

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 138186/FO/2023  
**Date registered valid:** 13 October 2023  
**Proposal:** Installation of single storey cubicles to form WCs.  
**Address:** City Football Academy, 400 Ashton New Road, Manchester, M11 4TQ  
**Ward(s):** Clayton & Openshaw Ward

**Applicant:** Mr Michael Gizauskas Manchester City Football Club  
**Agent (if any):** Mr Michael Gizauskas Manchester City Football Club  
**Case officer:** Michael Pearson  
Tel: 0161 219 2735  
Email: michael.pearson@manchester.gov.uk

**Recommendation:** 07/02/2024  
**Date of recommendation:** Approve

## Application details

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:**

### Standard consultations:

Printed: 18 October 2023 Expired: 8 November 2023

### Neighbour notifications

No neighbour notifications have been printed and sent.

### Site notice

Posted: 20 October 2023 Expired: 10 November 2023

### Press advert

Published: 24 October 2023 Expired: 7 November 2023

**Departure from Development Plan:** No

**Environmental Statement:** Not required

### Description of site/building

The application relates to two grass verges within the Manchester City Training Academy complex that are located off of Allison Way and West Crescent. Both grass verges feature semi-mature trees and neighbour football training pitches and car parking facilities.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## Description of area

The neighbouring area surrounding the application site is characterised by the Manchester City Training Academy, a facility used for the purposes of sport that consists of the Manchester City Joie Stadium and 15no sports pitches, 1no of which is indoor. The area is well landscaped with grass verges and tree coverage and the site is accessed via private roads off of Alan Turing Way and Clayton Lane.

## Description of development

The application seeks consent for the erection of 2no WC blocks.

The proposed blocks would be located on existing grass verges, with 1no located to the north of Allison Way and the second being located to the west of West Crescent. Both blocks would be of the same design, each being comprised of 2no modular shipping containers. The blocks would have a flat roof with a height of 2500mm, a depth of 4876mm and a width of 7319mm.

The blocks would then be completed in timber cladding.

### **Planning History**

A high number of applications are on record for the site, the most relevant of which are shown below:

113413/FO/2016 - Retrospective application for the installation of 7 x 15m high pole mounted cameras to training pitches – Approved September 2016.

100388/JO/2012/N2 - Application for variation of condition 7 of planning approval reference 097342/OO/2011/N2 to allow for various external elevational alterations to the Arena, Central Training Facility and Facilities Management Building; the increasing of height of the energy centre chimney in association with the re-positioning of the pitches within the Central Training Facility; profile and positioning change to the Arena roof; the positioning of a permanent gas meter room/outside broadcaster generator structure; and amendments to the outdoor training facilities, landscaping, grounds maintenance yard, vehicular site entrances and car parking layout – Approved May 2013.

097342/OO/2011/N2 - Outline application for development comprising football training facilities, a 7,000-capacity Arena and ancillary Offices and Media Centre, 12 full-size and 2 half-size football training pitches, detached building forming accommodation for Youth Development and First Teams and incorporating two full size football pitches, a grounds maintenance building, Energy centre, pedestrian bridge across Ashton New Road linking to the Etihad Stadium, associated parking, landscaping, boundary treatments and other infrastructure works with all matters to be considered: and, Outline application for an Institute for Sports Medicine (a medical assessment, diagnosis and treatment centre, and research and product development facility in the fields of physiotherapy and sports science) and new Sixth Form College in the South West corner of the site with all matters reserved; following the demolition of all existing on site structures – Approved December 2011.

### **Consultations & Notification Responses**

Coal Authority – No objection subject to an informative relating to former mining operations.

Environment Agency – The Local Planning Authority should liaise with the local Environmental Health department over ground conditions.

Environmental Health – No objection subject to conditions relating to hours of demolition/construction, waste management, ground contamination and a gas membrane.

Flood Risk – No objection subject to informatives relating to drainage.

United Utilities – No objection received.

Publicity – None received.

### **Policy**

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC8 – Change and Renewal
- Policy EC7 – Eastlands Strategic Employment Location
- Policy EN14 – Flood Risk
- Policy EN18 – Contaminated Land and Ground Stability
- Policy DM1 – Development Management

#### National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places

### **Other Legislative Requirements**

Eastlands Regeneration Framework – Adopted in 2011 and updated in 2017 (ERF)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies are shown below:

- Policy JP-S5: Flood Risk and the Water Environment

### **Issues**

#### Principle of Development

The application would see the erection of 2no WCs on a section of private land for use by Manchester City Football Club. The development is considered to be a piece of ancillary infrastructure that would assist in continuing the provision of a world class sports training facility, which through its operation continues to support the regeneration of the Eastlands Area in accordance with Core Strategy Policies SP1, CC8, EC7 and DM1. The proposal is therefore acceptable in principle subject to the matters discussed below.

