

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136189/FO/2023

Date registered valid: 24 February 2023

Proposal: Erection of a new external plant screen at terrace level, external handrail at admin office level along with new doors at Trinity Way Tunnel level

Address: AO Arena, 21 Hunts Bank Approach, Manchester, M3 1AR

Ward(s): Deansgate Ward

Applicant: Mr Stephen Tyldsley ASM Global

Agent (if any): Mr Dominic Manfredi AHR Architects Ltd

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17/05/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 3 April 2023 Expired: 24 April 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 25 April 2023 Expired: 16 May 2023

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

The site is located between Manchester Victoria railway station and the bottom end of Cheetham Hill. The character of this area comprises several different uses including office, residential, hotel, educational, dining, drinking and entertainment. The area is not covered by a conservation area but is nearby to the Victoria North regeneration area.

The site relates to a section of the AO Arena, an indoor entertainment arena. The arena is one of Manchester's and the north-west's major entertainment attractions hosting mainly sporting and music events. It is the second largest venue of its type in Europe, with a capacity of 21,000. The arena is in the setting of a number of Grade-II listed buildings, including Victoria station and the Stephenson and Middle Bridges. However, the development site itself is on the north side of the arena facing on to the ring road and hence should not impact the setting of these heritage assets.

Description of development

The development relates to the installation of a new louvre screen to conceal new rooftop plant, a new ancillary guardrail related to the plant and the installation of new blast doors to the tunnel entrance below.

Consultations & Notification Responses

Publicity - a notice was displayed on site, informing passers-by of the development. Letters were sent to surrounding occupiers informing them of the development. No comments were received.

Highways Services – no objection

Network Rail – interface with Northern Rail requested

Northern Rail – no objection

Environmental Health – noise condition requested

GMP – condition requested

Counter Terrorism Unit – no objections, advised confirmation be sought from applicant over suitability to counter identified threat

Issues

The main issues for consideration relate to the impact of the proposal on visual amenity and noise and disturbance. The main policies that relate to the proposal are Policies SP1 (Spatial Principals) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policy DC26.1 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

Principle

The new doors will preclude access to the Trinity Way tunnel, provide acoustic insulation, aid crowd control and form the first line of security for this entrance to the arena. The design of the doors is contingent on their purpose, in this case required to be blast proof.

The proposed new doors are part of a wider strategy of upgrading security arrangements at the arena. These arrangements are necessarily secret in nature, given the incident in 2017. However, the applicant has stated that these doors are required as part of these security improvements. Therefore, this aspect of the development is considered acceptable in principle due to the benefits to public safety.

The guardrail at the admin office level is required to allow for safe access to the admin level roof where the new plant will be installed. This aspect of the development is acceptable in principle in the interest of public safety.

A new louvred plant screen will shield new plant installed on the roof adjacent to the existing plant room. The louvres are necessary to shield the equipment from view at street level and thereby lessen the impact on visual amenity. This aspect is acceptable in principle to protect visual amenity.

Visual amenity

The development will cause a material change to the external appearance of the building and thus the impact of the development on visual amenity must be assessed.

The new street-level blast doors will be utilitarian in appearance commensurate to their function. They will be set back some way inside the Trinity Tunnel and therefore will not form an overly obtrusive feature in the street scene. The existing doors at the tunnel entrance are themselves very utilitarian in nature, so it is considered that the overall impact on visual amenity will be negligible.

The louvres will cause the most significant change to the appearance of the building. They will be installed along the parapet edge, five metres above the parapet in height. The elevation on which they will be installed faces on to the ring road and is across from a regeneration area. Therefore, a screen is necessary to shield the new plant from view.

The screen will be designed in such a way that they will have a close match the cladding already present at the plant roof level. This will help integrate the screen into the elevation and minimise the impact on visual amenity. On balance, the harm to visual amenity is not considered great enough to warrant refusal.

The guardrail will be inside the parapet and therefore not visible from the road. This will have a neutral impact on visual amenity.

Public safety

The blast doors are being installed as part of a reviewed security strategy for the AO Arena, as sensitive location given recent history. GMP and CTSU advised confirmation be sought from the applicant that the chosen product was suitable for the applicant's security requirements. The applicant has confirmed by email that the proposed doors have a sufficient security rating to meet the risk identified in their security assessment. It is therefore considered that blast doors are acceptable from a public safety perspective.

The guard rail will help ensure safe access to the plant installed on the roof and therefore is considered to benefit public safety.

Noise

As new plant is to be installed on the roof, Environmental Health have requested a condition is attached to this approval to assess the impact of the plant on background noise levels. An appropriate condition is therefore attached to this approval.

Highways

Highways have assessed the application and it will have not impact on the adopted highway and therefore they have not objection.

Rail

Due to the proximity to the national rail network, consultation with Northern and Network Rail was undertaken. Network Rail desired an interface with the applicant to ensure their right of way in the area of the development was not impinged upon.

Subsequently, Network Rail deferred to Northern Rail on the matter. Northern Rail confirmed via email on 25/04/2023 that they had not objection to the proposal.

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

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. In this case, an appropriate condition has been attached to control noise pollution from the new plant.

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:

Drawings

Drawing - Proposed 07 Feb 2023 DR-A-07002 P1 FLOOR PLANS

Drawing - Proposed 07 Feb 2023 DR-A-07003 P1 ELEVATION

Drawing - Proposed 07 Feb 2023 DR-M-5901 P02 AHU AND CHILLER ROOF PLANT AREAS

Received by the City Council, as local planning authority, on 07/02/2023.

-Drawing - Proposed MA1A-AHR-XX-XX-DR-A-07006 1 - PROPOSED ROOF SECTION
received by the City Council, as Local Planning Authority, on 18/07/2023

-Correspondence EMAIL FROM APPLICANT RE: DOOR SECURITY RATING received by the City Council, as Local Planning Authority, on 17/08/2023

Documents

Design and Access Statement received by the City Council, as local planning authority, on 24/02/2023

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.

3) a) Prior to first use of the development hereby approved, a scheme for the acoustic treatment of externally mounted plant, equipment and servicing shall be submitted for approval by the City Council, as local planning authority. The scheme shall be designed to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. The approved scheme shall be implemented in full before first use commences.

b) Prior to the operation of the scheme, a verification report to confirm the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report shall be submitted in writing to the City Council, as local planning authority. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26.1 of the Unitary Development Plan (1995)

4) Prior to the commencement of the development hereby approved, full and final details of the blast doors to be installed shall be submitted for approval in writing by the City Council, as local planning authority. The approved details will be implemented as part of the development.

Reason - in the interest of security and public safety pursuant to policies DM1 and SP1 of the Manchester Core Strategy

Informatives

The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Northern Rail
Northern Rail
Counter Terrorism Policing North West (CTPNW)
Highway Services
Environmental Health
Greater Manchester Police
Network Rail

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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 Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL