

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139662/NMC/2024

Date registered valid: 28 March 2024

Proposal: Non-material amendment to Planning Permission 126431/FO/2020 to vary the wording of Conditions 7b (Ground Conditions), 17 (Landscaping), 31 (Coach Parking), 32 (Highway Works), 33 (Servicing and Operational Plan), 34 (Car park management plan) and 37 (TV Reception).

Address: Site South Of Sportcity Way, East Of Joe Mercer Way, West Of Alan Turing Way And North Of The Ashton Canal At The Etihad Campus, Manchester,

Ward(s):

Applicant: BAM Construction Limited

Agent (if any): Mr John Cooper Deloitte LLP

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

Recommendation: Approve

Date of recommendation: 05.04.2024

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

This 4.46 hectare site is used as a 500 space overspill car park for events at the Etihad stadium. The site is secured with a mesh fence on all sides and contains a number of self-seeded trees and shrubs. Its topography is relatively flat with a gentle slope from south to north before the site drops steeply down to the Ashton Canal. The site is bounded by Joe Mercer Way (an elevated pedestrian walkway connecting to the Etihad Stadium) which separates the site from the Manchester Tennis and Football Centre located further west, Alan Turing Way, a four lane road with segregated cycle lanes is to the east with the Ashton Canal and the Etihad Metrolink stop to the south.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The site forms part of the Etihad Campus which includes the Etihad Stadium, Manchester Regional Arena, City Football Academy and the National Squash Centre. The Etihad Campus has been a focus for regeneration since it was first used to host the Manchester Commonwealth Games in 2002. To the east of Alan Turing Way are Philips Park and Philips Park Cemetery which are Grade II listed. The area beyond the Park and Cemetery contains light industrial uses and Philips Park Fire Station. The raised railway line is a buffer between the industrial area and residential communities in Miles Platting and Newton Heath.

The area to the east of Alan Turing Way, alongside the National Cycling Centre and the Eastlands District Centre, is more residential in character. There are three apartment buildings

up to 10 storeys in height amongst two storey terraced housing. The towpath and cycle path along the Ashton Canal to the south link the site to city centre and beyond in an eastwards direction. The Etihad Stadium has a capacity of 55,017 with planning permission to expand to 62,170. To the north is a large car park associated with the Etihad Stadium, accessed via Sportcity Way connecting to Alan Turing Way. Beyond this are two gas holders: one on Bradford Road and the other on Alan Turing Way.

This is a sustainable location, well served by public transport including Metrolink with a tram stop for the Etihad Campus to the south of the site providing regular services To the east of Alan Turing Way are Philips Park and Philips Park Cemetery which are Grade II listed. The area beyond the Park and Cemetery contains light industrial uses and Philips Park Fire Station. The raised railway line is a buffer between the industrial area and residential communities in Miles Platting and Newton Heath. The area to the east of Alan Turing Way, alongside the National Cycling Centre and the Eastlands District Centre, is more residential in character. There are three apartment buildings up to 10 storeys in height amongst two storey terraced housing. The towpath and cycle path along the Ashton Canal to the south link the site to city centre and beyond in an eastwards direction.

The Etihad Stadium has a capacity of 55,017 with planning permission to expand to 62,170. To the north is a large car park associated with the Etihad Stadium, accessed via Sportcity Way connecting to Alan Turing Way. Beyond this are two gas holders: one on Bradford Road and the other on Alan Turing Way.

This is a sustainable location, well served by public transport including Metrolink with a tram stop for the Etihad Campus to the south of the site providing regular services

Description of development

Non-material amendment to Planning Permission 126431/FO/2020 to vary the wording of Conditions 7b (Ground Conditions), 17 (Landscaping), 31 (Coach Parking), 32 (Highway Works), 33 (Servicing and Operational Plan), 34 (Car park management plan) and 37 (TV Reception).

Consultations & Notification Responses

N/A

Issues

Condition 7b 'Ground Conditions'

Condition 7b attached to Planning Permission Ref. 126431/FO/2020 (as amended) requires agreement of a Ground Conditions Verification Report with the Local Planning Authority prior to first use of the development.

An application to discharge Condition 7b was under application Ref. CDN/23/0853 in December 2023.

Whilst Environmental Health confirmed that the Verification Report was in the main acceptable, the condition could not be fully discharged until the soil certificates were provided.

Occupation of arena occurs on the 19 April 2024.

All of the soil certificates will not be able available by this point. In order to not preclude the occupation of the arena, it is proposed to amend the condition to allow these to be submitted within two months of first occupation. This change is considered to be non material in nature and is acceptable.

