

## **Planning**

## **Growth & Development**

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

**Application no.** 138674/FO/2023

**Date registered valid:** 11 January 2024

**Proposal:** