consideration in the determination of this Application.

Full consideration of the Base Change of Use against the planning policy framework is considered within the original Planning Statement prepared by Deloitte, approved by the Planning Permission (Ref: 137779/FO/2023).

It is concluded that the proposed amendments will not cause any material change to the consented scheme, and it is confirmed that the various conclusions will be unaffected by the proposed amendments. For details, please refer to the aforementioned technical assessments as approved by the Planning Permission (Ref: 137779/FO/2023).

6 Summary

The proposed amendments are in keeping with the original vision and objectives established by the original Planning Permission, and will have no material effect on the use, siting, density and height of Planning Permission Ref: 137779/FO/2023. The proposed amendments will also have no material impact on the conclusions of technical reports approved via the Planning Permission.

The amended scheme will continue to accord with the Development Plan when taken as a whole and there are no material considerations which would justify the refusal of the Application. We therefore respectfully request that this application be approved by Manchester City Council as the Local Planning Authority.

7 Application Submission

This application comprises this Covering Letter and the following documentation:

- Application Form and Notices prepared by Deloitte;
- Technical Note – Acoustics, 8 March 2022, prepared by Stroma;
- Technical Note – Acoustics, 13 October 2022, prepared by Stroma;
- External Plant Noise Assessment, 25 January 2022, prepared by Stroma;
- Building Services Noise Commissioning Measurements Report, 13 October 2022, prepared by Stroma; and
- External Plant Noise Assessment, 8 March 2022, prepared by Stroma.

Payment of the planning application fee in the sum of £234 has been made directly to Manchester City Council under Planning Portal Ref: PP-12595482. I would be grateful if you could please confirm receipt of this fee.

We would be grateful if you could notify us of validation of the Application and please to contact Jennifer Chatfield (jchatfield@deloitte.co.uk / 0161 455 8084 or Ollie Eyre (odeyre@deloitte.co.uk / 020 7303 4102).

Yours sincerely,

A handwritten signature in dark ink that reads "Deloitte LLP". The script is cursive and somewhat informal, with the "D" being particularly large and stylized.

For Deloitte LLP

Encl.