MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138675/FO/2023
Date registered valid:	3 January 2024
Proposal:	Installation of two sealed power enclosures on land adjacent to the Stadium Entrance.
Address:	Manchester City Football Club Ltd, Etihad Stadium, Ashton New Road, Manchester, M11 3FF
Ward(s):	Ancoats & Beswick Ward
Applicant:	Mr Michael Gizauskas Manchester City Football Club
Agent (if any):	Mr Neil Cousins The Brand Group
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 21/02/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:
Printed: 10 January 2024 Expired: 31 January 2024

Neighbour notifications
Printed: 10 January 2024 Expired: 31 January 2024

Site notice
Posted: 12 January 2024 Expired: 2 February 2024

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a section of grass verge located on the southern side of Loverose Way and to the north of a surface car park serving the Etihad Stadium to the east of the site. The grass verge features ancillary power supply equipment, telecommunications infrastructure and street lamps. The site features 2no unauthorised power enclosures.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area is characterised largely by the Etihad Campus, which the application site forms part of. The campus is largely characterised by the aforementioned stadium, with it dominating the neighbouring area through its shear sense of scale and architectural points of interest, this being its continuous wave roof structure and spiral entrances. Smaller ancillary buildings, including the Manchester Regional Arena and National Squash Centre are present to the north of the site. The wider Etihad Campus is largely comprised of hardstanding in order to provide on-site parking. Residential development is present to the south of the application site off of Darley Street.

Description of development

The application seeks consent for the retention of 2no sealed power enclosures. The proposed enclosures are located on the grass verge south of Loverose way. The westerly unit has a height

of 2292mm, a width of 1600mm and a depth of 800mm. The easterly unit is located 90mm to the east of the aforementioned enclosure and has a height of 2000mm, a width of 1250mm and a depth of 600mm. Both enclosures are finished in steel coloured green.

The submitted supporting information states that the power enclosures are required so that the stadium meets premier league requirements.

Planning History

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

138674/FO/2023 - Installation of two new fences and double locking gates on land adjacent to the Stadium Entrance – Application under consideration.

Consultations & Notification Responses

Highway Services – No objection.

Environmental Health – No objection.

The Coal Authority – No objection subject to an informative relating to coal mining activities.

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 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.

Issues

Principle of the Development

The development would see the retention of 2no power enclosure units which make up part of the infrastructure that supports the operation of the Etihad Stadium and wider Etihad Campus. On this basis it is considered the proposal would assist in the continued provision of a major sports and entertainment venue that contributes to the entertainment economy of Manchester. On this basis the proposal is acceptable in principle and is in accordance with Core Strategy Policies SP1, EC7 and C10, and the Eastland Regeneration Framework, subject to the matters discussed below.

Visual Amenity

The proposed power enclosure units have the appearance of typical power enclosure/telecommunication cabinets often seen within the urban area. Whilst it is considered that the cabinets are notable in height, this would not lead them to have an unacceptable impact on the street scene, with them being set back from the public highway by over 50m. More crucially however the power enclosures are set within a section of the Etihad Campus that is heavily populated by such infrastructure and thus the power enclosures do not appear as an alien form of development within the street scene. On this basis the proposed development is considered would have an acceptable impact on local visual amenity in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

Residential Amenity

As noted previously within this report, residential development lies to the south of the application site. Due to how the proposed units serve the Etihad Stadium, a major sports/entertainment venue, it is considered that the proposed units do not cause such a level of noise generation/disturbance that would warrant a refusal. Environmental Health do not object to the proposal. As such, it is considered that the development is acceptable in this regard and therefore accords 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. Environmental Health do not object to the proposal and the Coal Authority do not object to it subject to an informative notifying the applicant of the presence of the aforementioned coal mines. Subject to such an informative the development is acceptable in this regard and therefore accords with Core Strategy Policies EN18 and DM1 and the National Planning Policy Framework.

Highway Safety

The application site is located on private land away from the public highway and the units are accessed from the neighbouring adjacent surface car park. Highways do not object to this arrangement. As such, it is considered that the proposal's impact on highway safety is acceptable and in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

Conclusion

In light of the above it has been found that subject to planning condition, the proposal is acceptable and accords with Core Strategy Policies SP1, CC8, EC7, EN14, EN18 and DM1, the Places for Everyone Plan Policy, 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 polices 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:

- 280866/A4 Rev 5: Location Plan with scaled plan view of two enclosures
- 280866/A4 Rev 5: Aerial Site View
- 280866/A4 Rev 5: Isometric view showing proposed position and plan view measurements
- 280866/A4 Rev 5: Justification for installation
- 280866/A4 Rev 5: Material specifications
- 280866/A4 Rev 5: Section drawings left hand side enclosure 1 - PS300
- 280866/A4 Rev 5: Section drawings right hand side enclosure 2 - RMC1250
- 280866/A4 Rev 5: North Facing Elevation Drawing
- 280866/A4 Rev 5: South Facing Elevation Drawing
- 280866/A4 Rev 5: West Facing Elevation Drawing
- 280866/A4 Rev 5: East Facing Elevation Drawing
- 280866/A4 Rev 5: Installed power enclosures shown in context of stadium area that houses broadcasting temporary infrastructure and vehicles

All stamped as received by the City Council as Local Planning authority on the Received 20/02/2024.

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 and the National Planning Policy Framework.

3) No materials shall be used on the external elevations of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Informatives

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

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications.

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. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

If any suspected coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
The Coal Authority

Regional Athletics Arena, Rowsley Street, Manchester, M11 3FF

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 Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: CENTRAL