Condition 17 'Landscaping'

Condition 17 attached to the Planning Permission Ref: 126431/FO/2020 (as amended) requires details of hard and soft landscaping treatments (including tree planting, street tree planting, boundary treatments and appropriate samples of materials of hard landscaping) to be submitted for agreement prior to first use of the development, and that all agreed landscaping details aforementioned are to be implemented prior to first use.

Condition 17 was discharged under application Ref. CDN/23/0653 in November 2023 through the provision of landscaping details. The proposals included the provision of a block paving hard landscaping solution on-site.

The applicant is unable to install the full extent of block paving prior to first use in accordance with the current wording of Condition 17.

To enable safe occupation of the development on 19 April 2024, it is proposed to agree and install in advance of occupation a temporary tarmac solution to the areas of the Site as outlined on Plan Titled: Co-op Live - Temporary Hard Landscaping Arrangement Plan. The permanent landscaping solution will then be implemented no later than the 31 August 2024.

As well as the change to the implementation of the landscaping, a small number of changes are proposed to the landscaping scheme as follows:

- Creation of tarmac into the service yard from Sportcity Way and to the compound to the east of the building owning to the number of vehicle movements this offers the applicant a more practical solution to these areas. On the basis that neither the service yard entrance or the area adjacent to the compound are intended to be key parts of the public realm and circulation space, and will not house any concessions or amenities, the change is considered to be acceptable and more suitable than block paving.

The change is considered to be acceptable and non material in nature.

Condition 31 'Coach Parking'

The condition will be varied to include an annual monitoring (or in the event there is an identified issue)

The change is considered to be acceptable and non material in nature.

Condition 32 'Highways'

Part 8 of condition 32 requires the installation of variable message boards (VMS). It has not been possible to get permanent VMS in place prior to the first use of the development. As such, temporary provision will be put in place. It is therefore proposed to amend condition 32 to require permanent VMS to be in place within 6 months of the first use of the development.

In addition the condition will be varied to include an annual monitoring (or in the event there is an identified issue)

The change is considered to be acceptable and non material in nature.

Condition 33 'Servicing and Operational Plan'

The condition will be varied to include an annual monitoring (or in the event there is an identified issue)

The change is considered to be acceptable and non material in nature.

Condition 34 'Car park management plan'

The condition will be varied to include an annual monitoring (or in the event there is an identified issue)

The change is considered to be acceptable and non material in nature.

Condition 37 'TV reception'

Condition 37 attached to the Planning Permission Ref: 126431/FO/2020 (as amended) requires a TV Reception Survey to be submitted for agreement within one month of practical completion or at any other time during the construction of the development should reception issues arise, and that any recommended mitigation measures are to be implemented prior to first use or within one month of the survey being submitted for agreement.

The applicant has indicated that the TV survey is scheduled for the week of the 8th April, and would identify if any mitigation is required. Based on the current programme for occupation on 19 April 2024, it is unlikely that any required mitigation would be able to be implemented prior to occupation.

This proposal seeks to amend the wording of the condition to enable occupation, with the TV Reception Survey to be submitted to the City Council one-month post-practical completion and any required mitigation measures being implemented within one month of the study being agreed to the City Council as Local Planning Authority.

The change is 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

Article 35 Declaration

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

1) This application seeks to vary the wording of Conditions 7b (Ground Conditions), 17 (Landscaping) and 37 (TV Reception).

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

- Covering Letter prepared by Deloitte (Including Appendix A drawing pack), received by the City Council, as Local Planning Authority on 28 March 2024

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.

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.

7) (a) The development shall be carried out in accordance with the following information in respect of ground conditions (as approved under CDN/20/0767)

- OVG Manchester Remediation Strategy - Ref. BRABHE- XX-XX-RP-CG-0006 Rev P02 - dated 7.10.2020 and Grouting Works: Groundwater Risk Assessment - Ref. BRA-BHE-XX-XX-DN-CG-0001 Rev P02 - dated 7.10.2020 stamped as received by the City Council, as Local Planning Authority, on the 3 December 2020

- Interim Statement prepared by Burro Happold (BRA-BHE-XX-XX-DN-CG-0004) stamped as received by the City Council, as Local Planning Authority, on the 3 February 2021

- OVG Grouting Validation Testing Report (Rev 01) by Cementation Skanska dated Feb 2021 stamped as received by the City Council, as Local Planning Authority, on the 5 February 2021

- Grouting monitoring procedure statement by BAM Construction Ltd dated February 2021 (ref. HNW 0337) stamped as received by the City Council, as Local Planning Authority, on the 5 March 2021

