

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137897/NMC/2023

Date registered valid: 23 August 2023

Proposal: Non-Material Amendment to Planning Permission Reference 118831/FO/2018 to amend wording on Conditions 3, 18, 22, 26, 28, 29, 30, 35, 36, 41 and 42 to reflect updated drawings that supersede those previously approved.

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

Ward(s): Cheetham Ward

Applicant: Salboy Ltd

Agent (if any): Mr Joe McElhone Deloitte LLP

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

Recommendation: Approve

Date of recommendation: 14 September 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

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

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

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

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

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

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

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

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

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

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

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

Description of development

Non-Material Amendment to Planning Permission Reference 118831/FO/2018 to amend wording on Conditions 3, 18, 22, 26, 28, 29, 30, 35, 36, 41 and 42 to reflect updated drawings that supersede those previously approved

Consultations & Notification Responses

N/A

Issues

A summary of the proposed changes is as follows:

- Inclusion of a secondary staircase,
- Resulting amendments to the internal apartment layout and mix, change of penthouses to individual units and resize of inset terraces; and

- Alterations to the façade to reflect internal changes.

A secondary staircase is proposed in order to be compliant with recent changes in the building regulations for all new building over 18 meters in height. To accommodate the secondary staircase, internal changes are required to the apartment layout. All proposed reconfiguration ensure that the changes comply with space standards.

The internal layout reconfiguration will require the repositioning of the windows of the affected apartments.

There would also be changes to the apartment mix. Twenty, 3-bed apartments are proposed to be replaced with 2-bed apartments. This supports the revised floor layout, incorporating the new staircase whilst maintaining apartment sizes. There would also be an increased amount of residents' amenity space to create a more liveable and attractive accommodation.

The overall number of apartments is unchanged.

There is a proposed change of the penthouse apartments to 3-bed apartments. The proposal will not accommodate any 4 bedroom accommodation.

As a result of the above proposed changes, this will lead to the required repositioning and resize of inset terraces. There is to be no change to the materiality.

The proposed changes are considered to be non material in nature. The changes are mainly internal and whilst there are external changes this does not affect the overall design and appearance of the development and in some instance makes the rhythm of the window arrangement more appropriate.

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:

Article 35 Declaration

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

1) The proposed to amend wording on Conditions 3, 18, 22, 26, 28, 29, 30, 35, 36, 41 and 42 to reflect updated drawings that supersede those previously approved.

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

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

0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 -

Great Ducie Street Floor Plan; 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan; 0022-SP-ZZ00-DR-A-0300-P1-Ground Floor - All Blocks; 0022-SP-ZZ-01-DR-A-0301-P1-First Floor Plan; 0022-SP-ZZ-02-DR-A-0302-

P1-Second Floor Plan; 0022-SP-ZZ-03-DR-A-0303-P1-Third Floor Plan; 0022-SP-ZZ-04-DR-A-0304-P1-Fourth Floor

Plan; 0022-SP-ZZ-05-DR-A-0305-P1-Fifth Floor Plan; 0022-SP-ZZ-06-DR-A-0306-P1-Sixth Floor Plan; 0022-SP-ZZ-07-

DR-A-0307-P1-Seventh Floor Plan; 0022-SP-ZZ; 08-DR-A-0308-P1-Eighth Floor Plan; 0022-SP-ZZ-09-DR-A-0309-P1-

Ninth Floor Plan; 0022-SP-ZZ-10-DR-A-0310-P1-Tenth Floor Plan; 0022-SP-ZZ-11-DR-A-0311-P1-Eleventh Floor Plan;

0022-SP-ZZ-12-DR-A-0312-P1-Twelfth Floor Plan; 0022-SP-ZZ-13-DR-A-0313-P1-Thirteenth Floor Plan; 0022-SP-ZZ-14-

DR-A-0314-P1-Fourteenth Floor Plan; 0022-SP; ZZ-15-DR-A-0315-P1-Fifteenth Floor Plan; 0022-SP-ZZ-16-DR-A-0316-

P1-Sixteenth Floor Plan; 0022-SP-ZZ-17-DR-A0317-P1-Seventeenth Floor Plan; 0022-SP-ZZ-18-DR-A-0318-P1-

