

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138980/FO/2024

Date registered valid: 12 January 2024

Proposal: Retention of statue, concrete base, and associated soft and hard landscaping measures.

Address: Manchester City Football Club Ltd, Etihad Stadium, Ashton New Road, Manchester, M11 3FF

Ward(s): Ancoats & Beswick Ward

Applicant: Miss Carmen Pulido Benito 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: 28/02/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 17 January 2024 Expired: 7 February 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 26 January 2024 Expired: 16 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 an area of hard standing to the west of the Colin Bell Stand of the Etihad Stadium. The site lies adjacent to a services/access tunnel to the stadium to the north-west and the stadium concourse to the east. The site features an unauthorised statue and plinth, with hard and soft landscaping works.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site, forming part of the Etihad stadium site itself, is set in the context of the wider Etihad campus. The campus is largely characterised by the aforementioned stadium, with it dominating the neighbouring area through its sheer sense of scale, architectural points of interest (this being its continuous wave roof structure and spiral entrances), and large advertisements. Smaller ancillary buildings, including the Manchester City Shop, Manchester Regional Arena and National Squash Centre are present to the north and south of the site. The wider Etihad Campus is largely comprised of hardstanding. The northern portion of Etihad Stadium site is subject to ongoing construction works to expand the capacity of the stadium's northern stand.

Description of development

The application seeks consent for the retention of a concrete plinth and statue. The plinth is completed in polished concrete, with a height of 1500mm, a width of 2100mm and a depth of

1250mm. In order to allow its siting a single mature tree has been removed from the application site.

Atop the plinth is a bronze statue that depicts former Manchester City players Colin Bell, Francis Lee and Mike Summerbee. The statue has a height of 2900mm (Giving the statue and plinth a combined height of 4400mm), a width of 3600mm and a depth of 2200mm.

Adjacent to the statue 3no planting beds have been installed with low lying flowers, grasses and shrubs. Hard landscaping measures consist of concrete pavings and planters. To the north of the site along the access road to the Regional Arena, a single mature *Carpinus betulus* tree is proposed to be planted.

Planning History

138506/FO/2023 - Erection of bronze statue with concrete plinth – Withdrawn January 2024.

130298/FO/2021 - Installation of 1 x 5 metre high artwork and 1 x 4.4 metre high artwork adjacent to the east stand – Approved July 2021.

Consultations & Notification Responses

Cadent Gas – No objection subject to an informative relating to Cadent Gas infrastructure.

The Coal Authority – No objection received.

Environmental Health – No objection received.

Highways – No objection.

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 EN15 – Biodiversity and Geological Conservation
- 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.

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

You can view the Inspectors' Report on the GMCA's website at Places For Everyone - Greater Manchester Combined Authority (greatermanchester-ca.gov.uk). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, 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 from the plan are shown below:

- Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity

Issues

Principle of the Development

The proposed development would see the retention of a statue. Taking into account how the statue depicts persons of significance to Manchester City, who occupy the Etihad Stadium, how the retention of the statue would not fundamentally alter the use of the site as a sports/events venue and how existing statues of a similar vein are present elsewhere within the Etihad campus, the proposal is considered to be acceptable in principle and therefore in accordance with Core Strategy Policies SP1, EC7, C10 and DM1, and the Eastlands Regeneration Framework.

Visual Amenity

The statue and plinth are completed in bronze and polished concrete respectively. These are considered to be high quality materials that uplift the neighbouring walkway which is primarily composed of hard paving. The statue will also be seen in the context of the Etihad Stadium and thus would not appear as an incongruous addition to the street scene. Landscaping measures are considered to be proportionate, with them helping to soften the appearance of the stadium concourse. On this basis, it is considered the proposed development is acceptable with regard to its design and visual impact, and thus accords with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

Residential Amenity

The statue and plinth would be non-illuminated and would not have an associated amplified noise element. Taking into account the small scale of the statue and the absence of residential dwellings that lie in close proximity to it, it is considered the development has a negligible impact on neighbouring amenity. As such, the proposal is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Ecology

As stated previously within this report, the statue erected on site has seen the removal of a single mature tree. To offset this loss the proposal has put forward low lying landscaping works in the form of a planting bed adjacent to the statue, as well as a new mature tree that would be located along the row of trees that line the access road to the Manchester Regional Arena to the north of the statue. Subject to condition that would require evidence to be submitted demonstrating the proposed tree has been planted on site, and a condition that would require any landscaping works that fail, die or are removed to be replaced with like for like specimens, then the proposal is acceptable in this regard and therefore accords with Core Strategy Policies EN15 and DM1, Places for Everyone Plan Policy JP-G9 and the National Planning Policy Framework.

