

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132161/FO/2021

Date registered valid: 12 November 2021

Proposal: Temporary planning permission for 34 catering/retail/activation units around the ring road of the Etihad stadium, as well as in the City Square area to the North of the stadium, for a period of 5 years

Address: Etihad Stadium , Ashton New Road, Manchester, M11 3FF

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Henry Litherland Manchester City Football Club City Football Academy, 400 Ashton New Road, Manchester, M11 4TQ

Agent (if any):

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Temporary approval

Date of recommendation: 5 January 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit:

Standard consultations:

Printed: 19 November 2021 Expired: 10 December 2021

Neighbour notifications

Printed: 19 November 2021 Expired: 10 December 2021

Site notice

Posted: 3 December 2021 Expired: 24 December 2021

Press advert

Published: 23 November 2021 Expired: 14 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to public realm around the perimeter of the Etihad stadium. The areas comprise the walkways and parts of City Square.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Planning History

112219/FO/2016/N2 - Temporary permission for 3 years for the repositioning and installation of 28 mobile units for use for catering, retail and merchandise around the perimeter of the Etihad stadium

Etihad Stadium
Ashton New Road

Approved subject to conditions 14.07.2016

109476/FO/2015/N2 - Installation of 8 single storey catering units around the perimeter of the Etihad Stadium for a temporary period of 3 years

Etihad Stadium
Ashton New Road

Approved subject to conditions 10.09.2015

Description of area

The application site forms part of the Etihad Campus which consists of a variety of sport uses.

Description of development

Temporary planning permission is sought for 34 prefabricated single storey catering/retail/activation units around the ring road of the Etihad stadium, as well as in the City Square area to the North of the stadium, for a period of 5 years.

Each unit to be typically 6.05m long, 2.44m deep and 2.59m high, or 5.87m long, 2.3m deep and 2.35m high, but for the purposes of this application the applicant has sought to apply for zones to be approved, for the units to be located in, to provide some flexibility to move them around site within these zones, as and when required.

There are a total 34 separate units being proposing to be used across the site, within the various zones denoted on the submitted plans. The applicant has however, indicated that some of the units would come and go depending on the event taking place.

Waste would be stored in internal bins, which are part of the wider campus waste strategy. Separate bins will be operated, and then the waste will be sorted at their own facility in line with the Club's sustainable waste plan.

Consultations & Notification Responses

Site notices posted on site on 3rd December 2021 , advertising the scheme as being of public interest, and affecting a public right of way, and in the local press on 23rd November 2021.

Local residents/public opinion - No comments received.

Environmental Health - The catering units shall be used in conjunction with the operating hours of the stadium. There shall be no amplified music within the city street area outside of the following times - Monday to Sunday - three hours before an event start time or football game kick off and one hour after an event finishing time or following the final whistle of a football game. A lighting condition is also recommended.

Design for Security - No comments received, but have advised previously in regard to the earlier application, that any fittings on the property shall be designed to secure by design standards.

Cadent - have no objection to this proposal from a planning perspective, but to prevent damage to their assets or interference with their rights, they request that the following informative note be attached to any planning approval.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The applicant has responded advising that these are all above ground units, which sit on the surface, so no diversions would be required.

Highway Services - The proposed catering, retail and merchandise are all located within the private boundary to the stadium and do not impact on the adopted highway. It appears that the proposed units will be located within areas providing wide areas of clearance for passing pedestrians, and those queuing, to utilise the proposed facilities. The applicant should confirm that the proposal would not have an impact on service/emergency vehicle access or access to on-site parking

The applicant subsequently confirmed (30.11.2021) that the scheme would not impact any service/emergency routes, or any access to parking etc.

