

20 May 2022

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

FAO Jennifer Atkinson

Dear Jennifer

Old Brewery Gardens - Application for Lawful Development Certificate under Section 192(1)(b) of the Town and Country Planning Act 1900 (as amended) in respect of Planning Permission 118831/FO/2018 as amended by 132287/NMC/2021

Introduction

Please find enclosed an application under Section 192(1)(b) of the Town and Country Planning Act 1990 (as amended) (the "Act") for a Lawful Development Certificate of Proposed Use or Development ("CLOPUD") to confirm the lawful implementation of Planning Permission 118831/FO/2018 as amended by 132287/NMC/2021, relating to the redevelopment of the Old Brewery Gardens in Manchester City Centre. The applicant is Deansgate Securities Limited.

Planning History

Planning Permission 118831/FO/2018 (as amended by 132287/NMC/2021) was granted on 28 February 2019 for the erection of two buildings accommodating 556 no. 1, 2, 3 and 4-bed apartments and townhouses of varying height ranging from twelve to twenty-six storeys with flexible commercial space located at ground and mezzanine level on key frontages around the scheme.

The proposed buildings are set within a new high quality area of public realm which will be delivered and managed by the applicant and will encourage the development of the wider site by improving connections and delivering a significant component of the place-making strategy and transformation of the site.

The description of development as stated on the Decision Notice for Planning Permission 118831/FO/2018 is:

"Erection of two buildings (a part 17, part 12 storey building and a part 26, part 23 storey building) to form 556 residential units (Use Class C3a) together with the creation of 3490 sqm of commercial floor space (Use Classes A1, A2, A3, B1 and D1) with associated landscaping, access and other associated works."

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The Decision Notice for Planning Permission is provided at Appendix A. The non-material amendment permission (Reference: 132287/NMC/2021) detailing the changes to condition wording, making works specific to the phasing of the project is provided at Appendix B.

The development is proposed to be delivered in two phases, as shown on plan reference 273-LYR-XX-ZZ-DWG-L-1003, approved via the discharge of planning condition 2 attached to 118831/FO/2018, comprising:

- **Phase 1:** delivery of the Top Platform Phase, which is an essential permanent part of the public realm of the development that is also needed in order to facilitate the operation of The Manchester College facility; and,
- **Phase 2:** development of two residential buildings providing 556 new homes, public realm, car parking and associated highways works.

The public realm works for Phase 1 'Top Platform' is identified on approved drawing references 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) defined by Condition 3 (amended by 132287/NMC/2021). This is shown in Figure 1 below.

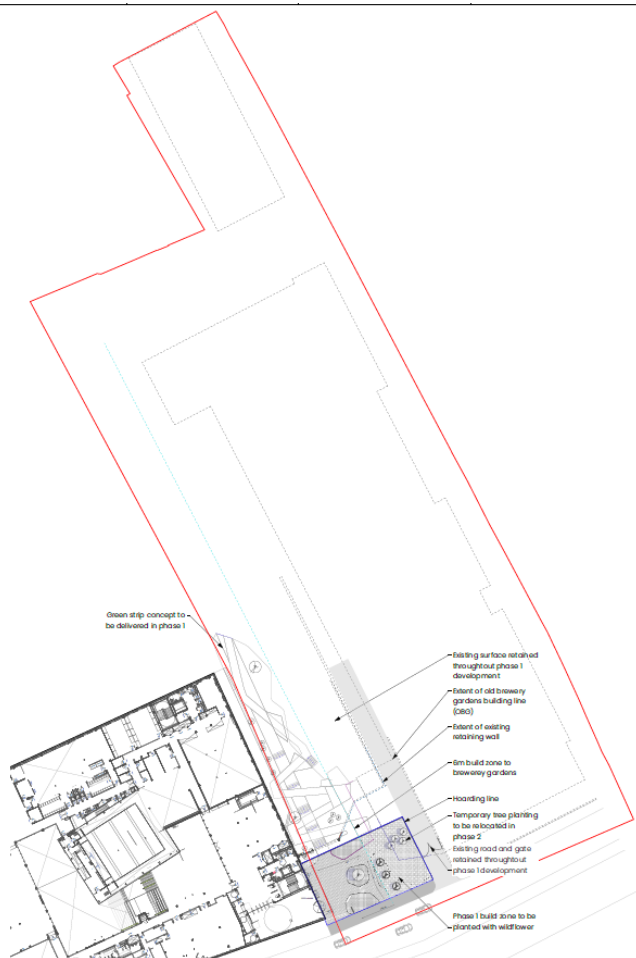


Figure 1: Phase 1 of the Proposed Development in context of wider site boundary (Plan Reference 273-LYR-01-02-DWG-L-1001)

An application to discharge all pre-commencement of development conditions attached to Planning Permission 118831/FO/2018 (as amended by 132287/NMC/2021) in respect of Phase 1 was submitted to the local planning authority on 07 December 2021 and validated with reference CDN/21/0931. The application was approved on 17 February 2022. Table 1 summarises the relevant conditions and information submitted.

