

31 January 2024

Delivered via Planning Portal

Angela Leckie
Manchester City Council
Town Hall
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Dear Angela

**APPLICATION UNDER SECTION 96A OF TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) –
NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REFERENCE 131634/JO/2021, VICTORIA
HOUSE, GREAT ANCOATS STREET, MANCHESTER, M4 7AB**

On behalf of our client FG Victoria House Limited ('the applicant'), I am pleased to enclose an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment ("NMA") to planning permission 131634/JO/2021.

The application has been submitted via Planning Portal (ref. PP-12770637) and comprises electronic copies of the following documents:

- Completed Application Forms, prepared by Turley
- This Covering Letter, prepared by Turley
- Location Plan (dwg ref. 10122-A-B5D9-G100-P-00-001), prepared by Simpson Haugh
- North West Elevation (dwg ref. 10122-A-B5D9-G200-E-NW-003 Rev 05), prepared by Simpson Haugh
- General Arrangement Ground Floor Plan (dwg ref. 10122-SHP-A-B5D9-G200-P-00-003 Rev 04), prepared by Simpson Haugh

Please see **Appendix 1** for a list of revised plans.

BACKGROUND

Full planning permission was granted by Manchester City Council ('MCC') on 26 August 2020 for the redevelopment of Victoria House, including the demolition of the existing building and the construction

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of residential apartments with ground floor commercial space (ref. 122000/FO/2018) ("Victoria House Planning Permission").

This permission relates to the redevelopment Victoria House, which comprises Plot E of the Portugal Street East Strategic Regeneration Framework ('PSE SRF') area located within Manchester City Centre. The development aims to offer a high-specification residential led 'build-to-rent' scheme, complemented by ground floor commercial space and internal and external amenity space.

Since the permission was granted a number of Discharge of Conditions applications have been submitted and approved. A number of applications to amend the scheme have also been submitted and approved, including five Non-Material Amendments ("NMA") and an amendment under Section 73 of the TCPA 1990 ("S73").

As mentioned above, an NMA application (LPA ref. 131634/JO/2021) was approved in July 2022 which amended the description of development. The full wording of the approved development is as follows:

Erection of a part 25 part 3 storey residential tower (Use Class C3) for 177 apartments comprising 57 x 1 bed (34 x 1 bed 1 person and 23 1 bed 2 person), 115 x 2 bed (36 x 2 bed 3 person and 79 x 2 bed 4 person) and 5 x 3 bed (3 bed 5 person) with ground floor commercial space (Use Class A1, A2, A3, A4 and D1) above partial basement level associated shared amenity spaces at 3rd floor level, realm enhancements following demolition of existing buildings.

A full history of the applications post approval can be seen below in **Table 1**.

Table 1: Application History Summary

Application Type	Condition No. (If Applicable)	Reference	Status
Discharge of Condition	3a	CDN/22/0601	Discharged
Discharge of Condition	3b	CDN/21/0605	Discharged
Discharge of Condition	3c	CDN/22/0925	Discharged
Discharge of Condition	4	CDN/21/0356	Discharged
Discharge of Condition	5	CDN/22/0518	Discharged
Discharge of Condition	6	CDN/21/0841	Discharged
Discharge of Condition	8(a)	CDN/21/0508	Discharged
Discharge of Condition	8(a)	CDN/21/0699	Discharged
Discharge of Condition	9	CDN/21/0285	Discharged
Discharge of Condition	10	CDN/21/0629	Discharged
Discharge of Condition	11a	CDN/21/0762	Discharged
Discharge of Condition	11a, b, c, d, e, f, k	CDN/23/0789	Pending Determination
Discharge of Condition	12	CDN/21/0763	Discharged
Discharge of Condition	14	CDN/23/0789	Pending Determination
Discharge of Condition	16	CDN/21/0568	Discharged

Discharge of Condition	17	CDN/21/0568	Discharged
Discharge of Condition	18	CDN/23/0848	Pending Determination
Discharge of Condition	21	CDN/21/0636	Discharged
Discharge of Condition	22(a)	CDN/21/0507	Discharged
Discharge of Condition	24	CDN/22/0706	Discharged
Discharge of Condition	27	CDN/23/0789	Pending Determination
Discharge of Condition	33	CDN/21/0380	Discharged
Discharge of Condition	38	CDN/21/0285	Discharged
Discharge of Condition	38(b)	CDN/22/0359	Discharged
Non-Material Amendment		131328/NMC/2021	Approved
Non-Material Amendment		131607/NMC/2021	Approved
Non-Material Amendment		134708/NMC/2022	Approved
Non-Material Amendment		136167/NMC/2023	Approved
Non-Material Amendment		137455/NMC/2023	Approved
Section 73 Amendment		131634/JO/2021	Approved

Please note, the currently pending application for Condition 18 (Opening Hours) (LPA ref. CDN/23/0848) is reliant on the determination of this application. It would be appreciated if that application to discharge condition 18 (LPA ref. CDN/23/0848) could be considered in the context of the revised scheme as proposed in this NMA.

PROPOSED CHANGES

Since the approval of the planning application, the scheme has been subject to a process of further detailed design development and review, with input from the client team together with an experienced and comprehensive team of specialist consultants and contractors. As construction nears completion, the applicant has been engaged in discussions with potential occupiers for the ground floor retail units. A national retailer has secured an agreement to occupy the ground floor retail area. The applicant has been working with the national retailer to identify the optimal layout of the ground floor, which will necessitate an amendment to the scheme/planning permission.

Changes to the Layout

The ground floor will be reconfigured, comprising one larger retail unit (built to the specification of the national retailer), instead of the two smaller existing units as consented. In doing this, the applicant will provide improvement to the reception and residents' amenity space as well as increasing an active frontage and passive surveillance along Great Ancoats Street. The staff welfare room and post room have also been moved on the northwest elevation. This change will result in a decrease in the overall quantum of retail floor space, as follows:

Consented Retail Floor Space: $103m^2 + 201m^2 = 304m^2$

Proposed Retail Floor Space: $267m^2$

Changes to the Northwest Elevation

Four existing glass panels on the northwest elevation will be replaced with opaque panels, with the colour and finish to match the existing consented opaque panels within the curtain wall system. This change is required to obscure the services serving the staff welfare (which will be relocated, as detailed above).

CONSIDERATION OF THE APPLICATION

In accordance with the Planning Practice Guidance, there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The proposal is deemed 'non-material' because the changes do not alter the overall principle of the use of the site – it will still remain as a residential tower with ground floor flexible commercial/retail space and public realm. The proposed changes are required to facilitate the inclusion of the national retailer within the ground floor of Victoria House. The proposed changes maintain the overall appearance originally approved.

CONCLUSION

We trust that this submission satisfies the Council's application validation requirements and will allow for the determination of the application. We look forward to receiving formal written notification to this effect in due course, however, should you have any queries or require any further information, please contact myself or my colleague Amy Gaskell (amy.gaskell@turley.co.uk).

Yours sincerely



Will Hannah
Planner

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Appendix 1: Superseded Plans

Consented Plan Title	Consented Plan Reference	Proposed Plan Title	Proposed Plan Reference
North West Elevation	10122-A-B5D9-G200-E-NW-003 Rev 04	North West Elevation	10122-A-B5D9-G200-E-NW-003 Rev 05
General Arrangement Ground Floor Plan	10122-A-B5D9-G200-P-00-003 Rev 003	General Arrangement Ground Floor Plan	10122-SHP-A-B5D9-G200-P-00-003 Rev 04