

28 March 2024

Planning Department
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

FAO Jennifer Atkinson

Dear Jennifer,

Co-op Live, Etihad Campus, Manchester
Application for Non-Material Amendments to Planning Permission Ref: 126431/FO/2020

Please find enclosed an application under Section 96a of the Town and Country Planning Act, for non-material amendments to Planning Permission ref: 126431/FO/2020 (as amended under 129267/NMC/2021 and 133321/NMC/2022). The proposals specifically seek to amend the wording of Conditions 7b (Ground Conditions Verification), 17 (Landscaping details), and 37 (TV Reception Survey) ('The Application').

The Applicant is BAM Construction Limited ('The Applicant').

Background

Planning Permission (Ref: 126431/FO/2020) (as amended) approved the following description of development on 23 October 2020:

"Erection of a multi-use arena (Use Class D2) with a partially illuminated external facade together with ancillary retail/commercial uses (Classes A1, A3 and A4), with highways, access, servicing, landscaping, public realm and other associated works."

Construction commenced in November 2020, with completion targeted for April 2024.

The Applicant now requires approval of amendments to the wording of Condition 7b (Ground Conditions Verification) to enable occupation of the development based on the provision of a Verification Report, with the provision of soil certificates within 2 months of occupation. The Applicant also seeks to formalise amendments to the hard landscaping materiality to enable both temporary and permanent changes from block paving to tarmac through an amendment to the wording of Condition 17 (Landscaping Details). In addition the trigger point for the discharge of Condition 37 (TV Reception Survey) is proposed to be amended from pre-occupation to post-occupation.

The proposed amendments were discussed with the Local Planning Authority and the approach to formalise the proposed amendments via a non-material amendment ('NMA') was agreed in principle by the Case Officer via

telephone and email correspondence on 1 March 2024. Further information on the proposed amendments is provided in the following sections.

Proposed Description of Development

The proposed Description of Development for this Application is as follows:

“Non-material amendment to Planning Permission 126431/FO/2020 to vary the wording of Conditions 7b (ground conditions verification), 17 (landscaping details) and 37 (TV Reception Survey).”

Proposed Non-Material Amendments

Condition 7b (Ground Conditions Verification)

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 submitted to the Local Planning Authority under application Ref. CDN/23/0853 in December 2023. Subsequently, feedback from Environmental Health has confirmed that they are happy with the content of the Verification Report, but would be unable to fully discharge the Condition until the soil certificates are provided and agreed. Based on the current programme for occupation on 19 April 2024, it cannot currently be confirmed that all soil certificates will be able to be provided to the Local Planning Authority prior to occupation, but these all will be available within two months of occupation.

As such, given that the soil certificates remain the only element of Condition 7b to be agreed, we propose to amend the wording of the condition to enable occupation of the development based on the Ground Conditions Verification Report already reviewed by Environmental Health, with the soil certificates following shortly after. This will also allow Condition 7b be partially discharged at this stage, allowing occupation of the Co-op Live.

The existing and proposed wording of Condition 7b are detailed within Table 1 below.

Table 1: Existing and Proposed Wording of Condition 7b

Existing	Proposed
<i>“A Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, prior to the first use of the 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 associated works 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 shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.”</i>	<i>“A Completion/Verification Report Ref. BRA-BHE-XX-XX-RP-CG-0008 has been submitted in writing by the City Council as local planning authority on 28th March 2024. Soil certificates should be submitted to and approved in writing by the local planning authority within 2 months of occupation.”</i>

Condition 17 (Landscaping Details)

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 has now advised that they will be unable to install the full extent of block paving prior to first use in accordance with the current wording of Condition 17.

As such, to enable safe occupation of the development on 19 April 2024, the Applicant propose 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 by end of August 2024.

In addition to the temporary tarmac arrangements, permanent changes to the hard landscaping are proposed with the provision of tarmac in place of block paving at the service yard entrance and the area to the east of the building adjacent to the compound. The rationale for the proposed amendments is outlined below:

- The access requirements into the service yard from Sportcity Way and to the compound to the east of the building, mean that a tarmac surface is more suitable to ensure improved durability; noting that these areas will experience some vehicular movements. Ultimately this proposed material ensures ease of maintenance and longevity.
- 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. Rather these areas are associated with access, means of escape and servicing. Having the areas in an alternative finish to the block paving delineates the general circulation areas of the public realm.
- The area adjacent to the compound can only be accessed from the south or under emergency escape conditions from the doors in the north. Access is restricted from and to the north by a green screen creating a dead end. Adjacent to the delineation of tarmac to block paving is the primary VIP access door on Lv1. This door will be manned by stewards/security and local barriers/screening to manage access on event days. As such these marshals will also prevent general access into the tarmac area beyond this location on event days.
- At the area adjacent to the compound, the tarmac is proposed to run up to the primary movement joint in the slab (as shown on the landscaping plans) to effectively integrate this element into the landscaping. This is a large stainless-steel band circa 300mm wide.

