

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142629/NMC/2025

Date registered valid: 4 April 2025

Proposal: Non material amendment to planning permission 138031/JO/2023 to amend conditions 2, 4b, 5a, 5b, 6b, 7c, 7d, 8, 11, 13, 20, 31, 38 to reflect update phasing plan

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

Ward(s): Cheetham Ward

Applicant: Salboy Ltd

Agent (if any): Mr Joshua Wyatt-Smith Deloitte LLP

Case officer: James Bridgman
Tel: 0161 219 6202
Email: james.bridgman@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 May 2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

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.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

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.

The application site is of significant cultural interest given its former use. However, there is very little evidence of the former brewery at the site following its demolition in preparation for redevelopment. The site, however, is of huge importance going forward for the regeneration benefits it can bring together with the opportunities that a development at the site can bring to connecting this part of the City to the City Centre.

In particular the proposal sits in a strategically important location with the Manchester Arena and Manchester Victoria Train Station being located on the south side of New Bridge Street directly opposite the application site. Beyond this is the heart of the City Centre where range of amenities, services and leisure opportunities can be accessed.

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.

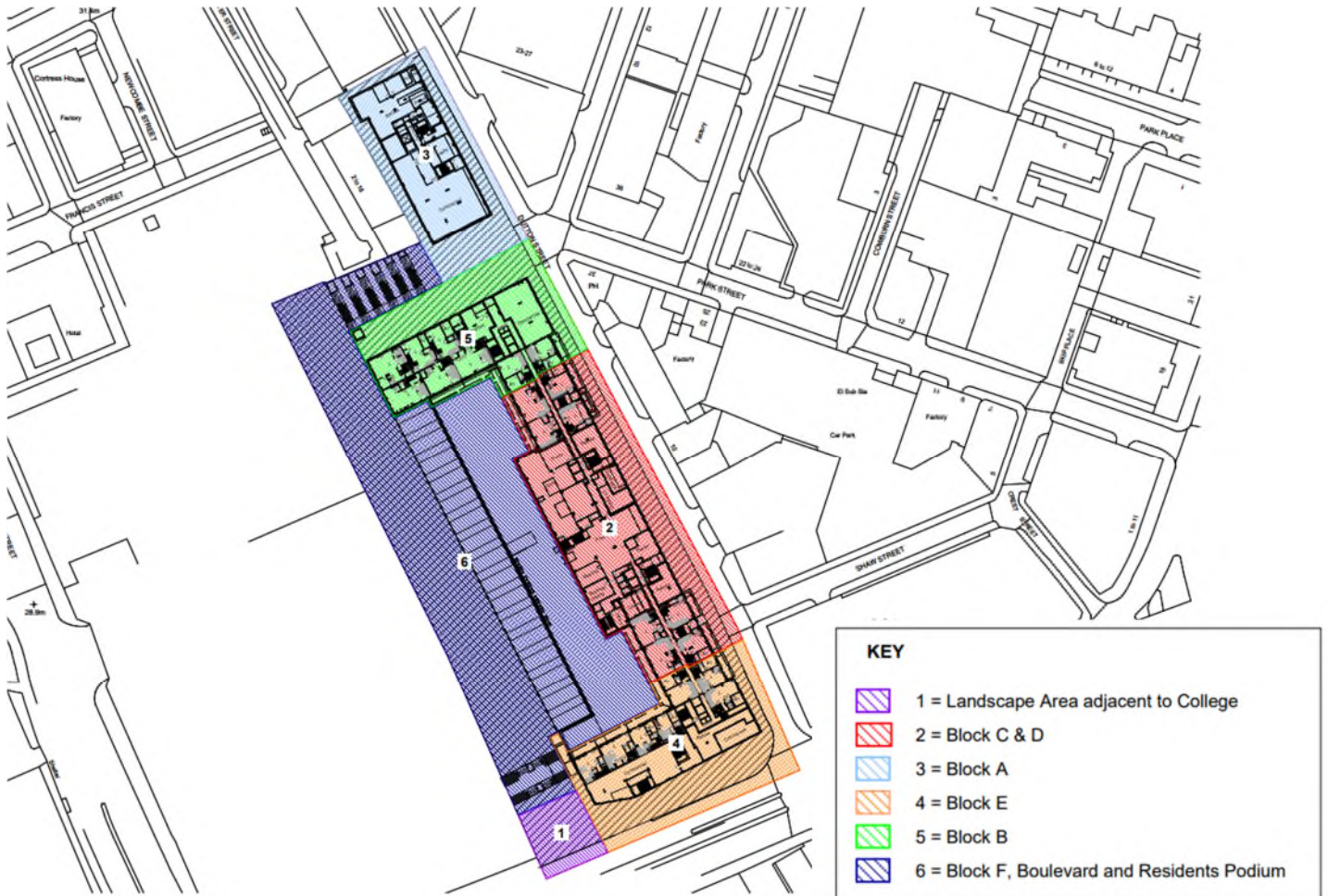
To the west of the River Irwell is the administrative boundary with Salford and an area known as 'Greengate'.

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 138031/JO/2023 to amend conditions 2, 4b, 5a, 5b, 6b, 7c, 7d, 8, 11, 13, 20, 31, 38 to reflect update phasing plan



Additionally for amendments to condition 37 (highways works) to allow for the removal of the relocation of coach bays.

Consultations & Notification Responses

N/A

Relevant site history

118831/FO/2018 - 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 – Approved January 2018

132287/NMC/2021 - 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 – Approved November 2021

137321/NMC/2023 - Non-Material Amendment to planning permission 118831/FO/2018 to amend Condition 6a (Drainage of Surface Water) – Approved July 2023

138031/JO/2023 - Variation of condition 3 (Specified Plan) attached to planning permission 118831/FO/2018 to include basement area to block A – Approved March 2024

CDN/23/0817 - Discharge of planning condition 9a (Materials) attached to planning permission 118831/FO/2018 – Discharged February 2024

CDN/24/0300 - Discharge of condition 6a (Drainage) attached to planning permission 118831/FO/2018 – Discharged May 2024

CDN/25/0242 - Discharge of Conditions 5b,5c, 5d, 5e (Archaeology) 10 (Drainage Verification), 20 (Waste) , 27 (Roof Terrace), 31 (Management Plan), 34 (Travel Plan), 40 (Car Hire) and 42 (Servicing) attached to Planning Permission 138031/JO/2023. – Under consideration

CDN/25/0287 - Discharge of conditions 6b (Drainage), 15 (landscaping), 17 (plant), 18 (commercial noise), 19a (residential noise), 19b (residential noise verification), 23 (lighting) and 38 (TV) attached to Planning Permission ref. 138031/JO/2023. Under consideration

CDN/25/0371 - Discharge of conditions 7b, 7c, 7d (Ground Conditions) attached to Planning Permission ref. 138031/JO/2023 – Under consideration

Issues

Updated Phasing Plan

The proposed changes relate to amending the wording of Conditions 2, 4b, 5a, 5b, 6b, 7c, 7d, 8, 11, 13, 20, 31, 38, in order to facilitate the phased delivery of the consented Waterhouse Gardens at the former Boddingtons Brewery Site.

The proposal seeks to update the planning conditions to reflect that this would now be delivered as a phased development. There is also a requirement to allow the conditions to be discharged in phases in the future as this will allow the residential management company to stagger the completion of each phase.

The changes are considered to be acceptable and non material in nature.

Highways works

The proposal seeks to amend the wording of condition 37 relating to Highways works.

Current wording of Condition 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).

Highways comments

The Council's Highways Officer has reviewed the proposal and advised that following discussions with Transport for Greater Manchester and the AO Arena, the original coach bays haven't been used for a while and there is no identified requirement to relocate these in the immediate vicinity.

They have therefore advised that they accept the removal of the requirement of 'Relocation of 7 Coach bays (Dutton Street / Park Street)' within Condition 37.

Amended wording for Condition 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 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).

Conclusion

The changes to Condition 37 are considered to be acceptable and non material in nature.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Condition(s) to be attached to decision for approval

- 1) The proposal seeks to amend Conditions 2, 4b, 5a, 5b, 6b, 7c, 7d, 8, 11, 13, 20, 31, 38 to reflect the introduction of a new phasing plan and Condition 37 to remove the requirement to relocate original coach bays.
- 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 the planning conditions.
- 2) The development shall be carried out in accordance with the phasing plan Drawing 0022-SP-ZZ-XX-DR-A-91000 C1 stamped as received by the City Council, as Local Planning Authority, on the 1 May 2025.

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.