Condition No. and Name	Information Submitted CDN/21/0931
2 – Phasing	Phasing Plan for Old Brewery Gardens (Ref.: 273-LYR-XX-ZZ-DWG-L-1003)
4 – Local Labour	Social Value Plan prepared by Willmott Dixon – the Manchester College.
5 – Archaeology	Archaeological Trench Location Plan prepared by Orion– the Manchester College and Archaeological Written Scheme of Investigation prepared by Orion – the Manchester College.
6 – Drainage	Site Drainage General Arrangement and Drainage Calculations prepared by AECOM - the Manchester College and Drainage General Arrangement Plan prepared by Aecom - Top Platform.
7a – Ground Conditions	Factual Ground Conditions Report prepared by Brownfield Solutions Limited – the Manchester College; Phase 1 Ground Investigation Report prepared by Aecom – the Manchester College; Remediation Strategy prepared by LK Group – the Manchester College, Verification Report prepared by prepared by LK Group – the Manchester College, UXO Report prepared by 1 st Line Defence – the Manchester College.
8 – Construction Management Plan	Construction Management Plan with covering note for Phase 1 prepared by Willmott Dixon and Construction Noise Assessment prepared by Hoare Lea
13 – Japanese Knotweed	Preliminary Ecological Appraisal including Japanese Knotweed prepared by Wardell Armstrong – Top Platform.

Table 1: Planning Permission 118831/FO/2018 (as amended by 132287/NMC/2021) Conditions

The Decision Notice for CDN/21/0931 is provided at Appendix C.

Application for Certificate of Lawfulness of Proposed Use or Development (CLOPUD)

The application seeks a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) to establish the lawful implementation of Planning Permission 118831/FO/2018 (as amended by 132287/NMC/2021) (the “Consents”).

As detailed above and evidenced by supporting appendices, the Consents enable delivery of the development in two phases and the pre-commencement of development conditions in respect of the defined Phase 1 delivery boundary have been discharged by the local planning authority.

The Consents are subject to a condition requiring the approved development to be begun not later than 28 February 2022.

Following the discharge of conditions, the Consents were considered to have been lawfully implemented on 21 February 2022 through commencement of the following works falling within the approved Phase 1:

- Removal of existing hard surfacing and made ground;
- Installation of a ground gas membrane to protect against contamination;
- Installation of surface water drainage infrastructure; and
- Importing of new topsoil onto the site and demarcating the areas that are to be occupied by planters.

These works were commenced on 21 February 2022 as evidenced by the site photographs and continued to be delivered beyond the effective expiration date of the permission confirmed as 28 February 2022.

A Statutory Declaration by The Manchester College contractors, Willmott Dixon, is submitted in support of the application. This includes the contract to undertake the works in addition to photographic evidence dating the extent and work undertaken.

The Legal Opinion in support of an Application for a Lawful Development Certificate prepared by Irwin Mitchell sets out the legislative context and requirements for lawful implementation, concluding that the works undertaken comprise Lawful Implementation as they:

- relate to the Planning Permission i.e. they are 'comprised in the development' within the meaning of s56(2) of the Act;
- fall within a category specifically described within section 56(4) of the Act; and
- involve building operations which are more than de minimis.

The conditions attached to the Consents do not include any wording to restrict full lawful implementation of the development through implementation of one or other of the phases; it is therefore considered that lawful implementation of Phase 1 provides for the lawful implementation of the development as a whole.

Application Documentation

This letter is supported by the following appendices:

- Appendix A: The Decision Notice for 118831/FO/2018
- Appendix B: The Decision Notice for 132287/NMC/2021
- Appendix C: The Decision Notice for CDN/21/0931
- Appendix D: S.106 Agreement as varied

The submission is supported by the following documents, in addition to this Letter and its appendices:

- Completed application form and certificates;
- Legal Opinion in Support of an Application for a Lawful Development Certificate prepared by Irwin Mitchell;
- Statutory Declaration relating to Land at the Former Boddingtons Brewery site, undertaken by Chris Baker at Wilmott Dixon, describing works completed on site in respect of Phase 1 with documentary evidence including:
 - Building Contract Letter.
 - Photographs taken on site during prior to 28 February 2022.
 - Photographs taken on site after 28 February 2022.
- Approved Phase 1 Top Platform drawings relating to the works:
 - 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); and
 - 273-LYR-01-02-DWG-L-1001 (Phase 1 Platform Works Landscape GA).