The proposals have been discussed with the Local Planning Authority via email and telephone communication where it was agreed in principle to progress via the submission of an NMA to Condition 17 (Landscaping Details) to formalise the proposed changes.

The Applicant is therefore seeking to amend the wording of Condition 17 to agree a revised permanent solution for the hard landscaping and to enable some temporary tarmac surfacing in advance of the permanent block-paving solution, which will be installed by end of August 2024.

The existing and proposed wording of Condition 17 are detailed within Table 2 below.

Table 2: Existing and Proposed Wording of Condition 17

Existing	Proposed
<i>“a.) Notwithstanding drawings BRA-POP-ZZ-ZZ-DR-L-0650 Rev 02, BRA-POP-ZZ-GFDR-L-0651 Rev 02, BRA-POP-ZZ-GF-DR-L-0653 Rev 02 and BRA-POP-ZZ-01-DR-L0656 Rev 02 stamped as received by the City Council, as Local Planning Authority, on the 24 March 2022, prior to the first use of the development hereby approved, details of hard and soft landscaping treatments (including tree planting, street tree planting, boundary treatments and appropriate samples of materials of hard landscaping) shall be submitted to and approved in writing by the City Council as local planning authority.</i> <i>b.) The approved scheme shall be implemented prior to the first use of the development. 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.”</i>	<i>“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, stamped as received by the Local Planning Authority on 28th March 2024 should be implemented prior to first use.</i> <i>b) The permanent block paving arrangements on plans listed in Appendix A of the approved Covering Letter prepared by Deloitte, stamped as received by the Local Planning Authority on 28th March 2024 shall be implemented by end of August 2024, as agreed with the Local Planning Authority.</i> <i>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.”</i>

The full list of landscaping plans approved under condition discharge application Ref. CDN/23/0653 on 27 November 2023 that are updated by this Application is enclosed within Appendix A.

Condition 37 (TV Reception Survey)

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 is committed to undertaking the required study, which is scheduled to commence w/c 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.

As such, we propose 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 submitted to the City Council as Local Planning Authority.

The existing and proposed wording of Condition 37 are detailed within Table 3 below.

Table 3: Existing and Proposed Wording of Condition 37

Existing	Proposed
<i>“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 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 used or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.”</i>	<i>“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 ~~either before the building is first used or~~ within one month of the study being submitted to the City Council as local planning authority, ~~whichever is the earlier.”~~</i>

Summary

The proposed amendments in this application for non-material amendments will not materially change the scheme approved under the Planning Permission Ref. 126431/FO/2020 (as amended), that it is in accordance with the Development Plan when taken as a whole. The proposed strategy to amend the wording of Conditions 7b, 17 and 37 has been agreed in principle with the Local Planning Authority in advance of the submission of this application.

This application for non-material amendments comprises this Covering Letter and the following documentation:

- Application Form and Notices prepared by Deloitte;
- Verification Report (Ref. BRA-BHE-XX-XX-RP-CG-0008), prepared by Buro Happold;
- Temporary Arrangements Plan (Titled: Co-op Live - Temporary Hard Landscaping Arrangement Plan), prepared by the Applicant; and
- Landscaping Plans, prepared by Populous as detailed in Appendix 1.

The Application has been submitted via the Planning Portal under Reference: PP-12889318. The application fee of £293, in addition to the prerequisite Planning Portal service charge, will be paid online.

On the basis of the information submitted, we seek your agreement that the proposed amendments are acceptable.

We would be grateful if you could notify us of validation of the Application and please do not hesitate to contact my colleagues Eve Grant (0161 455 6483 / evgrant@deloitte.co.uk) or Jennifer Chatfield (0161 455 8084 / jchatfield@deloitte.co.uk).

Yours sincerely

A handwritten signature in black ink that reads "Deloitte LLP". The signature is written in a cursive, flowing style.

Deloitte LLP

Encl.

Appendix A

Appendix A - Plans Updated by This Application		
Approved Plans:	Updated Plans / Superseded by:	Plan Titles:
BRA-POP-ZZ-01-DR-L-8111-C04	BRA-POP-ZZ-01-DR-L-8111-C09	LANDSCAPE GENERAL ARRANGEMENT PLAN LEVEL 01
BRA-POP-ZZ-01-DR-L-8113-C05	BRA-POP-ZZ-01-DR-L-8113-C08	HARD LANDSCAPE AND FURNITURE PLAN LEVEL 01
BRA-POP-ZZ-01-DR-L-8115-C06	BRA-POP-ZZ-01-DR-L-8115-C14	GRADING AND DRAINAGE PLAN LEVEL 01
BRA-POP-ZZ-01-DR-L-8117-C10	BRA-POP-ZZ-01-DR-L-8117-C21	SETTING OUT LANDSCAPE PLAN SETTING OUT PLAN LEVEL 01
BRA-POP-ZZ-01-DR-L-8118-C01	BRA-POP-ZZ-01-DR-L-8118-C05	EXTERNAL METALWORK SCOPE PLAN LEVEL 01
BRA-POP-ZZ-01-DR-L-8148-C03	BRA-POP-ZZ-01-DR-L-8148-C06	LANDSCAPE ENLARGED PLAN NORTH EAST PODIUM LEVEL 01
BRA-POP-ZZ-01-DR-L-8154-C04	BRA-POP-ZZ-01-DR-L-8154-C09	LANDSCAPE ENLARGED PLAN COMPOUND AREA LEVEL 01
BRA-POP-ZZ-01-DR-L-8159-C03	BRA-POP-ZZ-01-DR-L-8159-C06	HARD LANDSCAPE ENLARGED PLA COMPOUND AREA LEVEL 01
BRA-POP-ZZ-01-DR-L-8169-C06	BRA-POP-ZZ-01-DR-L-8169-C12	GRADING ENLARGED PLAN COMPOUND AREA LEVEL 01
BRA-POP-ZZ-01-DR-L-8174-C05	BRA-POP-ZZ-01-DR-L-8174-C13	SETTING OUT ENLARGED PLAN COMPOUND AREA LEVEL 01
BRA-POP-ZZ-01-DR-L-8198-C01	BRA-POP-ZZ-01-DR-L-8198-C05	SETTING OUT ENLARGED PLAN NORTH EAST PODIUM LEVEL01
BRA-POP-ZZ-01-DR-L-8333-C01	BRA-POP-ZZ-01-DR-L-8333-C03	TYPICAL ARMCO BARRIER DETAIL COMPOUND AREA LEVEL 01
BRA-POP-ZZ-01-DR-L-8335-C02	BRA-POP-ZZ-01-DR-L-8335-C03	CAST IN SITU CONCRETE PLANTER DETAILS 2 OF 2 LEVEL 01
BRA-POP-ZZ-GF-DR-L-8101-C05	BRA-POP-ZZ-GF-DR-L-8101-C10	LANDSCAPE GENERAL ARRANGEMENT PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8102-C02	BRA-POP-ZZ-GF-DR-L-8102-C03	LANDSCAPE KERB PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8103-C05	BRA-POP-ZZ-GF-DR-L-8103-C07	HARD LANDSCAPE AND FURNITURE PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8105-C04	BRA-POP-ZZ-GF-DR-L-8105-C11	GRADING AND DRAINAGE PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8107-C08	BRA-POP-ZZ-GF-DR-L-8107-C13	LANDSCAPE SETTING OUT PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8108-C01	BRA-POP-ZZ-GF-DR-L-8108-C03	EXTERNAL METALWORK SCOPE PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8120-C02	BRA-POP-ZZ-GF-DR-L-8120-C04	EXTENDED NORTH WALKWAY GENERAL ARRANGEMENT PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8123-C02	BRA-POP-ZZ-GF-DR-L-8123-C04	EXTENDED NORTH WALKWAY HARD LANDSCAPE PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8124-P00	BRA-POP-ZZ-GF-DR-L-8124-C02	EXTENDED NORTH WALKWAY SOFT LANDSCAPE PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8125-C02	BRA-POP-ZZ-GF-DR-L-8125-C04	EXTENDED NORTH WALKWAY GRADING AND DRAINAGE PLAN GROUND FLOOR