-Old Coal Workings - Project Completion Report by Cementation Skanska dated March 2021 (ref. BRA-CSL-ZZ-ZZ-RP-X-00900 Rev C04) stamped as received by the City Council, as Local Planning Authority, on the 5 March 2021

- Verification Report for Drilling and Grouting Treatment of Mine Workings by Buro Happold Ltd dated March 2021 (ref.BRA-BHE-XX-XX-RP-CG-0007 Rev P03) stamped as received by the City Council, as Local Planning Authority, on the 5 March 2021

(b) Within two months of the first use of the development, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority,

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 within two months of the first use of the development, then associated works shall cease 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 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 - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

17) a) The temporary hard landscaping arrangements as shown on plan (Titled: Co-op Live - Temporary Hard Landscaping Arrangement Plan) and the permanent hard and soft landscaping arrangements (other than block paving) on the plans listed in Appendix A of the approved Covering Letter prepared by Deloitte, received by the City Council, as Local Planning Authority on 28th March 2024 should be implemented prior to first use.

b) The permanent block paving arrangements on plans listed in Appendix A of the approved Covering Letter prepared by Deloitte, received by the City Council, as Local Planning Authority on 28th March 2024 shall be implemented no later than the 31 August 2024.

c) If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development and to secure appropriate wind mitigation pursuant to policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

31) (a) Prior to the first use of the arena hereby approved, details of a coach parking strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ for as long as the development remains in use, unless otherwise amended under part b of this condition.

b) On the first anniversary of the First Arena Event and thereafter on each anniversary of the First Arena Event, a Monitoring Review of the Coach Parking Strategy should be undertaken. In the event that the Monitoring Review recommends any amendments or additions to the Coach Parking Strategy, such amendments or additions shall be submitted to the City Council as local

planning authority for approval within 2 months of an annual review and implemented thereafter within a timescale to be agreed in writing with the City Council, as Local Planning Authority.

The City Council may request an Interim Coach Parking Strategy in advance of the annual review for written approval within 1 (one) month (or such longer reasonable period as may be agreed by the parties) of a written request of the City Council where the City Council is of the reasonable opinion that an Arena Event causes (or has caused) previously unforeseeable pedestrian or highway safety concerns in respect of the coach strategy which are materially detrimental to highway and/or pedestrian safety in the vicinity of the Site and which must be addressed in advance of the next annual Coach Parking Strategy review. Any measures required as a result of that interim review shall be implemented within a timescale to be agreed in writing by the City Council, as Local Planning Authority.

Reason - To ensure there adequate provision for coach parking at the development pursuant to policies SP1,T1, T2 and DM1 of the Manchester Core Strategy (2012).

32) (a) Prior to the first use of the development hereby approved, a scheme of highway works in parts 1, 2, 3, 5, 6, 7 and the temporary arrangements for part 8, as outlined within the Transport Assessment prepared by BuroHappold Engineering stamped as received by the City Council, as Local Planning Authority, 30 March 2020, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme for part 4 shall be submitted for approval in writing by the City Council, as Local Planning Authority within one months of first use of the arena. The final details for the permanent VMS arrangements under part 8 shall be submitted for approval in writing by the City Council, as Local Planning Authority within 6 months of first use of the area.

For the avoidance of doubt this shall include the following:

1. Modifications to the junction of Gate 1/Alan Turing Way including creation of left in/left out traffic movements, improved cycle facility, widened pedestrian provision, creation of servicing entrance and vehicle access/egress (Drawing BRA-BHE-XX-XX-DR-C-0230); [Details approved as part of CDN/21/0150]
2. Emergency vehicle access from Alan Turing Way including modification to pedestrian footway and access to the canal (Drawing BRA-BHE-XX-XX-DR-C-0240);
- Widening of footways along Sportcity Way including narrowing of carriage from 4 to 3 lanes (Drawing BRA-BHE-XX-XX-DR-C-0210); [Details approved as part of CDN/21/0150]
3. Installation of fixed bollards, retractable bollards and planters to Sportcity Way);
4. Introduction of VIP drop off and U Turn facility;
5. Extension of the existing taxi rank along the full length of Rowsley Street and Philips Park Road (including creation of a one-way system);
6. Dropped kerbs and tactile paving to vehicle access points;
7. Provision of additional Variable Message Boards (VMS) including agreed locations and timescale for implementation;

The approved scheme for parts 1, 2, 3, 5, 6, 7 and the temporary arrangements for part 8 shall be implemented and be in place prior to the first use of the arena hereby approved and thereafter retained and maintained in situ. The final details for parts 4 and 8 shall be

implemented and be in place within one months of the written approval of the City Council, as Local Planning Authority.