The application has been submitted via the Planning Portal with reference PP-09364658. The requisite application fee of £262 has been paid via the Planning Portal.

The fee has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2020 (as amended) on the basis of the development comprising Phase 1, i.e. delivery of 434 sq. m. (0.04 ha.) of public realm, with a 50% reduction applied as the application is for a lawful development certificate.

We trust you will find this application in order, and we look forward to receiving written confirmation of its registration. If you require any further details, please do not hesitate to contact my colleague Michael Percival on mipercival@deloitte.co.uk / 0161 455 6672.

Yours sincerely

Deloitte LLP

Appendix A: The Decision Notice for 118831/FO/2018

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Prosperity UX Manchester Developments
Limited
C/o Agent

Agent (if used)

Ms Melissa Wilson
Deloitte Real Estate
2 Hardman Street
Spinningfields
Manchester
M3 3HF

Part 1 – Particulars of the application/development

Proposal: Erection of two buildings (a part 17, part 12 storey building and a part 26, part 23 storey building) to form 556 residential units (Use Class C3a) together with the creation of 3490 sqm of commercial floor space (Use Classes A1, A2, A3, B1 and D1) with associated landscaping, access and other associated works

Location: Former Boddingtons Brewery Site, Dutton Street, Manchester, M3 1LE

Date of application: 19 January 2018

Application number: 118831/FO/2018

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the siting/layout, scale, design and appearance of the development along with noise and traffic impacts. Further work and discussion have taken place with the applicant through the course of the application, particularly in respect of the appearance of the building along with other matters arising from the consultation and notification process. The proposal is considered to be acceptable and therefore determined within a timely manner.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) Prior to the commencement of development, a detailed phasing plan (including timescales for implementation) for the development (including delivery of public realm and highways works) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall then be carried out in accordance with the phasing plan and timescales agreed.

Reason - The development is to be carried out on a phased basis and details must therefore be agreed in this regard to ensure that a comprehensive development provided at this site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and the Boddington Strategic Regeneration Framework.

3) 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

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

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) (a) Prior to the commencement of a phase of the development until details of a local labour agreement in order to demonstrate commitment to recruit local labour for both the construction and operations element 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 the development. (b) Within six months of the first occupation a 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 for a phase of development 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 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 a phase of development, 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;

- o 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;

- o 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.

- o Hydraulic calculation of the proposed drainage system;

- o Construction details of flow control and SuDS elements

The 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 the 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.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

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 a phase of development hereby approved commences, the following information shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- o Submission of detailed site investigation proposals;
- o 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;
- o Submission of an updated site investigation and risk assessment report;
- o Asbestos management report
- o Submission of a remediation strategy.

The development shall then be carried out in accordance with the approved details.

(b) When the 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 a 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 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 a phase of development, 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.

Each 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).

9) Prior to any above ground works associated with a phase of development, (a) a programme for the issue of samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority, the programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining in and a strategy for quality control management.

(b) All samples and specifications shall be submitted to and approved in writing in accordance with the programme as agreed under part (a) for each phase of development. The approved materials shall then be implemented as part of each phase of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

10) Prior to the first occupation of the residential element of each phase of development hereby approved, details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt the scheme shall include the following:

o Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved scheme shall then be implemented in accordance with the details and thereafter managed and maintained for as long as the development remains in use.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

11) Prior to the commencement of a phase of the development, 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).

12) No demolition works or vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

13) Prior to the commencement of a phase of development (including vegetation clearance) 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 as part of each phase of the development.

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

14) A bat dawn re-entry survey is to be undertaken prior to the demolition works commencing and submitted to the City Council, as Local Planning Authority, for approval in writing to confirm roosting potential for the two walls within the car park area.

If any time bats are found then a method statement for the demolition including for the protection of any bats is agreed in writing by the City Council, Local Planning Authority prior to demolition works commencing. Any method statement for demolition shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

15) Notwithstanding public realm and landscaping strategy stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018 prior to the first occupation of the residential element of each phase of this development details of a hard and soft landscaping treatments (including tree planting and boundary treatments) shall be submitted to and approved in writing by the City Council as local planning authority.

