

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141714/FO/2024
Date registered valid:	6 February 2025
Proposal:	Retrospective application for the erection of a functional training tent (Use Class E) to the rear of the main gym building at 393 Wilmslow Road.
Address:	Muscle Manor, 393 Wilmslow Road, Manchester, M20 4WA
Ward(s):	Withington Ward
Applicant:	Mr Zackeria Jooyandeh, Ziggy Sixx Ltd
Agent (if any):	White Peak Planning Limited
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	9 March 2026

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 12 February 2025 Expired: 5 March 2025

Neighbour notifications

Printed: 12 February 2025 Expired: 5 March 2025

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/building/area

Formerly run as a hotel and known as The Rams Lodge, 393 Wilmslow Road is now in use as a gym, operating under the name of Muscle Manor (approved December 2025 under reference 140666/FO/2024). The property is to the south of the junction with Brook Road and sits at the front of the linear site that goes all the way through to Mitford Road. The hotel used to operate as two building connected by a corridor, one fronting Mitford Road and the other Wilmslow Road. The building on Mitford Road is used as homeless accommodation, while, as stated above, the Wilmslow Road building is being used as a gym. Residential accommodation adjoins the site and is also located on the opposite side of Wilmslow Road.

In the middle of the site the applicant has erected a tent like structure for use in connection with the gym, that is the subject of this application.

Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

Retrospective application for the erection of a functional training tent (Use Class E) to the rear of the main gym building.

Consultations & Notification Responses

Local Residents – Two letters of objection have been received, the comments are summarised below:

- The tent structure lacks noise insulation, resulting in regular early-morning disturbances from amplified music, microphone use and heavy equipment being dropped. These noises often occur before the gym's business hours, despite complaints being raised.
- During construction, materials were stacked against the boundary wall of 2–3 Brook Road, causing the wall to lean dangerously and placing it at risk of collapse. Photographic evidence is available.
- Due to inadequate on-site parking, gym users park on Brook Road, frequently blocking pavements, driveways and junctions. This has created safety hazards for pedestrians, including those using mobility aids and increases the risk of traffic accidents.
- The illegal structure on the land between the Wilmslow Road buildings and the homeless accommodation to the rear should be removed. A re-instated garden with tree planting would help create anew the green context in which the original hotel stood and could be used by those now accommodated in the hostel.

Fallowfield/Withington Community Guardians – They are strongly opposed to the approval of this retrospective application for a large structure in the garden behind Muscle Manor, noting that the training gym was constructed without planning permission. They believe the loss of green space is detrimental not only to the surrounding neighbourhood but also to the residents of The Ram Temporary Accommodation, which forms part of the same site. Residents of the hostel have insufficient space for socialising, leading groups to gather on nearby streets and sit on garden walls, behaviour that frequently results in anti-social incidents and alcohol or substance misuse.

Councillors Chambers and Wills – Their objection is based on the same grounds outlined below by the Fallowfield Community Guardians. They believe that insufficient consideration was given by the applicant to the impact that this structure would have on the neighbouring temporary accommodation at Ram's Lodge.

While they acknowledge that Muscle Manor is a popular gym and wish to support it as a local business, they consider the unauthorised structure to be inappropriate. They also believe that greater attention should be given to landscaping and enhancing the green character of this area of land. They therefore request that the application be refused.

Highway Services – Have made the following comments:

- The training tent extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.
- It is acknowledged that the training tent will be utilised by existing members and therefore it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise. The site is well accessed by sustainable modes. Regular bus services and railway services are available within walking distance from the site.
- The current on-site parking offering (7 spaces) are to be retained and as such, Highways have no concerns regarding vehicular build up on-street.
- 20 cycle parking spaces are in place for the use of gym members and staff. This is acceptable in principle.
- The Cover Note states that a travel assessment was conducted at the gym and found that 80% of users arrive by foot.
- A Waste Management Strategy has been submitted and includes details on the anticipated waste volumes, collection schedule and collection details. This is acceptable in principle.

Environmental Health – Have made the following comments:

The functional area shall only be used during the following hours:

- 7am to 11pm Monday to Friday
- 8am to 11pm on Saturdays
- 9am to 10pm on Sundays and Bank Holidays

The background noise levels for Sunday mornings have not been assessed in the report; therefore, noise from the functional area cannot be compared to background noise levels at that time. In that area, it is likely that background noise levels will be lower at 7am and 11pm on Sundays than during the week, and the proposed hours of opening for the functional area on Sundays and Bank Holidays reflect this.

They have also recommended the imposition of noise insulation and refuse storage conditions.