Eighteenth Floor Plan; 0022-SP-ZZ-19-DR-A-0319-P1-Nineteenth Floor Plan; 0022-SP-ZZ-20-DR-A-0320-P1-Twentieth

Floor Plan; 0022-SP-ZZ-21-DR-A-0321-P1-Twenty-First Floor Plan; 0022-SP-ZZ-22-DR-A-0322-P1-Twenty-Second Floor

Plan; 0022-SP-ZZ-23-DR-A-0323-P1-Twenty-Third Floor Plan; 0022-SP-ZZ-24-DR-A-0324-P1-Twenty-Fourth Floor Plan;

0022-SP-ZZ-25-DR-A-0325-P1-Twenty-Fifth Floor Plan; 0022-SP-ZZ-RF-DR-A-2700-P1-Roof Plan; 0022-SP-ZZ-XX-DR-A0400-P1-Building A Section AA; 0022-SP-ZZ-XX-DR-A-0401-P1-Building A Section BB; 0022-SP-ZZ-XX-DR-A-0402-P1-

Building B & C Section CC; 0022-SP-ZZ-XX-DR-A-0403-P1-Building D & E Section DD; 0022-SP-ZZ-XX-DR-A-0404-P1-

Building B & Commercial Units Section EE 0022-SP-ZZ-XX-DR-A-0405-P1-Building E & Commercial Units Section FF;

0022-SP-ZZ-XX-DR-A-0500-P1-Building A North Elevation; 0022-SP-ZZ-XX-DR-A-0501-P1-Building A East Elevation;

0022-SP-ZZ-XX-DR-A-0502-P1-Building A South Elevation; 0022-SP-ZZ-XX-DR-A-0503-P1-Building A West Elevation;
0022-SP-ZZ-XX-DR-A-0504-P1-Building B North Elevation; 0022-SP-ZZ-XX-DR-A-0505-P1-Building B & C East Elevation;
0022-SP-ZZ-XX-DR-A-0506-P1-Building C South Elevation; 0022-SP-ZZ-XX-DR-A-0507-P1-Building B & C West
Elevation; 0022-SP-ZZ-XX-DR-A-0508-P1-Building C North Elevation; 0022-SP-ZZ-XX-DR-A-0509-P1-Building B South
Elevation; 0022-SP-ZZ-XX-DR-A-0510-P1-Building D&E North Elevation; 0022-SP-ZZ-XX-DR-A-0511-P1-Building D & E
East Elevation; 0022-SP-ZZ-XX-DR-A-0512-P1-Building D & E West Elevation; 0022-SP-ZZ-XX-DR-A-0513-P1-Building D
South Elevation; 0022-SP-ZZ-XX-DR-A-0514-P1-Building E North Elevation; 0022-SP-ZZ-XX-DR-A-0515-P1-Building E
South Elevation; 0022-SP-ZZ-XX-DR-A-0516-P1-Site Wide Elevations NMA

The above drawings were received by the City Council, as Local Planning Authority, on the 23 August 2023

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.

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 0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023, 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).

22) Prior to the first use of each of the commercial units within each phase as indicated on drawings 0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023 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).

26) "Prior to the first use of each commercial unit within each phase, as indicated on drawings 0022-SP-ZZ-B2-DR-A-03B2- P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023, 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.

28) The commercial units as shown on drawings 0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1- Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023, 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 0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1- Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023 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 0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SPZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023, 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.

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 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023 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 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023 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.

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).

41) "Prior to the first use of any commercial unit within each phase of development as indicated on drawings 0022-SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023, 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 0022- SP-ZZ-B2-DR-A-03B2-P1-Basement 2 - Great Ducie Street Floor Plan, 0022-SP-ZZ-B1-DR-A-03B1-P1-Basement 1 - New Bridge Street Floor Plan and 0022-SP-ZZ-00-DR-A-0300-P1-Ground Floor - All Blocks received by the City Council, as Local Planning Authority, on the 23 August 2023, 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).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

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

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

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

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Area Team Boundary - Name: CENTRAL