

22 November 2021

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

FAO Jennifer Atkinson

Dear Jennifer

**Old Brewery Gardens, New Bridge Street, Manchester: Section 96A (Non-Material Amendment)
Application to Planning Permission Reference 118831/FO/2018**

Please find enclosed an application submitted by Deansgate Securities Limited for a non-material amendment to Planning Permission ref. 118831/FO/2018 in accordance with Section 96A of the Town and Country Planning Act 1990. It relates to the project commonly referred to as Old Brewery Gardens, which was granted planning permission on 28 April 2019 following the signing of a s.106 Agreement.

This application is submitted in order to identify trigger points for certain pre-commencement planning conditions, that will allow a specific and discrete area of public realm works, known as the 'Top Platform', to come forward, as necessary to support the opening and full operation of the adjacent Manchester College. Further background and context is provided in the next section of this letter.

Planning Background

The proposed residential development at Old Brewery Gardens, Planning Permission ref. 118831/FO/2018, provides 556 new homes within a key part of the City Centre and growing regeneration area in Manchester.

Importantly, the Manchester College project (LPA Ref. 124995/FO/2019), relies on the Old Brewery Gardens proposals delivering the above-mentioned Top Platform; however, the Old Brewery Gardens applicant and proposed development, Prosperity Capital Partners, have since gone into administration and therefore the landowners, Deansgate Securities Limited, are currently exploring opportunities to secure a new development partner to bring forward the Planning Permission, as approved.

This will delay the commencement of Old Brewery Gardens and therefore, in order to facilitate the successful completion of the new educational facility before its opening next year, Deansgate Securities has agreed to deliver the Top Platform as a discrete phase of work.

Proactive and collaborative discussions have taken place between The Manchester College and Realty Estates to ensure that the delivery of the new area of public realm can be delivered efficiently, work with both schemes, and provided to the high-quality standard expected by both parties. Whilst this physical work is on-going to facilitate the new entrance for the college, development partners for Old Brewery Gardens will subsequently be appointed by Deansgate Securities to bring forward the approved scheme.

The proposed amendments will also facilitate the lawful implementation of Planning Permission ref. 118831/FO/2018 which in turn will help secure delivery of much needed new homes for the city centre.

In addition, following approval of this non-material amendment, it will be necessary to identify this discrete phase of development (i.e. the Top Platform) with the Local Planning Authority through information submitted to discharge Condition 2 attached to 118831/FO/2018.

Proposed Non-Material Amendments

It is proposed that conditions 3, 4, 5, 6, 7, 8, 11 and 13 attached to Planning Permission 118831/FO/2018 be formally amended, as set out in this application and its supporting information, in order to allow information to be submitted as relevant to delivery of the Top Platform phase, rather than the development as a whole.

This has the effect of focusing on information that is strictly relevant to the implementation of the Top Platform rather than the development as a whole. This focus supports the timely delivery of this important component part of the Manchester College's operational estate.

The proposed wording of planning conditions, as amended, is set out under the respective headings below and additional wording is highlighted in **bold**.

1.1 Condition 3 – Approved Plans and Documents

In order to reflect the latest proposals for the first phase of works, this application is submitted alongside an updated public realm plan that provides co-ordinated details for the entrance to The Manchester College and the first phase of development for Old Brewery Gardens. This Top Platform will link into the main public boulevard in the future, approved as part of the planning permission.

On this basis, the revised wording of condition 3 is set out below, with changes marked in bold:

*"The development hereby approved shall be carried out in accordance with the following drawings and documents Drawings: A2943 100 R1, A2943 120 R1, A2943 121 R1, A2943 150 R1, A2943 198 R16, A2943 199 R16, A2943 200 R16, A2943 201 R16, A2943 202 R16, A2943 203 R15, A2943 204 R14, A2943 205 R14, A2943 206 R14, A2943 207 R14, A2943 208 R14, A2943 209 R14, A2943 210 R14, A2943 211 R15, A2943 212 R14, A2943 213 R14, A2943 214 R14, A2943 215 R14, A2943 216 R14, A2943 217 R14, A2943 218 R14, A2943 219 R14, A2943 220 R14, A2943 221 R14, A2943 222 R14, A2943 223 R11, A2943 224 R12, A2943 225 R10, A2943 226 R10, A2943 300 R7, A2943 301 R5, A2943 302 R5, A2943 303 R5, A2943 304 R5, A2943 305 R5, A2943 400 R8, A2943 401 R8, A2943 402 R8, A2943 403 R8, A2943 410 R7, A2943 411 R7, A2943 412 R7, A2943 413 R7, A2943 414 R7, A2943 415 R7, A2943 420 R7, A2943 421 R7, A2943 422 R7, A2943 423 R7, A2943 424 R7, A2943 425 R7, A2943 500 R1 and A2943 501 R1 all stamped as received by the City Council, as Local Planning Authority, **on the 19 January 2018, as superseded as relevant to each phase through the following plans 273-LYR-XX-ZZ-DWG-L-1002 (Boddingtons Green Strip Phase 2); 273-LYR-01-02-***