Policies

Draft National Planning Policy Framework (December 2025) - The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. A draft revised NPPF was published for consultation on 16 December 2025. The consultation period runs for 12 weeks and will close on 10 March 2026.

The draft NPPF proposes significant changes to the structure and content of national policy. These include a move to Local Plan-style policy sections, a clearer distinction between plan-making and decision-making policies, and the reintroduction of strategic planning through Spatial Development Strategies. Other notable changes include an expanded presumption in favour of sustainable development, policies promoting higher densities around transport hubs, and support for small and medium-scale housing schemes through a new “medium development” category. The draft also integrates National Development Management Policies, strengthens climate change and biodiversity policies, and introduces measures to encourage clean energy and critical minerals development.

Once adopted, the revised NPPF will replace the current framework and form a key part of national planning policy. At this stage, as the document is subject to consultation and has not yet been finalised, while still a material consideration, it can only be afforded limited weight in the determination of planning applications. In this instance, the relevant sections are outlined below:

Policy DM3 (*Determining development proposals*) – When considering development proposals, local planning authorities should:

- a) Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;
- b) Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;
- c) Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;
- d) Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision or more detailed advice may enable an approval rather than a refusal;
- e) Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and
- f) Not refuse applications for development which should clearly be approved, having regard to its accordance with the development plan, the policies in this Framework and any other material considerations.

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

In addition to the above, Section 12 (*Achieving well-designed places*) and 15 (*Conserving and enhancing the natural environment*) are of relevance:

In paragraph 135 (Section 12), the guidance states that planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In paragraph 187 (Section 15), the guidance states that planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles*, - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states 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. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

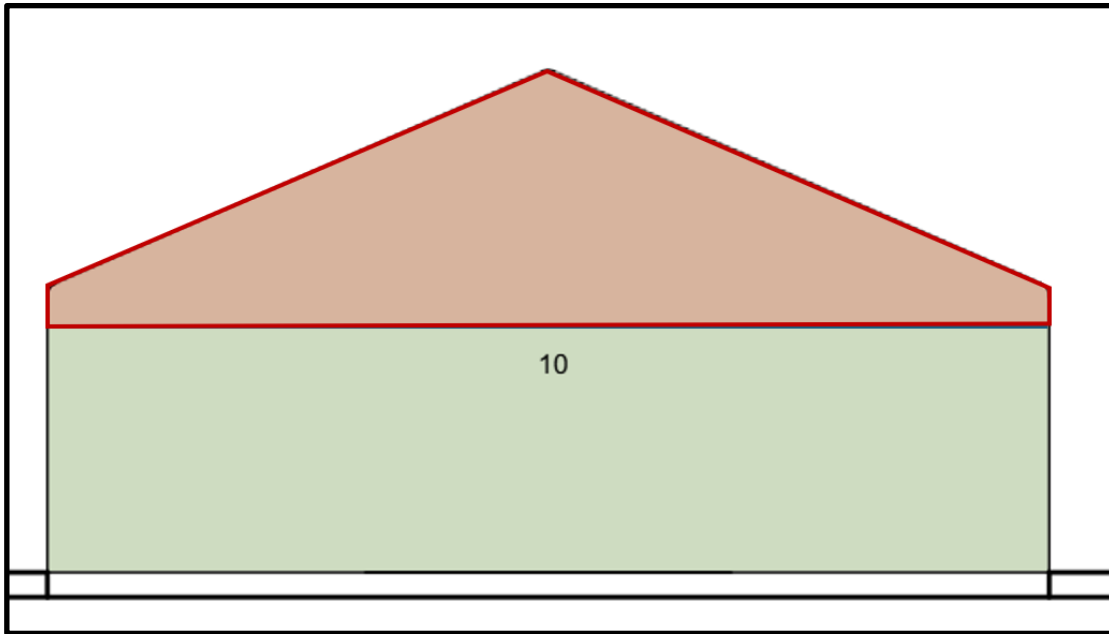
Residential Amenity – Although it is acknowledged that Environmental Health have advised the proposal could, in principle, be controlled through the imposition of conditions, it is nevertheless considered that the operation of the functional tent would result in an unacceptable level of harm to the residential amenities enjoyed by the occupants of the dwellings closest to the site, particularly those on Brook Road and Mitford Road.