Highway Safety

The development is located adjacent to a vehicular access route that encircles the Etihad Stadium. The applicant has provided information that clarifies that no on-site parking would be lost and that the vehicular access route is now pedestrianised, with the exception of emergency vehicles. Highways have confirmed they do not object to the proposal. On this basis, the proposal is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Other Matters

A gas mains pipeline intersects the application site. Caden Gas do not object to the proposal but do request that in the event of an approval an informative be added that notifies the applicant of their responsibilities when operating in the vicinity of Cadent Gas infrastructure. Subject to such an informative, the proposal is acceptable in this regard.

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, EN15, EN18 and DM1, Places for Everyone Plan Policy JP-G9, 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 280866/A3/Rev.6: Location Plan Plan View Proposed plot showing dimensions for new artwork piece
- o 280866/A3/Rev.6: Aerial view of site
- o 280866/A3/Rev.6: Aerial view of site showing surrounding details and amendments needed at installation

- o 280866/A3/Rev.6: Photos showing existing condition of proposed site
- o 280866/A3/Rev.6: Excavation stage 1
- o 280866/A3/Rev.6: Excavation stage 2
- o 280866/A3/Rev.6: Excavation stage 3
- o 280866/A3/Rev.6: Excavation stage 4
- o 280866/A3/Rev.6: Excavation stage 5
- o 280866/A3/Rev.6: Concrete base - 3000mm x 2150mm, Polished Concrete - 2100mm x 1250mm, Illustrated CGI and actual existing sample.
- o 280866/A3/Rev.6: Concrete base - 3000mm x 2150mm, Polished Concrete - 2100mm x 1250mm, Engineers structural calculations
- o 280866/A3/Rev.6: Location Plan with Scaled Plan of the Landscaped Area Around the Proposed Statue
- o 280866/A3/Rev.6: Plan View CGI of Landscaped Area around the Proposed Statue
- o 280866/A3/Rev.6: Sequence of works and proposed material use for landscaped area
- o 280866/A3/Rev.6: Landscaped Area Planting Plan (L Shaped Bed)
- o 280866/A3/Rev.6: Landscaped Area Planting Plan (Large Bed)
- o 280866/A3/Rev.6: Landscaped Area Planting Plan (Small Bed)
- o 280866/A3/Rev.6: Scaled Plan of the Landscaped Area around the proposed statute with position of a new Carpinus betulus tree to be planted
- o 280866/A3/Rev.6: Site Photos North Elevation View
- o 280866/A3/Rev.6: Site Photos East Elevation View
- o 280866/A3/Rev.6: Site Photos South Elevation View
- o 280866/A3/Rev.6: Site Photos West Elevation View

All dated and stamped as received by the City Council as Local Planning authority on the Received 28/02/2024.

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.

4) The landscaping measures as shown on the following drawings

- o 280866/A3/Rev.6: Location Plan with Scaled Plan of the Landscaped Area Around the Proposed Statue
- o 280866/A3/Rev.6: Plan View CGI of Landscaped Area around the Proposed Statue
- o 280866/A3/Rev.6: Sequence of works and proposed material use for landscaped area
- o 280866/A3/Rev.6: Landscaped Area Planting Plan (L Shaped Bed)
- o 280866/A3/Rev.6: Landscaped Area Planting Plan (Large Bed)
- o 280866/A3/Rev.6: Landscaped Area Planting Plan (Small Bed)
- o 280866/A3/Rev.6: Scaled Plan of the Landscaped Area around the proposed statute with position of a new Carpinus betulus tree to be planted

shall be implemented prior to the occupation of the development and be retained thereafter. If within five years of the date of the completion of the development any tree or shrub is removed, uprooted, destroyed, fails, 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 in its place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

5) Within three months of the date of this decision notice, evidence shall be submitted that shall confirm the planting of the approved mature *Carpinus Betulus* specimen as shown on drawing no. 280866/A3/Rev.6: Scaled Plan of the Landscaped Area around the proposed statute within the position of a new *Carpinus betulus* tree to be planted. The approved tree shall thereafter be retained for the lifetime of the development.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

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