

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131707/LE/2021

Date registered valid: 20 September 2021

Proposal: Certificate of Lawful Development for the Existing use of land as surface car parking associated with events taking place at the Etihad Campus

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

Ward(s): Ancoats & Beswick Ward

Applicant: Steel City Football Group City Football HQ, 400 Ashton New Road, Manchester, M11 4TQ

Agent (if any): Mrs Michele Steel Elmi Advisory Limited City Football HQ, Manchester, M114TQ

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

Recommendation:

Date of recommendation:

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

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

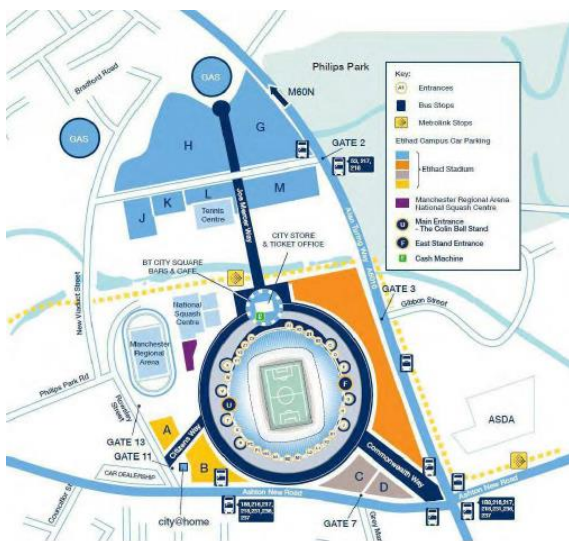
Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a series of surface level car parks at the Etihad Campus which principally surround the Etihad Stadium.

The car park areas in are used by Manchester City Football Club (MCFC) in the operation of events at the Etihad Stadium and at MCFC's City Football Academy, as well as at other venues on the Etihad Campus. They are operationally referred to by letter as per the diagram below (car parks A, B, C, D, G, H, J, K, L, M) plus the Orange Car Park.



Car park M is no longer in use and is currently under construction for the new Arena.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

As series of building make up the Etihad Campus which were largely constructed for the Commonwealth Games. A new events arena has recently been granted planning permission at the campus which would add further to the offer at the campus as a sporting and events destination.

There are excellent public transport links in the area, notably the Etihad Campus Metrolink stop along with access to walking and cycling routes as well as the local bus corridor.

Description of development

Certificate of Lawful Development for the Existing use of land as surface car parking associated with events taking place at the Etihad Campus

Consultations & Notification Responses

None required

Issues

The applicant has prepared the following information in support of this application:

- Application form;
- Location Plan;
- Supporting Statement; and
- Affidavit prepared by Manchester City Football Club's Traffic and Transport Manager.

The applicants supporting statement provides a chronology of the use of the site including the use of the land which is subject to this application.

The City of Manchester Stadium – Commonwealth Games 2002

In 1999, planning permission was granted to build the City of Manchester Stadium (now Etihad Stadium) under permission reference 056711/VO/North2/99 dated 8 October 1999 as "construction of a sports stadium with associated parking, servicing and infrastructure".

This permission was implemented and the City of Manchester Stadium opened to host the Commonwealth Games on 25 July 2002.

The City of Manchester Stadium – Football Conversion 2003

The City of Manchester Stadium was converted from the Commonwealth Games athletics layout to a circa 48,000 seat football stadium, ready for Manchester City Football Club's occupation from the start of the 2003-04 season.

In 2007, it was agreed that the UK's only Super Casino (or Regional Casino) would be built on land to the east of the Stadium, now known as the Collar Site, which was cleared and readied

for development. However, in 2008 the Government scrapped plans for the Super Casino and the Collar Site remains awaiting redevelopment.

In the interim, it has been used as car parking and is now referred to as Orange Car Park.

Etihad Stadium – 2010 onwards

In 2010 Planning permission was granted via permission reference 092380/FO/2010/N2 for remediation works to land east of the Stadium.

The Transport and Access Statement prepared by Arup and submitted in support of that application in February 2010, contained a drawing which showed the status of car parking at that time across the area.

In February 2014, planning permission was granted for an extension to the North and South stands of the Etihad Stadium under permission reference 104315/FO/2013/N2.

The Transport Assessment prepared by Mott McDonald in support of that planning application contained a car parking survey of the Stadium's various car parks. That survey was carried out in October 2013.

Most recently, planning permission has been granted in September 2020 under permission reference 126431/FO/2020 for development of a multi-use arena on land adjacent to the Etihad Stadium (on Car Park M).

The Transport Assessment in support of that planning application, carried out by Buro Happold, included a car parking survey of all car parks around the Etihad Stadium.

The applicant has also provided an affidavit from Rachel Hayward, Manchester City Football Club's Traffic and Transport Manager who has worked at the Club in various roles since 2009 which provided knowledge and understanding of the car parks at the stadium .

LPA Assessment

Paragraph 006 of the Guidance on Lawful Development Certificates states:

"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

It is clear that the land around the Etihad Campus has been in use for surface level car parking associated with the Campus for some time. At the time of the 2010 planning application (092380) car parking was already in use at the sites. The affidavit from Rachel Hayward provides details of the sites use for the same period. The planning applications referred to above are matters of public record and there is no evidence to dispute that the car parks have been in use for in excess of 10 years. Accordingly, the certificate of lawful existing use should be granted.

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

From the information that has been provided it is considered that, on the balance of probabilities, that the land identified on drawing 'Etihad Car Parks - Location Plan' stamped as received by the City Council, as Local Planning Authority, on the 20 September 2021 has been used as surface level car parking in association with events taking place at the Etihad Campus for a continuous period exceeding 10 years and has been used for no other use in accordance with the evidence and information provided in the submitted supporting information received by the City Council as the Local Planning Authority, namely:

- Application form;
- Location Plan;
- Supporting Statement; and
- Affidavit prepared by Manchester City Football Club's Traffic and Transport Manager.

All stamped as received by the City Council, as Local Planning Authority, on the 20 September 2021

Appendix 1 – List of consultees & neighbours notified

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 - Not Affected

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

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

HSE COMAH Zone - H1485 MZ - Bradford Road Holder Station (East) Middle Zone

HSE COMAH Zone - H1485 OZ - Bradford Road Holder Station (East) Outer Zone

HSE COMAH Zone - H3595 MZ - Bradford Road Holder Station (West) Middle Zone

HSE COMAH Zone - H3595 OZ - Bradford Road Holder Station (West) Outer Zone

HSE COMAH Zone - H1485 IZ - Bradford Road Holder Station (East) Inner Zone

Hazard - Bradford Road Gas Works

Hazard - Major Accident Hazard Pipeline - East Manchester

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

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) -

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 (More) -

Area Team Boundary - Name: NORTH2