

28 April 2025

Planning Department  
Manchester City Council  
Town Hall  
Albert Square  
Manchester  
PO Box 532  
M602LA

Dear Jennifer

**Waterhouse Gardens, Dutton Street, Manchester – Section 96a (Non-Material Amendment) Application to Planning Permission Ref. 138031/JO/2023**

Please find enclosed an application for a non-material amendment to Planning Permission ref. 138031/JO/2023 in accordance with Section 96a of the Town and Country Planning Act 1990.

This application relates to Waterhouse Gardens and the applicant is Salboy Ltd.

**Background**

Planning Permission (ref. 118831/FO/2018) was granted on Site on 19 January 2018, for:

*"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"*

A non-material amendment (Ref. 132287/NMC/2021) was approved in relation to the scheme in November 2021 which allowed the trigger points of eight pre-commencement conditions to be amended.

Following this and the discharge of the necessary pre-commencement conditions in February 2022 (Ref. CDN/21/0931), the planning permission was lawfully implemented on 14 June 2022.

A further non-material amendment (Ref. 137321/NMC/2023) was approved in July 2023, to amend the condition wording for condition 6a to allow early enabling works to commence.

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In addition, a Section 73 application (Ref. 138031/JO/2023) to amend the approved plans for the inclusion of a basement area in Block A, was submitted in September 2023 and approved in March 2024. This represents the operative consent.

## **Proposed Non-Material Amendments**

This application proposes to amend the wording of Condition 2 to reflect the submitted revised phasing plan. This amendment is necessary to enable the phased discharge of specific conditions. This approach will facilitate a phased handover to the residential management company, accommodating the staggered completion of each phase.

As such, this application also seeks to amend the wording of Conditions 4a, 4b, 5a, 5b, 6b, 7a, 7b, 7c, 7d, 8, 11, 13, 20, 31, 38 attached to Planning Permission ref. 138031/JO/2023 to reflect the revised phasing approach.

The proposed condition wording can be found in Appendix A of this letter.

This application also proposes to amend the wording of Condition 37, following agreement with MCC Highways that coach parking bays no longer need to be incorporated into the proposed development. This agreement has been reached on the basis that coach bays have already been provided outside of the red line boundary, on Cheetham Hill Road and Carnarvon Street. It is proposed to re-word Condition 37 as follows:

*"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:*

- Amendments to the existing TROs along Dutton Street:*
- Inclusion of 3 loading bays;*
- Relocation of 4 Car Club Bays;*
- Addition of 2 disabled bays;*

~~*- 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;*

- 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”.*

## **Summary**

The full proposed revised wording of Condition 2, 4b, 5a, 5b, 6b, 7c, 7d, 8, 11, 13, 20, 31, 38 attached to Planning Permission ref. 138031/JO/2023, are set out in Appendix A of this letter for completeness.

In addition to this covering letter, the application submission comprises the completed application forms, the supporting revised Phasing Plan prepared by Studio Power and an email from MCC Highways confirming the amendment to Condition 37 is acceptable.

The application fee to Manchester City Council for £383 has been provided via the Planning Portal (PP- 13865846)

On the basis of the information submitted, we seek your formal agreement that the proposed amendment to the wording of these conditions is acceptable and can be dealt with as a non-material amendment.

If you require any further details, please contact my colleague Kelly McCann ([kmccann@deloitte.co.uk](mailto:kmccann@deloitte.co.uk) / 07771380709) or Josh Wyatt-Smith ([jwyattsmith@deloitte.co.uk](mailto:jwyattsmith@deloitte.co.uk) / 01614558451)

Kind regards

*Deloitte LLP*



## Appendix A – Revised Condition Wording

### Condition 2

#### Current wording:

The development shall be carried out in accordance with the phasing plan Drawing 273-LYR-XX-ZZ-DWG-L-1003 stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 (as approved under CDN/21/0931).

#### Amended Wording:

The development shall be carried out in accordance with the phasing plan Drawing 273-LYR-XX-ZZ-DWG-L-1003 0022-SP-ZZ-XX-DR-A-91000 stamped as received by the City Council, as Local Planning Authority, on the 10 December 2021 03/04/2025 (as approved under CDN/21/0931).

### Condition 4b

#### Current Wording:

Phase 2, 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).

#### Amended Wording:

Phase 2 2-6, 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)

### Condition 5

#### Current Wording:

(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) Phase 2 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).

There shall be no occupation of phase 2 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

Amended Wording:

(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) Phase 2 2-6 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).

There shall be no occupation of phase 2 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

**Condition 6b**

Current Wording:

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.

Amended Wording:

Prior to the first occupation of the 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.

**Condition 7c**

Current Wording:

Phase 2 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).

## Amended Wording:

Phase 2 2-6 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).

## **Condition 7d**

### Current Wording:

When phase 2 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.

### Amended Wording:

When phase 2 2-6 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.

## Condition 8

### Current Wording:

(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) Phase 2 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 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.

### Amended Wording:

(a) Phase 1 XXXXX 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) Phase 2 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.

## Condition 11

### Current Wording:

The Piling for Phase 2 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

### Amended Wording:

The Piling for Phase 2 2-6 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.

## **Condition 13**

### Current Wording:

(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) Phase 2 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.

### Amended Wording:

(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) Phase 2 2-6 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.

## **Condition 20**

### Current Wording:

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.

Amended Wording:

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 the each commercial unit within each phase and thereafter be retained and maintained in situ for as long as the development remains in use.

**Condition 31**

Current Wording:

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.

Amended Wording:

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.

**Condition 38**

Current Wording:

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.

Amended Wording:

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** 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 each phase** is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.