Issues

Manchester Core Strategy (2012)

Relevant policies SP1, EC7, C10 and DM1

Unitary Development plan for the City of Manchester (1995)

Relevant policies saved policies DC10 and DC26

Principle

Temporary planning permission is sought for 34 prefabricated single storey catering/retail/activation units around the ring road of the Etihad stadium, as well as in the City Square area to the North of the stadium, for a period of 5 years. Previous temporary planning approvals have been granted in 2015 and 2016 for three years for 8 no. and 28 no. units respectively, reflecting the temporary nature of the structures and order to ensure a long term strategy was put in place for catering at the stadium.

The application site falls within the Eastland Strategic employment location as defined with the Manchester Core Strategy within policy EC7. This policy seeks to ensure the vitality and viability of the area with the major sporting venues at its heart.. The applicant has suggested that the catering and merchandising vans are there to support the operations at the Etihad stadium. Policy C10 of the UDP and saved policy DC10 provide guidance on food and drink uses. Policy C10 states that consideration should be given to cumulative impact of such uses along with residential and balancing daytime uses with evening uses. Particular regard must be had for the number of existing establishments in the area, characteristics of the area, vacant premises, impact on the wider community and highways and traffic implications.

Saved policy DC10 states that such uses should be located within defined centres or within parades of 8 or more shops.

The Etihad campus is not defined as a district or local centre, however, it does form part of the Eastlands strategic employment location. The proposal seeks to support the operations of the stadium by providing food and drink uses along merchandising vans in direct support of the Etihad stadium and its operations. There are no residential properties in close proximity to the site, with the nearest properties on the opposite side which are

over 100 metres away. Eastlands District Centre is on the opposite side of Ashton New Road. This consists of a large Asda store along with a McDonalds. It is not considered that the catering vans will undermine the district centre as the use is directly in association with the football club's operations.

The proposal is considered to be acceptable in principle as it will help support the operations of the applicant. It is considered, however, that given the nature of the buildings, a temporary planning permission would be the preferred approach to allow the situation to be reviewed in the future.

Matters which require consideration are whether the siting, scale and appearance of the structures are acceptable and whether there are any associated amenity impacts and waste management.

These matters will be considered below.

Siting

Planning permission 109476 in 2015 established the principle of the following installations at the stadium:

one food vans and one coffee stand west stand;

four food and one merchandising van north stand/city square; and

One merchandising van east stand.

There were also existing vans around the stadium which were to be retained. The total number of vans at that time were 15 in total .

The subsequent permission in 2016 (ref: 112219/FO/2016/N2) related to the repositioning and installation of 28 mobile units for use for catering, retail and merchandise around the perimeter of the Etihad stadium. This led to

Zone A - 6 units within two blocks (block one - betting, activation unit and catering

block 2 - merchandise, catering unit and programmes)

Zone B - 4 within one block (programmes, merchandise, catering and betting)

Zone C - 8 units within three blocks (block one - catering, programmes and catering

block two - catering unit and merchandise block three - catering, activation unit and betting

Catering D - 7 units within two blocks (block 1 - programmes, catering and o

merchandise block 2 - catering, betting, activation and catering)

This consent increased the number of units and pushed them to the outer edge of the stadium grounds.

This application would effectively change the zones from 4 zones covering wide areas to 23 zones covering small defined areas, with only 1 or 2 units proposed in each zone. In addition to the catering/retail/activation units which follow the perimeter of the pedestrian circulation space/ring road , there 6 zones where catering/retail/activation units would be located . 4 zones are proposed to the north of the stadium in proximity to the football club shop, each with the capacity to accommodate two units, with a further zone (one unit) to the south west and one zone (one unit) to the south east.

This will ensure that the optimum movement of people can be achieved around the stadium and also minimise and sense of the stadium grounds being cluttered.

For the purposes of this application the applicant has sought to apply for zones to be approved, for the units to be located in, to provide some flexibility to move them around site within these zones, as and when required.

There are a total 34 separate units being proposing to be used across the site, within the various zones denoted on the submitted plans. The applicant has however, indicated that some of the units would come and go depending on the event taking place.

Scale

Depending on the nature of the unit, the scale of the building will vary.