#### Visual Amenity

Built development within the Manchester City Training Academy complex is characterised by buildings completed in silver cladding, which are then surrounded by training pitches, landscaping

measures and green mesh fencing. Smaller ancillary structures are present on site in the form of servicing cabinets and shelters that face out onto the training pitches. The proposed WC blocks by virtue of them being single storey and their nature as WC blocks would form part of these aforementioned ancillary structures on site. During negotiation over the application, it was agreed that untreated and painted shipping containers would be an unacceptable form of development on site and that the buildings would be required to be cladded or covered in some other form of material in order to make them visually high quality and acceptable. It was agreed that their material finish would be some form of timber cladding. The use of such cladding would enable the proposed WC Blocks to resonate with neighbouring soft landscaping measures and with the passage of time and the aging of the cladding, allow them to seamlessly integrate with each other. Subject to a condition that would require the agreement, submission and approval of exact samples of this material finish, it is considered the development would be acceptable in this regard and therefore accord with Core Strategy Policy DM1 and the National Planning Policy Framework.

### Residential Amenity

The application site is located within the Manchester City Training Academy. Environmental Health have requested the development be conditioned so that the hours of construction are limited so as to preserve neighbouring amenity. It is considered to be unreasonable and disproportionate to impose such a condition on this development, especially when considering its size. Furthermore, such matters would fall under the remit of Environmental Health. Consequently, no such condition will be attached in the event of an approval. In light of this and due to the absence of nearby residential dwellings and the small scale nature of the proposal, it is considered the development would have a negligible impact on neighbouring amenity in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

### Ground Conditions

The application site is located on the site of a series of former coal mines and has been accompanied by a Site Investigation Report. Environmental Health do not object to the findings of the report but have requested that conditions be attached requiring that if contamination is found on site then a scheme for its remediation be submitted, and that a scheme for the provision of a proprietary gas membrane also be submitted to and approved by the Local Planning Authority. Subject to such conditions the development is acceptable in this regard and therefore accords with Core Strategy Policies EN18 and DM1 and the National Planning Policy Framework.

### Flood Risk

The application site is located in Flood Zone 1 where the risk of flooding is lowest. The submitted application form notes that surface water will be drained via soakaways and the mains sewer on site. Foul surface will then be disposed of via the mains sewer. Flood Risk do not object to the proposal subject to two informatives relating to a drainage system and a neighbouring underground culvert. Subject to said informatives the proposal is considered to be acceptable from this perspective and is therefore in accordance with Core Strategy Policies EN14 and DM1, Places for Everyone Plan Policy JP-S5 and the National Planning Policy Framework.

### Highway Safety

The application site is located away from the public highway and is accessed via a private road, this being Allison Way. The development will not encroach onto the public highway. On this basis, the proposal is considered to be acceptable and is thus in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

### Waste Management

The proposed blocks would feature internal bins for the disposal of sanitary items and products. These bins would allow for recycling and will be added to the academy's main waste stream to ensure proper disposal. Environmental Health do not object to this arrangement subject to a condition that would require the development proceeds in accordance with the proposed measures. Subject to a condition that would require the adherence to this waste strategy, the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

### Conclusion

In light of the above it has been found that subject to appropriate planning condition, the proposal is acceptable and accords with Core Strategy Policies SP1, CC8, EC7 EN14, EN18 and DM1, Places for Everyone Plan Policy JP-S5, The Eastlands Regeneration Framework and the National Planning Policy Framework. The development is therefore recommended for approval.

### **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**

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance, this has included ongoing advice that has resolved the issues associated with the proposal.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

- o CFA-WC 01: Site Plan WC Block Locations
- o CFA WC Block Site Plan (Received 06/02/2024)
- o 01: Plan View (Prepared by CUBE Modular)
- o 02: 3D View (Prepared by CUBE Modular)
- o 02: 200 TABLET MODULE - 2X8'24' MODULAR (Prepared by CUBE Modular)

All stamped as received by the City Council as Local Planning authority on the Received 25/09/2023 unless specified otherwise.

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 and the National Planning Policy Framework.

3) Prior to the commencement of the development, samples and specifications of all materials to be used in the external finish of the WC blocks hereby approved shall be agreed, submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason - To secure a satisfactory detailed development in accordance with the provisions of Manchester Core Strategy Policies SP1 and DM1 and the National Planning Policy Framework.

4) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

5) The development shall proceed in accordance with the waste management details contained on the submitted application form (Received 25/09/2023) and shall be adhered to for the lifetime of the development.

Reason - In the interest of securing proper waste management measures on site in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

## Informatives

1) The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 & EN17 of the Core Strategy.

2) MCC records highlight that the underground culvert (Black Brook) is located within close proximity to the site (approximately 90m to the south of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

3) The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **Appendix 1 – List of consultees & neighbours notified**

Environmental Health  
MCC Flood Risk Management  
United Utilities Water PLC  
Environment Agency  
The Coal Authority

## **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  
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  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: CENTRAL