The approved scheme shall be implemented not later than 12 months from the date the residential element within each phase is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

16) The development hereby approved shall be carried out in accordance with the Environmental Standards prepared by Hilson Moran statement stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority for each phase.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

17) Notwithstanding the noise and vibration section of the ES stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, prior to the first occupation of the residential element and first use of each commercial unit with each phase, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval. The approved scheme shall be implemented prior to the first occupation of the residential element and each commercial unit for each phase and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

18) Notwithstanding the noise and vibration section of the ES stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, (a) prior to the

first use of each commercial unit and gym area within each phase as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, a scheme of acoustic insulation shall be submitted for approval in writing by the City Council, as Local Planning Authority. (b) The approved scheme shall then be implemented and a post completion survey submitted for approval in writing by the City Council, as Local Planning Authority, prior to the first use of each of the commercial units and the gym area within each phase. The measures implemented shall be retained and maintained for as long as the development remains in use.

Reason - In order to limit the outbreak of noise from the commercial premises pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

19) Notwithstanding the noise and vibration section of the ES stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, (a) prior to the first occupation of the residential accommodation within each phase hereby approved, the accommodation shall be insulated in accordance with a scheme submitted for approval in writing by the City Council, as Local Planning Authority.

(b) The approved scheme shall then be implemented and a post completion survey submitted for approval in writing by the City Council, as Local Planning Authority, prior to the first occupation of the residential accommodation within each phase. The measures implemented shall be retained and maintained for as long as the development remains in use.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

20) (a) Prior to the first occupation of the residential accommodation within each phase and (b) first use of the commercial units hereby approved within each phase, the refuse arrangements and waste management strategy for (a) and (b) shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved scheme shall be implemented prior to the first occupation of the residential element and first use of the each commercial unit within each phase and thereafter be retained and maintained in situ for as long as the development remains in use.

Reason - To ensure adequate refuse arrangement are put in place for the commercial units and residential elements of the scheme pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

21) Prior to the first use of each of commercial units within each phase, as indicated on drawing 103_101 Rev P5 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, details of a scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of each of the commercial units within each phase and thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the commercial units pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

22) Prior to the first use of each of the commercial units within each phase as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each of the commercial units within each phase and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

23) The development hereby approved shall include a building and site lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn. Full details of such a scheme for each phase shall be submitted for approval in writing by the City Council, as Local Planning Authority before the first occupation of the development hereby approved. The approved scheme for each phase shall be implemented in full prior to the first use of the residential element within each phase of development and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Core Strategy.

24) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

25) Deliveries, servicing and collections including waste collections shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00

Sundays (and Bank Holidays): No deliveries/waste collections

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

26) Prior to the first use of each commercial unit within each phase, as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, details of the opening hours shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved opening hours shall then become the operating hours for each respective unit and shall thereafter be retained and maintained.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

27) Prior to the first use of the communal roof terraces the opening hours for the terraces shall be submitted for approval in writing by the City Council, as Local Planning Authority. The roof terraces shall then operate in accordance with the approved hours.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

28) The commercial units as shown on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, shall remain as separate units and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy.

29) The commercial units, as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018 can be occupied as A1, A2, A3, B1 or D1 (with the exception of a place of worship). The first use of the each commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester .

30) In the event that any of the commercial units, as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, are occupied as an A3 use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

- o Management of patrons and control of external areas. For the avoidance of doubt this shall include:
- o Dispersal policy;
- o Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

31) Notwithstanding the management plan strategy stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, for Block B-E only, prior to the first use of the residential element of the development hereby approved, a robust management plan for the letting of the residential accommodation shall be submitted for approval in writing to the City Council, as Local Planning Authority. The approved management plan shall be implemented from the first occupation and be retained in place for as long as the development remains in use.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of Block A shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

33) The development of each phase shall be carried out in accordance with the Crime Impact Statement (Version A) prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018. The development shall only be carried out in accordance with these approved details. The development within each phase hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

34) The development hereby approved shall be carried out in accordance with the Travel plan framework stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018.

In this condition a Travel Plan means a document which includes:

i. the measures proposed to be taken to reduce dependency on the private car by those living at the development;

- ii. a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
- iii. mechanisms for the implementation of the measures to reduce dependency on the private car
- iv. measures for the delivery of specified travel plan services
- v. measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first occupation of the building within each phase, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

35) Prior to the first occupation of the residential building element within each phase, the provision of the 868 cycle spaces/provision, as indicated on drawings A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018 shall be implemented prior to the first occupation of the residential element of each phase of the development hereby approved and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development and the residents in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

36) Prior to the first occupation of the residential element within block A of the development hereby approved, the car parking layout, as indicated on drawing A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018 shall be laid out, demarcated and made available.

The car parking layout shall be retain and maintained for as long as the development remains in use.

Reason - To ensure car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

37) Prior to the first use of the residential element within the first phase of the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm in relation to shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- o Amendments to the existing TROs along Dutton Street:
- o Inclusion of 3 loading bays;
- o Relocation of 4 Car Club Bays;
- o Addition of 2 disabled bays;
- o Relocation of 7 Coach bays (Dutton Street/ Park Street).

o Vehicular crossovers reinstatement/new and resurface footways around the perimeter of the site on Dutton Street and Trinity Way frontages;

o Widening of footway at corner of junction of Dutton Street/New Bridge Street around the perimeter of the site.

The approved scheme shall be implemented and be in place prior to the first occupation of the residential element within the final phase of the development hereby approved and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

38) Notwithstanding the TV reception survey prepared by Hilson Moran, stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, within one month of the practical completion of each phase of the development or before the residential element of the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Core Strategy.

39) Within 6 months of the residential element of each phase of the development hereby approved being first occupied, details of a car parking review detailing the demands/uptake of car parking at the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This review shall set out the demands for car parking at the development including a strategy for the provision of further off site car parking should this been deemed necessary.

In the event of a strategy is approved for the implementation of additional off site car parking, this strategy shall be implemented within a timescale to be agreed in writing with the City Council, as Local Planning Authority.

Reason - To ensure an adequate supply of car parking at the development pursuant to policies T2 and DM1 of the Manchester Core Strategy (2012).

40) Prior to the first occupation of each phase of the residential element of the development hereby approved, details of the provision to promote car hire scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first occupation of each phase of the residential element of the scheme and thereafter retained and maintained in situ.

Reason - to promote sustainable travel options and choice at the development pursuant to policies T2 and DM1 of the Manchester Core Strategy (2012).

41) Prior to the first use of any commercial unit within each phase of development as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, a signage strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented as part of each phase of the development.

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

42) Prior to the first use of the first commercial unit(s) within each phase of development as indicated on drawings A2942 198 R16, A2943 199 R16 and A2943 200 R16 stamped as received by the City Council, as Local Planning Authority, on the 19 January 2018, a servicing strategy for deliveries and refuse collection for the units shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved strategy shall then be implemented as part of each phase of the development and be in place prior to the first use of commercial unit to which each scheme relates.

Reason - In the interest of adequate servicing pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Any signage, wayfinding, banners or any other advertisements to be installed in and around the application site for the purpose of the promotion of the developments and routes to it may require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Date: 28 February 2019

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity

- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.

Appendix A



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020

Appendix B: The Decision Notice for 132287/NMC/2021

Planning

Jennifer Atkinson
Telephone: 0161 234 4517
jennifer.atkinson@manchester.gov.uk

P O Box 532 Town Hall
Manchester M60 2LA

Mr John Cooper
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Date: 25 November 2021

Dear Sir/Madam,

Application under Section 96a of the Town & Country Planning Act 1990 (as amended) for a Non-Material change to a planning permission

Application No: 132287/NMC/2021

Description: 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

Location: Former Boddingtons Brewery Site , Dutton Street, Manchester

I refer to your application for a non-material amendment to planning permission reference 118831/FO/2018.

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

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.

Therefore I can confirm that the proposed amendments are hereby **approved**.

It should be noted that this letter of consent does not supersede the decision notice attached to planning permission 118831/FO/2018. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to approval 118831/FO/2018 still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions also now apply:

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).

Should you wish to discuss the matter further, please contact Jennifer Atkinson using the details above.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

Julie Roscoe
Director of Planning, Building Control & Licensing

Appendix C: The Decision Notice for CDN/21/0931

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Approval of details reserved by condition

Applicant

Deansgate Securities LLP
1 Ambassador Place
Stockport Road
Altrincham
WA15 8DB

Agent (if used)

Mr John Cooper
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 2 (Phasing Plan), 4 (Local Labour), 5 (Archaeology), 6 (Drainage), 7a (Ground Conditions), 8 (Construction Management Plan) and 13 (Japanese Knotweed) associated with planning permission 118831/FO/2018 phase one only

Location: Land Bounded By Dutton Street To The East, New Bridge Street To The South, The Manchester College Development Site To The West And Warehouse Buildings Between Charles Street And Dutton Street To The North,

Date of application: 10 December 2021

Application number: CDN/21/0931

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 2 Phasing Plan

The following information has been submitted in respect of this planning condition:

- Drawing 273-LYR-XX-ZZ-DWG-L-1003 stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021

The above information has been considered and is acceptable. The development shall be carried out in accordance with the phasing plan.

Condition 4 Local Labour phase one

The following information has been submitted in respect of this planning condition:

- Covering letter stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021

The above information has been considered and is acceptable in respect of phase one only.

Condition 4 is therefore formally discharged in respect of phase one.

Condition 5 Archaeology phase one

The following information has been submitted in respect of this planning condition:

- Archaeological Written Scheme of Investigation stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021

The above information has been considered and is acceptable in respect of phase 1 only.

Condition 5 is therefore formally discharged in respect of phase one.

Condition 6 Drainage phase one

The following information has been submitted in respect of this planning condition:

- Information stamped as received by the City Council, as Local Planning Authority, on the 5 and 31 January and 15 February 2022

The above information has been considered and is acceptable. Phase one shall be carried out in accordance with the above information.

Condition 6 is now formally discharged in respect of phase one only.

Condition 7a Ground Conditions phase one

The following information has been submitted in respect of this planning condition:

- Covering letter and remediation reports stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021
- Email including remediation reports from Michael Percival dated 13 January 2022

The above information has been considered and is acceptable.

A 300mm clean cover and geotextile membrane shall be installed in the top section and soils to be chemically tested to demonstrate clean imported material along with evidence to demonstrate the requirements have been complied with at validation stage.

There will also be a requirements with regards to how soil arising's from the top section will be stored to prevent cross contamination and subsequently disposed of. Waste transfer notes for the soils removal and disposal will be required for the validation stage.

Compliance will also be required with section on 3.3 of the LKC Remediation on strategy dated Jan 2020 with regard to the asbestos in soils management plan and any asbestos identified will need to be removed in accordance with these recommendations. Validation will be required at the relevant stage to confirm whether any asbestos was encountered and confirmation of how this was removed which will require photographic evidence and waste transfer notes.

The phase one shall now progress in accordance with the above details.

A Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first use of the phase.

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 shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Part (a) of this planning condition is now formally discharged.

Condition 8 CMP phase one

The following information has been submitted in respect of this planning condition:

- Construction noise and vibration assessment stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021

The above information has been considered. Phase one of the development should be completed in accordance with the construction management plan approved under reference number CDN/20/0025 for the adjacent college development.

Condition 8 is now formally discharged in respect of phase one only.

Condition 13 Knotweed phase one

The following information has been submitted in respect of this planning condition:

- Covering letter stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021

The above information has been considered and is acceptable in respect of phase one.

Condition 13 is therefore formally discharged in respect of phase one only.

Date: 22 February 2022

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix D: S.106 Agreement

Dated 22nd February 2022

THE COUNCIL OF THE CITY OF MANCHESTER

- and -

DEANSGATE SECURITIES LLP

Deed of Variation

pursuant to Section 106 and Section 106A of the Town and Country Planning Act 1990
relating to land adjacent to Dutton Street and New Bridge Street
in the City of Manchester

City Solicitor
Manchester City Council
P O Box 532
Town Hall
Albert Square
Manchester M60 2LA

L/BH/EVD3001/3905

THIS DEED is made the 22nd day of February 2022

BETWEEN THE COUNCIL OF THE CITY OF MANCHESTER of Town Hall, Albert Square, Manchester ("the Council") of the first part and DEANS GATE SECURITIES LLP (company registration number OC322448) whose registered office is situated at 1 Ambassador Place, Stockport Road, Altrincham, WA15 8DB (the "Owner" which expression shall save in respect of the provision contained in clause 2.18 (f) of the Planning Agreement as hereinafter described includes the successors in title and assigns of the Owner) of the second part

RECITALS:

- A. The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 (as amended) (the "Act") for the area in which the Land is situate and by whom the obligations in this Deed are enforceable
- B. On 28 February 2019 the Council (1) the Owner (2) and Prosperity UX Manchester Developments Limited (3) entered into an agreement under section 106 of the Act (the "Planning Agreement")
- C. Since the Planning Agreement the interest that Prosperity UX Manchester Developments Limited had in the Land has terminated
- D. Since the Planning Agreement the interest of the Owner in the part of the Land comprised in Title Number MAN66845 has been upgraded to Title Absolute from a Possessory Title.
- E. The Owner has asked the Council to amend the Planning Agreement as detailed herein and the Council has agreed to enter into this Deed with the Owner in order to effect the requested amendments.

Phase 1 & Temp Works Plan

3.1

Green strip concept to be delivered in phase 1

Existing surface retained throughout phase 1 development

Extent of old brewery gardens building line (OBG)

Extent of existing retaining wall

6m build zone to brewery gardens

Hoarding line

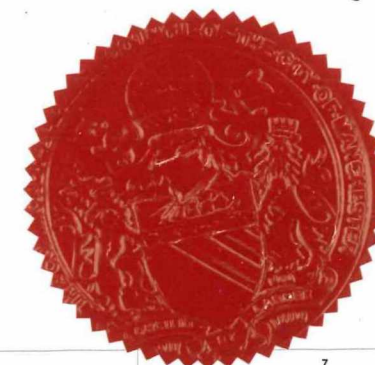
Temporary tree planting to be relocated in phase 2

Existing road and gate retained throughout phase 1 development

Phase 1 build zone to be planted with wildflower

THE COMMON SEAL of THE COUNCIL OF THE CITY OF MANCHESTER was hereunto affixed in pursuance of an Order of the Council of the said City:-

Authorised Signatory



- NOTES:
- DO NOT SCALE FROM THIS DRAWING. ALWAYS WORK TO NOTED DIMENSIONS
 - ALL SETTING OUT LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE INSTALLATION OF MATERIALS AND ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE CONTRACT ADMINISTRATOR IMMEDIATELY
 - THIS DRAWING MUST BE READ WITH THE RELEVANT SPECIFICATION DOCUMENTS AND DETAIL DRAWINGS. ANY DISCREPANCIES MUST BE BROUGHT TO THE ATTENTION OF THE CONTRACT ADMINISTRATOR IMMEDIATELY
 - THIS DRAWING IS COPYRIGHT PROTECTED AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN AUTHORITY
 - ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED

THIS DRAWING WAS PLOTTED ON
18/11/2021

REVISION HISTORY

DATE	REV	ZONE	DESCRIPTION	CHK
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KEY

GENERAL INFORMATION

APPLICATION SITE BOUNDARY

PHASE 1 & TEMP WORKS

HARDWORKS

CONCRETE BLOCK PAVING
Marshall's Modal Mid Grey Granite
Size: 300x200x80mm
Refer to Outline Specification

EXISTING SURFACE
To Access Road & Phase 2 Works

MACADAM
To Pedestrian Areas
To Engineer's Detail & Specification

GRANITE STEPS
To Match Adjacent Scheme
With Contrasting Inlay Strip
Colour: Royal White
Refer to Outline Specification

FURNITURE

FEATURE SEAT
To Courtyard Area
Refer to Outline Specification

RAISED STEEL PLANTER
Size: 450mm upstand
Subject to Future Detail

TEMPORARY HOARDING
To Northern Boundary
Subject to Future Detail

VEHICULAR GATE
Subject to Future Detail

RAILING
To Red Line Boundary
Subject to Future Detail

TOTEM SIGNAGE
Subject to Future Detail

SOFTWORKS

MULTI-STEM TREE PLANTING
Refer to Planting Schedule

ORNAMENTAL SHRUBS AND GRASSES MIX
Refer to Planting Schedule

WILDFLOWER PLANTING
Refer to Planting Schedule

ORIGINATOR

W	layer studio	MANCHESTER	NEWCASTLE
T	01625 523157	The Barn	Hindob
E	manchester@layerstudio.co.uk	One Miller Lane	1 Solihull Road
		Styal	Styal
		Chester	Newcastle upon Tyne
		SK9 4JH	NE3 1DH

CLIENT
REALITY ESTATES

PROJECT
BODDINGTONS GREEN STRIP
MANCHESTER

DRAWING TITLE
PHASE 1 PLATFORM WORKS LANDSCAPE GA

DRAWING NUMBER
273-LYR-01-02-DWG-L-1001

REV	STATUS
1	INFO

SCALE
NTS

CREATED BY	CHECKED BY
OK	ST

NOW THIS DEED WITNESSETH as follows

1 Interpretation

In this Deed the words and expressions and phrases shall unless the context requires have the meanings prescribed in the Planning Agreement

2 Planning Obligations and Operative Powers

2.1 This Deed is made pursuant to Section 106 and Section 106A of the Act

2.2 This Deed creates planning obligations which bind the Land and are enforceable by the Council as local planning authority for the purposes of Section 106 of the Act

3 Effect of this Deed

Save as varied by this Deed, the Planning Agreement shall remain in full force and effect. This Deed shall take effect on the date of this Deed

4 Variation to the Planning Agreement

The parties hereto hereby agree that the Planning Agreement shall be read and construed as having been varied as follows:

4.1 Prosperity UX Manchester Developments Limited is removed as a party to the Planning Agreement. Recital D is removed. In Recital E the words 'by the Developer' are removed. In clause 2.2 the second sentence starting 'The Developer acknowledges' is removed. In clause 2.3 the words 'or Developer' in the second sentence are removed and all other references to the 'Developer' are replaced by references to the 'Owner'. In clause 2.4 the word 'Developer' is replaced by 'Owner'. In clause 2.5 the words 'and the Developer' are removed. In clause 2.23.2 the word 'Developer' is replaced by the word 'Owner'.

4.2 Recital B is amended by inserting “MAN66845” in the fourth line immediately after the words “title numbers” and by deleting the wording of the recital that follows the words “Land Registry” in the fifth line.

4.3 The definition of “Planning Permission” is amended by adding to the end of the wording the following:

“as amended by a non material amendment as described in the decision letter and given the reference 132287/NMC/2021”

4.4 New definitions are inserted as follows:

“Phase 1 & Temp Works” shall comprise the construction of hardstanding to form a means of pedestrian access to the college adjacent to the Land which works shall take place on the part of the Land located within the blue edging shown on the Phase 1 & Temp Works Plan” and

“Phase 1 & Temp Works Plan” shall mean the drawing numbered 273”.

4.5 The Phase 1 & Temp Works Plan is annexed hereto and marked ‘Phase 1 & Temp Works Plan’.

4.6 Clause 2.14 is amended to clause 2.14.1 and a new clause 2.14.2 is added as follows:

“2.14.2 The Owner warrants that no person other than the Owner has any legal or equitable interest in the Land and the Owner hereby indemnifies the Council in respect of any loss that arises should there be any breach of this warranty.”

4.7 Paragraph 2 of the First Schedule is amended by inserting immediately after the words ‘Commence Development’ and ‘Commencement Date’ the words ‘other than of the Phase 1 & Temp Works’.

5 Council's Costs

The Owner covenants to pay to the Council on the date of this Deed of Variation such reasonable sum as is notified in respect of the Council's legal and administrative costs in connection with this Deed of Variation. Receipt by the Council of the payment of such sum shall not create any lawyer-client type contractual relationship between the Council and the Owner nor absolve the Owner from any liability or obligation imposed upon it by the terms of this Deed or by statute or at common law.

6 Local Land Charge

This Deed shall be registered as a local land charge by the Council.

7 Miscellaneous

7.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

7.2 All correspondence in connection with this Deed shall be sent to the Council at the following address or such other address as may be notified from time to time. Planning Department, Ref: 118831/FO/2018, Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA

8 Contracts (Rights of Third Parties) Act 1999

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed and no person other than the parties to this Deed (and any successors in title assigns or statutory successor bodies) shall have any rights under or be able to enforce the provisions of this Deed.

9 Jurisdiction

This Deed is governed by and interpreted in accordance with the laws of England

10 Restriction

The Owner covenants with the Council

- 10.1** that prior to or upon completion of this Deed the Owner shall provide the Council with a completed Land Registry form RX1 (or any subsequent revisions amendments or replacements of the same) signed by the Owner and thereby authorising the Council to register a restriction in standard form L at the Land Registry in respect of the leasehold title numbers GM11728, GM520667, LA70743 and GM218511 comprising the Owner's leasehold interests in the Land and freehold title number GM502665 comprising the Owner's freehold interest in part of the Land in the following terms

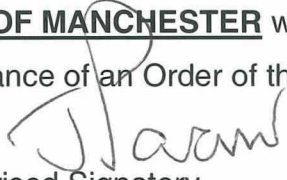
"No disposition of the registered estate (other than a charge) by the proprietor of the registered estate is to be registered without a certificate signed by Manchester City Council, Town Hall, Albert Square, Manchester, M60 2LA that the provision of paragraph 6 of the First Schedule of a Section 106 Agreement dated 28 February 2019 made between (1) The Council of the City of Manchester (2) Deansgate Securities LLP and (3) Prosperity UX Manchester Developments Limited (in administration) as varied on _____ by a Deed of Variation made between (1) The Council of the City of Manchester and (2) Deansgate Securities LLP have been complied with or that they do not apply to the disposition."

The Council will insert the date of completion of this Deed into the section of the Form RX1 detailing the wording quoted above following that completion,

10.2 prior to or upon completion of this Agreement to provide the Council with a cheque to cover the cost of registering the form RX1 at the Land Registry or alternatively to insert their direct debit key number in the form RX1.

IN WITNESS whereof the parties hereto have executed this document as a deed and delivered the day and year first before written

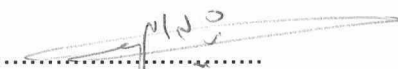
THE COMMON SEAL of THE COUNCIL OF THE
CITY OF MANCHESTER was hereunto affixed in
pursuance of an Order of the Council of the said City:


Authorised Signatory

01113790



Executed as a deed by **Deansgate Securities LLP**
acting by Jaleh Tishbi duly authorised by Realty
Estates Limited to sign on its behalf as member of
Deansgate Securities LLP in the presence of:


Jaleh Tishbi
On behalf of Member


Signature of witness


Name (PRINT)


Address


Occupation