DWG-L-1002 (Phase 1 Platform Works Zoom in GA); 273-LYR-01-02-DWG-L-1001 (Phase 1 Platform Works Landscape GA) related to the Top Platform works phase defined by Condition 2.

Supporting Information Environmental Statement (including the following documents, construction management and phasing, socio-economic, townscape and visual impact, archaeology and visual impact, noise and vibration, transport, air quality, water resources, sunlight, daylight and overshadowing and wind microclimate), design and access statement prepared by Assael, planning and tall building statement prepared by Deloitte Real Estate, public realm and landscaping strategy prepared by Urban, Environmental Standards statement prepared by Hilson Moran, Statement of Consultation prepared by Deloitte Real Estate, phase 1 desk based ground conditions report prepared by Wardell Armstrong, Ecological Assessment prepared by Wardell Armstrong, Arboricultural assessment prepared by Wardell Armstrong, Crime Impact Statement (version A) prepared by Design for Security at Greater Manchester Police, Ventilation strategy prepared by Hilson Moran, TV reception study prepared by Hilson Moran, residential management statement prepared by Urban Bubble and commercial strategy prepared by Future City all stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018.”

1.2 Condition 4 – Local Labour Agreement (Construction Phase)

In order to allow information relating to local labour to come forward as relevant to each phase, an amendment to the wording of the condition is required to make it explicit that this information will be submitted in phases.

This will allow the current contractor delivering the Manchester College, Willmott Dixon, to submit details of their labour sources for the project via condition discharge that will, in turn, allow them to continue their construction activity and deliver the area of public realm needed for the opening of the educational facility in 2022.

On this basis, the revised wording of condition 4 is set out below, with changes marked in bold:

*Prior to the **commencement of each relevant phase of development as detailed in Condition 2**, a local labour agreement, in order to demonstrate commitment to recruit local labour for both the construction and operations element **of each relevant phase of the development**, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction and occupation phases of **a relevant phase of the development**. (b) Within six months of the first occupation **of each relevant phase of the development**, details of the results of the scheme shall be submitted for consideration*

1.3 Condition 5 – Archaeological Written Scheme of Investigation

As the Top Platform area is located at the same height as New Bridge Street, below ground archaeological remains are not likely to be disturbed and therefore no further investigatory works and recording of below ground remains is proposed for the delivery of this initial phase of development.

On this basis, it is proposed to make phasing specific to this condition to allow for archaeological works to be undertaken as relevant to each phase of development.

This will ensure that the initial area of public realm can be delivered in line with the programme for the College opening, and so that future phases can provide a detailed Written Scheme of Investigation for the

wider site as that comes forward. Discussions have taken place with the Greater Manchester Archaeological Advisory Service to confirm this approach is acceptable prior to a submission being made.

Condition 5 is therefore proposed to be worded as follows, with the changes highlighted in bold:

*“No development shall take place **of each relevant phase of development as detailed in Condition 2** until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works to be undertaken **in relation to each relevant phase** in accordance with a Written Scheme of Investigation (WSI), prepared by the appointed archaeological contractor.”*

1.4 Condition 6 – Surface Water Drainage

Both the wider site and the initial phase of works need to provide details of the required surface water drainage works as relevant to the delivery taking place on Site.