4) (a) Phase 1 shall be carried out in accordance with the Covering letter stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 (as approved under CDN/21/0931).

(b) Phases 2-6 (as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) local Labour, shall be carried out in accordance with the Local Labour details received by the City Council, as Local Planning Authority, on the 29 June 2023 (as approved under CDN/23/0215).

The approved document shall be implemented as part of the construction and occupation phases of a relevant phase of the development.

(c) 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) (a) Phase 1 shall be carried out in accordance with the Archaeological Written Scheme of Investigation stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 (as approved under CDN/21/0931).

(b) Phases 2–6 (as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) shall be carried out in accordance with the Written Scheme of Evaluation (WSI) for an archaeological evaluation Project: Old Brewery Gardens, Manchester V2 received by the City Council, as Local Planning Authority, on the 27 March 2023 (as approved under CDN/23/0215).

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.

There shall be no occupation of phase 2-6 of the development until:

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 NPPF.

6) (a) Phase 1 drainage shall be carried out in accordance with the Information stamped as received by the City Council, as Local Planning Authority, on the 5 and 31 January and 15 February 2022 (as approved under CDN/21/0931).

(b)(a) Phases 2-6 drainage shall be carried out in accordance with the information stamped as received by the City Council, as Local Planning Authority on, the 25 March 2024 (as approved under CDN/24/0300)

(b)(b) Prior to the first occupation of each 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) (a) Phase 1 ground conditions shall be carried out in accordance with the Covering letter and remediation reports stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 and Email including remediation reports from Michael Percival dated 13 January 2022 (as approved under CDN/21/0931).

(b) When phase 1 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.

(c) Phases 2-6 (as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) Ground Conditions shall be carried out in accordance with the Brownfield Solutions remediation strategy dated August 2023 reference JEM/C5313/12035 Rev C received by the City Council, as Local Planning Authority, on the 15 August 2023, Explosive Ordnance Desk Top Study prepared by EOD Contracted Limited (February 2023), Site Investigation proposal prepared by Brownfield Solutions Ltd (March 2023), Phase II Geo-Environmental Assessment Report prepared by Brownfield Solutions Ltd (April 2023), Addendum Ground Gas Risk Assessment prepared by Brownfield Solutions Ltd (June 2023) received by the City Council, as Local Planning Authority, on the 16 June 2023 and Risk pipe assessment received by the City Council, as Local Planning Authority, on the 28 July 2023 (as approved under CDN/23/0398).

(d) When phases 2-6 (as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) 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) (a) Phase 1 construction management shall be carried out in accordance with the Construction noise and vibration assessment stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 (as approved under CDN/21/0931).

(b) Phases 2-6 (as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) shall be carried out in accordance with the CMP received by the City Council, as Local Planning Authority, on the 30 May 2023 (as approved under CDN/23/0215)

If monitoring scenario 1 or 2 is adopted and complaints are subsequently received then the developer will need to commit to undertaking additional continual monitoring to establish the noise / vibration levels and determine whether they are within the agreed limit (75dBA noise and 1.0mm/s ppv for vibration) or in exceedance where the measures stated in the CMP will be adopted.

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) The Piling for Phases 2-6 ((as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) shall be carried out in accordance with the DOMIS CONSTRUCTION LTD BRWRY, Manchester Site Investigation Proposal NHA/C5313/11937 March 2023 by Brownfield Solutions Ltd and DOMIS CONSTRUCTION LTD BRWRY, Manchester Piling Risk Assessment JEM/C5313/12036 April 2023 by Brownfield Solutions Ltd

The above documents were received by the City Council, as Local Planning Authority, on the 16 June 2023 (as approved under CDN/23/0398).

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) (a) Phase 1 shall be carried out in accordance with Covering letter stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 in respect of Japanese Knotweed (as approved under CDN/21/0931).

(b) Phases 2-6 (as shown on Drawing 0022-SP-ZZ-XX-DR-A-91000 C1) shall be carried out in accordance with the Japanese Knotweed Solutions Ltd, 2023 received by the City Council, as Local Planning Authority, on the 27 March 2023 (as approved under CDN/23/0215). The precautionary Method Statement at 5.1 of the report should be implemented in full.

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).

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 of each phase and first use of 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.

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, within each phase 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.

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 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 each phase 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 each of the phases 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.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

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

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

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: CENTRAL