(b) On the first anniversary of the First Arena Event and thereafter on each anniversary of the First Arena Event, a Monitoring Review of the VIP drop off Strategy should be undertaken. In the event that the Monitoring Review recommends any amendments or additions to the VIP drop off Strategy, such amendments or additions shall be submitted to the City Council as local planning authority for approval within 2 months of an annual review and implemented thereafter within a timescale to be agreed in writing with the City Council, as Local Planning Authority.

The City Council may request an Interim VIP drop off Strategy in advance of the annual review for written approval within 1 (one) month (or such longer reasonable period as may be agreed by the parties) of a written request of the City Council where the City Council is of the reasonable opinion that an Arena Event causes (or has caused) previously unforeseeable pedestrian or highway safety concerns in respect of the VIP drop off Strategy which are materially detrimental to highway and/or pedestrian safety in the vicinity of the Site and which must be addressed in advance of the next annual VIP drop off Strategy. Any measures required as a result of that interim review shall be implemented within a timescale to be agreed in writing by the City Council, as Local Planning Authority.

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).

33) (a) Prior to the first event at the development hereby approved, details of a servicing and operational management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include how servicing arrangements will be managed at the development including ensuring the access road remains unrestricted. The approved plan shall be implemented upon the first use of the development and thereafter retained and maintained, unless otherwise amended under part b of this condition.

(b) (b) On the first anniversary of the First Arena Event and thereafter on each anniversary of the First Arena Event, a Monitoring Review of the servicing and operational management plan should be undertaken. In the event that the Monitoring Review recommends any amendments or additions to the servicing and operational management plan, such amendments or additions shall be submitted to the City Council as local planning authority for approval within 2 months of an annual review and implemented thereafter within a timescale to be agreed in writing with the City Council, as Local Planning Authority.

The City Council may request an Interim servicing and operational management plan in advance of the annual review for written approval within 1 (one) month (or such longer reasonable period as may be agreed by the parties) of a written request of the City Council where the City Council is of the reasonable opinion that an Arena Event causes (or has caused) previously unforeseeable pedestrian or highway safety concerns in respect of servicing which are materially detrimental to highway and/or pedestrian safety in the vicinity of the Site and which must be addressed in advance of the next annual review of the servicing and operational management plan. Any measures required as a result of that interim review shall be implemented within a timescale to be agreed in writing by the City Council, as Local Planning Authority.

Reason - In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

34) (a) Prior to the first event the development hereby approved, details of a car park management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include how the surface level car parks at the Etihad Campus would be made available to support the arena development and its operations, particularly on match days, together with how disabled parking would be made available, managed, monitored and reviewed to ensure disabled parking is always available at the development (including suitable levels of match days).

The approved plan shall be implemented upon the first event at the development and thereafter retained and maintained, unless otherwise amended under part b of this condition.

(b) (b) On the first anniversary of the First Arena Event and thereafter on each anniversary of the First Arena Event, a Monitoring Review of the car park management plan should be undertaken. In the event that the Monitoring Review recommends any amendments or additions to the car park management plan, such amendments or additions shall be submitted to the City Council as local planning authority for approval within 2 months of an annual review and implemented thereafter within a timescale to be agreed in writing with the City Council, as Local Planning Authority.

The City Council may request an Interim car park management plan in advance of the annual review for written approval within 1 (one) month (or such longer reasonable period as may be agreed by the parties) of a written request of the City Council where the City Council is of the reasonable opinion that an Arena Event causes (or has caused) previously unforeseeable pedestrian or highway safety concerns in respect of car park management which are materially detrimental to highway and/or pedestrian safety in the vicinity of the Site and which must be addressed in advance of the next annual review of the car park management plan. Any measures required as a result of that interim review shall be implemented within a timescale to be agreed in writing by the City Council, as Local Planning Authority.

Reason - In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

37) Notwithstanding the TV reception survey prepared by ME Engineers stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, within one month of the practical completion or 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 be submitted to the Local Planning Authority to 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 within one month of the study being agreed by the City Council as local planning authority.

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

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Site of Biological Interest - Name: Ashton Canal (West)

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 IZ - Bradford Road Holder Station (East) Inner Zone

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

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

Hazard - Major Accident Hazard Pipeline - East Manchester

Hazard - Bradford Road Gas Works

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 (Middle) -

Area Team Boundary - Name: CENTRAL