While the recommended conditions would restrict the hours of use of the functional tent, as outlined on page 3, and limit the periods during which music could be played, it is not considered that these measures would sufficiently mitigate the adverse impacts arising from the comings and goings of gym users during late evening and early morning periods. Noise and disturbance, whether from raised voices, the opening and closing of doors, or general activity associated with customers moving between the main building and the functional tent, would inevitably extend beyond the confines of the site. Furthermore, given the lightweight materials used in the construction of the tent, it is not considered feasible to provide adequate acoustic insulation that would prevent noise generated by gym activities from affecting neighbouring occupiers. These impacts are of particular concern given the close proximity of residential properties, including Nos. 2–4 and 4a–4c Brook Road, and No. 4 Mitford Road.

In addition, the functional tent has been sited in very close proximity to the rear garden boundary of nos. 2 and 4 Brook Road, as can be seen below.



With an overall height of 5.1 metres, a substantial portion of the structure (hatched red below) would be highly visible from the rear gardens of these properties. Its height and close siting relative to the boundary are considered to result in an overbearing form of development that would materially diminish the outlook for the occupants and detract from their enjoyment of their private garden space.



Given the above, it is considered that the retention and use of the functional tent in this location would lead to an undue and unacceptable deterioration in the living conditions of the residents who live closest to the site.

Pedestrian and Highways Safety – It is not considered that the comings and goings associated with the proposal would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along this section of Wilmslow Road or Brook Road.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document and the guidance contained within the National Planning Policy Framework. As the nature of the proposal is considered to be unacceptable and a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached, the application has been refused.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed development, by virtue of the nature of the gym use, the comings and goings of customers and the lightweight tent structure proposed to accommodate it, would result in unacceptable levels of noise and disturbance to nearby residential properties, particularly those on Brook Road and Mitford Road. This is contrary to Policies DM1 and SP1 in the Manchester Core Strategy, saved UDP Policy DC26 and the guidance contained within the National Planning Policy Framework.

2) The proposed structure, by virtue of its scale, design and siting in close proximity to the shared boundaries with Nos. 2 and 4 Brook Road, would form an unduly prominent and visually intrusive feature and would create a heightened sense of enclosure and be visually overbearing. As such, the proposal would have a detrimental impact upon the existing levels of visual amenity enjoyed by the occupants of nos. 2 and 4 Brook Road, contrary to Policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
South East Fallowfield Residents Association
Rusholme, Fallowfield & Moss Side Civic Society

Flat 1, 4 Mitford Road, Manchester, M14 6UL
Flat 2, 4 Mitford Road, Manchester, M14 6UL
Second Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH
Flat 66, 397 Wilmslow Road, Manchester, M20 4WA
397A Wilmslow Road, Manchester, M20 4WA
4A Mitford Road, Manchester, M14 6UL
Basement Flat, 387 Wilmslow Road, Manchester, M14 6AH

Flat 63, 397 Wilmslow Road, Manchester, M20 4WA
 Flat 71, 397 Wilmslow Road, Manchester, M20 4WA
 Flat 59, 397 Wilmslow Road, Manchester, M20 4WA
 Flat 4, 395 Wilmslow Road, Manchester, M20 4WA
 Flat 5, 395 Wilmslow Road, Manchester, M20 4WA
 Flat 3, 395 Wilmslow Road, Manchester, M20 4WA
 Flat 1, 395 Wilmslow Road, Manchester, M20 4WA
 Flat A, 395 Wilmslow Road, Manchester, M20 4WA
 Flat B, 395 Wilmslow Road, Manchester, M20 4WA
 Flat 2, 395 Wilmslow Road, Manchester, M20 4WA
 Ground Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH
 First Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH
 Flat At, The Coach House, 395 Wilmslow Road, Manchester, M20 4WA
 3 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
 362 Wilmslow Road, Manchester, M14 6DT
 1B Brook Road, Manchester, M14 6UJ
 Flat 24, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 21, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 18, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 16, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 12, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 10, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 7, Mitford Court, Derby Road, Manchester, M14 6WD
 Basement And Ground Floor, 397 Wilmslow Road, Manchester, M20 4WA
 4C Brook Road, Manchester, M14 6UH
 2 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
 1 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
 4A Brook Road, Manchester, M14 6UH
 2 Brook Road, Manchester, M14 6UH
 Flat 6, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 5, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 4, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 3, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 2, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 1, Mitford Court, Derby Road, Manchester, M14 6WD
 4 Brook Road, Manchester, M14 6UH
 4B Brook Road, Manchester, M14 6UH
 Flat 25, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 23, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 22, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 20, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 19, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 17, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 15, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 14, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 11, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 9, Mitford Court, Derby Road, Manchester, M14 6WD
 Flat 8, Mitford Court, Derby Road, Manchester, M14 6WD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
 Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA