

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129250/NMC/2021

Date registered valid: 29 January 2021

Proposal: A Non-Material Amendment comprising a change to the description of application referenced 116164/FO/2017 (as amended by application referenced 129249/JO/2021) ,under Section 96a of the Town and Country Planning Act 1990, to remove reference to the number of guestrooms.

Address: 2-4 Invicta House , Atkinson Street, Manchester, M3 3HH

Ward(s): Deansgate Ward

Applicant: Khanna Enterprise Manchester (property) Ltd C/o Agent, Norfolk House, Manchester, M2 1DW

Agent (if any): Mr Joseph Smith Avison Young Norfolk House, 7 Norfolk Street, Manchester, M2 1DW

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 September 2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

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

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of site/building

The application site is located at 2-4 Atkinson Street and is 0.47 hectares in size and previously included Invicta House, which was a three storey office building with a private car park. The site is bounded by Atkinson Street, Scott Place and Tivoli Street

Surrounding listed buildings include the four storey Grade II listed County Courthouse (184-186 Deansgate) to the east and the 13 storey Sunlight House, a Grade II listed building to the south and the Grade I Listed John Rylands Library, the Grade II Listed Albert Hall and Grade II Listed Opera House. The site is within the Deansgate Conservation Area. There are no listed buildings on the site.

Invicta House was three storeys in height with a basement and occupied the southern and eastern boundaries of the application site with a car park occupying the remainder of the site. The site has now been partially cleared and construction is underway in accordance with applications referenced 116164/FO/2017 and 123084/FO/2019. The Atkinson Street elevation and the secondary return to Scott Place of Invicta House have been retained and are included in the proposals. The retained façade to Atkinson Street, dates from the early 1900's. It is composed of red brick with banded painted stone. The architectural style has some Gothic details to the door surround but is best described as eclectic, pointed and with a Dutch/North European architectural character. The fenestration had been completely altered throughout the building, with a number of former openings reduced in size or blocked up.

The site fronts Atkinson Street and abuts the Grade II listed former County Court building. It terminates the view along Little Quay Street which is enclosed by the back of Royal London House and Sunlight House, both Grade II listed.

The site is part of Spinningfields, which is a premium financial and professional services destination set within world class architecture and public realm. It is a mixed use destination with civic, residential, leisure and retail uses complementing the commercial offer, all in a high quality, planned, managed and safe environment.

Planning Permission (ref: 111302/FO/2016/C1) was granted in November 2016 for the redevelopment of Invicta House for office development (Use Class B1) with ground floor ancillary use (Use Classes A1/A2/A3/A4). This included partial demolition of existing building with retention and refurbishment of main facade and erection of eight storey building (Use Class B1) to the rear.

Planning Permission (ref: 116164/FO/2017) was granted in August 2017 for the redevelopment of Invicta House for office development (Use Class B1) with ground floor ancillary use (Use Classes A1/A2/A3/A4). This included partial demolition of existing building with retention and refurbishment of main facade and erection of eight storey building (Use Class B1) to the rear.

Planning Permission (ref: 122726/NMC/2019) was granted in March 2018 for non-material change to planning permission ref: 116164/FO/2017, including amendments to internal layout, removal of external staircase and other minor revisions.

Planning Permission (ref: 121427/NMC/2018) was granted in June 2019 for non-material change to the wording of Condition 3 (Samples of External Materials) of planning permission Ref: 116164/FO/2017

Planning Permission (ref: 123084/FO/2019) was granted in August 2017 for the removal of the Scott Place gable wall and subsequent rebuild with existing material in relation to previously approved planning application (ref. 116164/FO/2017) for a hotel development.

Applications referenced CDN/18/0387, CDN/18/0671 and CDN/19/0778 have also been submitted to discharge the pre-commencement conditions of approved planning application (ref. 116164/FO/2017)

Planning Permission (ref: 126945/FO/2020) was granted on 15th September 2020 and allowed redevelopment for a hotel use (Use Class C1), with ground floor ancillary facilities, comprising retention and refurbishment of main facade of Invicta House, erection of a ten-storey building to the rear, and other associated works.

Description of development

The submitted application seeks a non-material amendment to application referenced 116164/FO/2017 (as amended by 129241/JO/2021) is sought to change to the description of application referenced 116164/FO/2017 (as amended by 129241/JO/2021), under Section 96a of the Town and Country Planning Act 1990; to remove reference to the number of guestrooms. This is to allow the number of guestrooms to be increased from 145 to 146. The applicant has advised that the internal rearrangements sought and opportunity for the additional guestroom would go some way in improving the overall design and layout and long-term sustainability of the hotel.

The above described planning permission ref: 126945/FO/2020 allowed an additional 19 rooms within the same hotel proposal on site, however the Applicant has advised that they are unable to deliver the larger scheme due to funding uncertainties associated with the Covid-19 pandemic.

Planning permission (referenced 129241/JO/2021) is also sought to vary Condition 2 (Approved Drawings and Documents) of app. 116164/FO/2017 to make external changes to the approved scheme.

Consultations & Notification Responses

Not applicable

Issues

The above described works are non material. Please see original report for apps. 116164/FO/2017 and 129249/JO/2021 for details of the original scheme. A copy of the reports for apps. 116164/FO/2017 and 129249/JO/2021 will be stored on the application file for this application.

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

Article 35 Declaration

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

1) Reason 1: Following an assessment of the details submitted, it is confirmed that the proposed amendments to the description of application referenced 116164/FO/2017 (as amended by application referenced 129249/JO/2021) and amendments to Condition 2 of application referenced 116164/FO/2017 (as amended by application referenced 129249/JO/2021) in respect of the internal layout are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The amendments would allow

internal changes to create an additional guestroom. The City Council is satisfied that the proposed changes to the description and to the condition will have no material impact upon the approved scheme and the works will not adversely affect residential amenity within the area or will they have any significant material impact upon the overall quality of the development and there are no material planning considerations to indicate otherwise.

2) Reason 2: The re-wording of the description and the changes to Condition 2 (Approved Drawings and Documents) is required to allow internal changes to the approved development including the creation of an additional guestroom. The overall external appearance of the building would not be materially affected by the changes as they would be wholly internal. It should be noted that this letter of consent does not supersede the decision notice attached to planning permission referenced 116164/FO/2017 (as amended by planning permission referenced 129249/JO/2021). These documents should be read in conjunction with one another. Therefore, the conditions previously applied to planning permission referenced 116164/FO/2017 (as amended by planning permission referenced 129249/JO/2021), still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended description applies:

3) Redevelopment of Invicta House for Use Class C1 hotel development with ground floor ancillary facilities. Partial demolition of existing building with retention and refurbishment of main facade and erection of a nine-storey building to the rear.

Appendix 1 – List of consultees & neighbours notified

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Deansgate Conservation Area 1985

Area Team Boundary - Name: CITY1