

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 132287/NMC/2021

**Date registered valid:** 22 November 2021

**Proposal:** Non material amendment to planning permission 118831/FO/2018 to amend wording of conditions 3, 4, 5, 6, 7, 8, 11 and 13 to ensure information is submitted within specified timescales and phasing of the development

**Address:** Former Boddingtons Brewery Site , Dutton Street, Manchester

**Ward(s):**

**Applicant:** Deansgate Securities LLP 1 Ambassador Place, Stockport Road, Altrincham, WA15 8DB

**Agent (if any):** Mr John Cooper Deloitte LLP Hanover Building, Corporation Street, Manchester, M4 4AH

**Case officer:** Jennifer Atkinson  
Tel: 0161 234 4517  
Email: jennifer.atkinson@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 25 November 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

## **Description of site/building**

The application site comprises the eastern section of the former Boddington Brewery site. This planning application forms part of the first phase of development of this site as part of realising the vision outlined within the Boddingtons Strategic Regeneration Framework which was first adopted by the City Council in 2007 and updated in 2015.

The site measures approximately 1.376 hectares and is bounded by Dutton Street to the east, New Bridge Street to the south, Great Ducie Street beyond the surface car park to the west and a warehouse building between Charles Street and Dutton Street to the north.

The former Boddington Brewery site closed in 2005 and the land which forms part of this planning application was cleared, together with the rest of the Boddington site, and the hardstanding that remained was turned into a 852 space surface car park.

To the north of the site there is overgrown vegetation which is primarily self-seeded together with a two storey building which will be required to be demolished as part of the proposals.

The site is currently enclosed and secured by a series of brick walls and security fence. Vehicular access is provided to the site at Dutton Street. To the western edge of the application site there is a significant change in the topography of the land with the application site being higher than the wider Boddington site. This does pose a challenge in terms of how to reconcile this level change and providing an integrated development with any future phase(s). The land to the west of the application site will be retained as a 652 space surface car park and will form part of a later phase(s) of redevelopment works at the former Boddington site.

**Listed building:** Not applicable

**Conservation area:**

## **Tree Preservation Order:**

### **Description of area**

There are a number of residential developments in the area with the Green Quarter development being located to the north east of the application site which provides a dense residential environment and public realm. This area also consists of office accommodation and hotel with the final residential blocks for this quarter either under construction or have received planning permission.

The areas to the north of the application site consists of the lower Cheetham/Strangeways area which is principally characterised and dominated by warehousing, wholesale retail and distributors which together form a concentration of economic activity in this part of the City. The area has a strong grid road network which reflects a historical pattern of development from past decades. The area is also dominated by the HM prison Manchester which is located to the north of the application site and is a Grade II Victorian prison complex.

To the west of the River Irwell is the administrative boundary with Salford and an area known as 'Greengate'.

The Manchester Fort Retail Park is located further northwards along Cheetham Hill Road and provides an area of large format retail uses with an associated car parking and food and drink uses.

The application site is also considered to be in a highly sustainable location with access to a wide range of public transport. It is within a short walk of Victoria Train Station where there is access to rail, tram and bus services and Shudehill Interchange. Piccadilly Station is also within a 15 minute walk of the site providing regional rail connections as well as regular routes to the south of the UK including Euston.

### **Description of development**

Non material amendment to planning permission 118831/FO/2018 to amend wording of conditions 3, 4, 5, 6, 7, 8, 11 and 13 to ensure information is submitted within specified timescales and phasing of the development

### **Consultations & Notification Responses**

n/a

### **Issues**

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.

The change is considered to be acceptable as it would allow the public realm to be created to the educational facility and are non material in nature.

### **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:**

#### **Article 35 Declaration**

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

1) The proposed to to amend wording of conditions 3, 4, 5, 6, 7, 8, 11 and 13 to ensure information is submitted within specified timescales and phasing of the development

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

3) The development hereby approved shall be carried out in accordance with the following additional drawings:

- 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 stamped as recieved by the City Council, as Local Planning Authority, on the 22 November 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

4) 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.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1 of the Manchester Core Strategy (2012).

5) 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.

The WSI should be submitted to and approved in writing by the local planning authority. A phase of development shall not be occupied until the site investigation has been completed in accordance with the approved WSI. The WSI shall cover the following:

- a. A phased programme and methodology of investigation and recording to include:
  - a. specific desk-top research
  - b. evaluation through trial trenching
  - c. informed by the above, more detailed targeted excavation and historic research (subject of a new WSI)
- b. A programme for post investigation assessment to include:
  - a. analysis of the site investigation records and finds
  - b. production of a final report on the significance of the archaeological and historical interest represented.
- c. Dissemination of the results commensurate with their significance, including
  - a. provision for interpretation panels and a booklet.

d. Provision for archive deposition of the report and records of the site investigation.

e. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in the National Planning Policy Framework.

6) 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:

- 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

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

7) 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.

Reason - There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy (2012).

8) 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.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN9, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

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.

Reason - Piling or any other foundation using penetrative methods can result in risks to potable supplies (pollution/turbidity, risk of mobilising contamination) drilling through different aquifers and creating preferential pathways. It is therefore necessary to demonstrate that piling will not result in contamination of groundwater pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

13) 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.

Reason - In order to prevent the spread of Japanese knotweed pursuant to policy EN15 of the Manchester Core Strategy (2012).

## **Appendix 1 – List of consultees & neighbours notified**

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

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

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA

Flood Zones Type 2 (low to medium risk) -

Area Team Boundary - Name: NORTH1