Each unit to be typically 6.05m long, 2.44m deep and 2.59m high, or 5.87m long, 2.3m deep and 2.35m high.

It is not considered that the units are excessive in scale and, as detailed above, given the overall scale of the perimeter of the stadium will not look out of place.

Appearance

The appearance of the structures reflect their temporary nature. The structures are, however, typical of the services which are available around major venues such as this.

The applicant has, however, confirmed that the structures are temporary units and a long term strategy for the stadium is to be put in place.

Amenity

The vans are sufficiently far away from the nearest residential properties to not cause any disamenity.

Observations in connection with potential hours of operation have been noted, however, the vans will only be in use on match and concert days and therefore will not be in permanent use throughout the week like normal food and drink type uses. It is recommended that the application be conditioned accordingly to ensure that they are only in use during those times.

In terms of refuse, the applicant has indicated that the vans will use the centralised waste and recycling area associated with the main football stadium. Whilst there is no objection in principle to this arrangement, it is recommended that a condition of the planning approval is that such details are agreed to ensure they are adequate to deal with the additional capacity.

It should be noted as part of the stadium expansion works there was a section 106 agreement associated with the application which deals waste in general around the stadium and 'clear up' works after matches and major events. It is therefore considered that this should adequately deal with any additional waste management issues associated with the catering vans.

In terms of public safety, it is recommended that an informative of the planning approval is that consultation should take place with the SAG group to ensure that there are no safety issues arising as a consequence of the works.

The proposal does not include the installation of any lighting. It would therefore not be appropriate to attach any lighting conditions.

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: Temporary approval

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. Clarification has been sought during the application about the period of use, identification of numbers of units in each of the zones proposed. The proposal is considered to be in accordance with the development plan and therefore determined in a timely manner.

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

1) The permission hereby granted is for a limited period only, expiring on 5th January 2027; and the buildings and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within one month; in accordance with a scheme previously approved in writing by the City Council local planning authority before this permission expires.

Reason - The buildings proposed will help support the operations and uses at the Etihad stadium, however, the buildings proposed are of a temporary nature. Consideration must be given to a long term strategy for dealing with food/drink and merchandising uses at the stadium. In the interim period the proposal is acceptable pursuant to policies SP1, EC7, C10 and DM1 of the Manchester Core Strategy (2012).

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
Rapid retail unit plan ref: (RAP_9m3mOPN01A Tab 2 of 2) ;
Licensed bar dimension plan;
White Circle Rental Structure visuals and dimensions document ;
received by the City Council, as Local Planning Authority on 8th November 2021.
Applicant email dated 30.11.2021 confirming no impacts any service/emergency routes, or any access to parking.
Location plan Etihad stadium forecourt plan ref: ET-CS 01 rev.02 received by the City Council, as Local Planning Authority on 4th January 2022.
Email from agent dated 4th January 2022 confirming numbers of units to be located within the referenced zones Location plan Etihad stadium forecourt plan ref: ET-CS 01 rev.02.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) The catering/retail/activation units hereby approved, as indicated on the site plan received by the City Council, as Local Planning Authority, on 4th January 2022 shall only be in use on football match days and any other major events.

Reason - The interest of residential amenity and impact on the nearby Eastlands District Centre pursuant to policies SP1 and C10 of the Manchester Core Strategy (2012).

4) Prior to the first use of the development, details of the location and waste management requirements (including litter picking around the public realm) for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and thereafter be retained and maintained for as long as the development remains in use.

Reason - To ensure that there are adequate refuse arrangements for the development pursuant to policy DM1 of the Manchester Core Strategy (2012) .

Informatives

1) The catering/retail/activation units should be of robust construction, locked securely and consideration should be taken to install appropriate alarms.

The roof should be of robust construction to prevent criminal intrusion. Certified lightweight roof systems are available to LPS 1175 SR1.

There should be no features of the building or any nearby hard/soft landscaping features (e.g. trees, rainwater downpipes, nearby boundaries, louvered features, projecting window cills, lighting columns etc.) that would facilitate climbing. Cash should not be stored in the premises overnight.