Appendix A - Plans Updated by This Application		
Approved Plans:	Updated Plans / Superseded by:	Plan Titles:
BRA-POP-ZZ-GF-DR-L-8127-C03	BRA-POP-ZZ-GF-DR-L-8127-C05	EXTENDED NORTH WALKWAY SETTING OUT PLAN GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8150-C03	BRA-POP-ZZ-GF-DR-L-8150-C06	LANDSCAPE ENLARGED PLAN SPORTCITY WAY JUNCTION GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8155-C01	BRA-POP-ZZ-GF-DR-L-8155-C03	HARD LANDSCAPE ENLARGED PLA SPORTCITY WAY JUNCTION GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8160-C01	BRA-POP-ZZ-GF-DR-L-8160-C03	SOFT LANDSCAPE ENLARGED PLA SPORTCITY WAY JUNCTION GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8165-C05	BRA-POP-ZZ-GF-DR-L-8165-C11	GRADING ENLARGED PLAN SPORTCITY WAY JUNCTION GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8170-C07	BRA-POP-ZZ-GF-DR-L-8170-C10	SETTING OUT ENLARGED PLAN SPORTCITY WAY JUNCTION GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8196-C04	BRA-POP-ZZ-GF-DR-L-8196-C06	SETTING OUT ENLARGED PLAN NORTH-WEST JUNCTION GROUND FLOOR
BRA-POP-ZZ-GF-DR-L-8303-P01	Drawing Superseded – please remove reference	TYPICAL STEPS AND RAMP DETAIL GROUND FLOOR DRAFT
BRA-POP-ZZ-GF-DR-L-8334-C01	BRA-POP-ZZ-GF-DR-L-8338-C06	SECURITY BOOTH DETAIL GROUND FLOOR
BRA-POP-ZZ-ZZ-DR-L-8001-P02	Drawing Superseded – please remove reference	LANDSCAPE SITE GENERAL ARRANGEMENT PLAN
BRA-POP-ZZ-ZZ-DR-L-8003-P03	Drawing Superseded – please remove reference	LANDSCAPE SITE HARD LANDSCAPE PLAN
BRA-POP-ZZ-ZZ-DR-L-8004-P01	Drawing Superseded – please remove reference	LANDSCAPE SITE SOFT LANDSCAPE PLAN
BRA-POP-ZZ-ZZ-DR-L-8005-P02	Drawing Superseded – please remove reference	LANDSCAPE SITE GRADING AND DRAINAGE PLAN
BRA-POP-ZZ-ZZ-DR-L-8006-P01	Drawing Superseded – please remove reference	LANDSCAPE SITE EXISTING PROPOSED PLAN
BRA-POP-ZZ-ZZ-DR-L-8007-C01	Drawing Superseded – please remove reference	LANDSCAPE SITE SETTING OUT PLAN
BRA-POP-ZZ-ZZ-DR-L-8100-C05	BRA-POP-ZZ-ZZ-DR-L-8100-C07	LANDSCAPE SITE PLAN
BRA-POP-ZZ-ZZ-DR-L-8330-C03	BRA-POP-ZZ-ZZ-DR-L-8330-C04	TYPICAL DOOR BARRIER DETAILS
BRA-POP-ZZ-ZZ-DR-L-8331-C02	BRA-POP-ZZ-ZZ-DR-L-8331-C03	PRECAST CONCRETE PLANTERS DETAILS 1 OF 2
BRA-POP-ZZ-ZZ-DR-L-8371-C02	BRA-POP-ZZ-ZZ-DR-L-8371-C05	TYPICAL GATE DETAIL SPORTCITY WAY JUNCTION GROUND LEVEL
BRA-POP-ZZ-ZZ-DR-L-8375-C03	BRA-POP-ZZ-ZZ-DR-L-8375-C07	TYPICAL GATE DETAIL COMPOUND AREA GROUND LEVEL
BRA-POP-ZZ-ZZ-DR-L-8384-C01	BRA-POP-ZZ-ZZ-DR-L-8384-C03	SPORTCITY WAY GATE SECTION SPORTCITY WAY JUNCTION GROUND LEVEL
BRA-POP-ZZ-ZZ-DR-L-8403-C02	BRA-POP-ZZ-ZZ-DR-L-8403-C04	TYPICAL GREEN SCREEN DETAILS