In order to allow information to be submitted against each phase, it is proposed to amend the wording of condition 6 to ensure that the details can be submitted and aligned with each area of works as follows:

*“Notwithstanding the water resources section of the ES stamped as received by the City Council, as Local Planning Authority on the 19 January 2018, (a) Prior to the commencement **of each relevant phase of development as detailed in Condition 2**, a scheme for the drainage of surface water from the new development shall be submitted for approval in writing by the City Council as the Local Planning Authority. For the avoidance of doubt this shall include: o Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment; Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building; Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. The flood water should be routed away from the buildings and towards the less vulnerable areas i.e. open spaces, car parks and roads. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site. Hydraulic calculation of the proposed drainage system. Construction details of flow control and SuDS elements **of each relevant phase** of development shall then be constructed in accordance with the approved details, within a previously agreed timescale. (b) Prior to the first occupation **of each relevant phase** of development a verification report shall be submitted, including relevant photographic evidence, that the scheme has been implemented in accordance with the previously approved details.”*

1.5 Condition 7 – Ground Conditions and UXO

In order to ensure that ground conditions information and the requirements for remediation and avoiding the risk of contamination is provided in relation to each specific phase, Condition 7 is proposed to be worded as follows:

*“Notwithstanding the phase 1 desk based ground conditions report prepared by Wardell Armstrong stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, (a) before **each relevant phase of development as detailed in Condition 2** hereby approved commences, the following information shall be submitted for approval in writing by the City Council, as Local Planning Authority: Submission of detailed site investigation proposals; Submission of details of liaison with a UXO specialist to complete a detailed threat assessment of the risk of UXO prior to any intrusive site investigation works and site development; Submission of an updated site investigation and risk assessment report; Asbestos management report; Submission of a remediation strategy. The development **of that phase** shall then be carried out in accordance with the approved details. (b) When the **relevant** phase of development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of the residential element of **each relevant phase** of development. In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development **of that phase** shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy”*

1.6 Condition 8 – Construction Management Plan

As the Top Platform relates to an initial phase of work, it is considered that the contractor delivering The Manchester College (Willmott Dixon), will extend their area of work to deliver the new area of public realm.

This will allow for a consistent delivery between the two projects and the measures set out in their approved CMP will be adopted for this additional area of work. To allow for this phased approach, Condition 8 is proposed to be amended in line with the below.

*“Prior to the commencement of **each relevant phase of development as detailed in Condition 2**, a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include; - Display of an emergency contact number; - Details of Wheel Washing; - Dust suppression measures; - Compound locations where relevant; - Location, removal and recycling of waste; - Routing strategy and swept path analysis; - Parking of construction vehicles and staff; and - Sheeting over of construction vehicles. **That phase of development** shall be carried out in accordance with the approved construction management plan”*

1.7 Condition 11 – Piling

The Top Platform Phase will comprise an area of public realm and therefore no piling is proposed to take place as part of this phase. On this basis, it is not considered to be a relevant phase of development for which details will be required for submission, which is clarified by the revised wording below for Condition 11:

*“Prior to the commencement of **each relevant** phase of the development, **excluding the Top Platform Phase (Phase A)**, details of the method for piling, or any other foundation design using penetrative*

methods, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented during the construction of the development.”

1.8 Condition 13 – Japanese Knotweed

A portion of the site, located adjacent to the Green Strip at the existing ground level car park, currently has growth of the invasive species Japanese knotweed. It is not anticipated that this area will be disturbed during the Top Platform phase of works but a short statement will be provided to confirm how it will be avoided. Condition 13 is therefore proposed to be worded as follows:

*“Prior to the commencement of **each relevant phase** of development (including vegetation clearance) **as detailed in Condition 2** a methodology for the control of invasive species shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented in full **for that** phase of the development.”*

Summary of Application

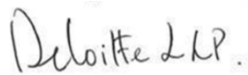
In addition to this cover letter, the application submission comprises the completed Application Forms and Certificates and a Site Location Plan to identify the Site. In addition, a substitute plan has been provided by Layer in order to update the existing landscaping drawings in relation to the first phase of development.

The application fee to Manchester City Council for £234 has been provided via the Planning Portal (PP-10356810).

On the basis of the information submitted, we seek your formal agreement that the proposed amendments to wording of conditions applied to 118831/FO/2018, are acceptable and can be dealt with as a non-material amendment.

I would be grateful for written confirmation of receipt and registration of this application. If there are any points of clarification required, please do not hesitate to contact me or my colleague Michael Percival (0161 455 6672 / mipercival@deloitte.co.uk).

Yours faithfully



Deloitte LLP