2) Consultation should be had with the Safety Advisory Group (SAG), or any other relevant body, who can consider the safe movement of the public visiting the stadium before the units are installed.

3) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

60 Orme Close, Manchester, M11 3JY
62 Orme Close, Manchester, M11 3JY
64 Orme Close, Manchester, M11 3JY
66 Orme Close, Manchester, M11 3JY
68 Orme Close, Manchester, M11 3JY
10 Viking Close, Manchester, M11 3JF
11 Viking Close, Manchester, M11 3JF
12 Viking Close, Manchester, M11 3JF
13 Viking Close, Manchester, M11 3JF
14 Viking Close, Manchester, M11 3JF
15 Viking Close, Manchester, M11 3JF
16 Viking Close, Manchester, M11 3JF
17 Viking Close, Manchester, M11 3JF
284 Ashton New Road, Manchester, M11 3HY
318 Ashton New Road, Manchester, M11 3HY
316 Ashton New Road, Manchester, M11 3HY
2 Cromarty Walk, Manchester, M11 3JA
4 Cromarty Walk, Manchester, M11 3JA
6 Cromarty Walk, Manchester, M11 3JA
8 Cromarty Walk, Manchester, M11 3JA
10 Cromarty Walk, Manchester, M11 3JA
6 Biscay Close, Manchester, M11 3JB
7 Biscay Close, Manchester, M11 3JB
8 Biscay Close, Manchester, M11 3JB
9 Biscay Close, Manchester, M11 3JB
10 Biscay Close, Manchester, M11 3JB
11 Biscay Close, Manchester, M11 3JB
12 Biscay Close, Manchester, M11 3JB
13 Biscay Close, Manchester, M11 3JB
14 Biscay Close, Manchester, M11 3JB
16 Biscay Close, Manchester, M11 3JB
54 Orme Close, Manchester, M11 3JY
56 Orme Close, Manchester, M11 3JY
58 Orme Close, Manchester, M11 3JY
4 Fair Isle Close, Manchester, M11 3JJ
6 Fair Isle Close, Manchester, M11 3JJ
8 Fair Isle Close, Manchester, M11 3JJ
9 Fair Isle Close, Manchester, M11 3JJ
10 Fair Isle Close, Manchester, M11 3JJ
11 Fair Isle Close, Manchester, M11 3JJ
13 Fair Isle Close, Manchester, M11 3JJ
15 Fair Isle Close, Manchester, M11 3JJ
5 Cowper Walk, Manchester, M11 3UJ
3 Jenkyn Walk, Manchester, M11 3UR
5 Jenkyn Walk, Manchester, M11 3UR
7 Jenkyn Walk, Manchester, M11 3UR
7 Cowper Walk, Manchester, M11 3UJ
310A Ashton New Road, Manchester, M11 3HY

366 - 368 Ashton New Road, Manchester, M11 3DL
Ground Floor, 286 Ashton New Road, Manchester, M11 3HY
DANNYS HAIR DESIGN, First Floor And Second Floor, 286 Ashton New Road, Manchester, M11 3HY
2 Rowsley Street, Manchester, M11 3FF
Sport City Visitors Centre, Ashton New Road, Manchester, M11 4ZZ
EASTLANDS TRUST LIMITED, Institute Of Sport, Rowsley Street, Manchester, M11 3FF
Sport City Visitor And Information Centre, Rowsley Street, Manchester, M11 3FF
Mercedes Benz, Rowsley Street, Manchester, M11 3RR
314 Ashton New Road, Manchester, M11 3HY
312 Ashton New Road, Manchester, M11 3HY
Regional Athletics Arena, Rowsley Street, Manchester, M11 3FF
National Squash Centre, Rowsley Street, Manchester, M11 3FF
Excel House, City Of Manchester Stadium, Ashton New Road, Manchester, M11 4ZZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2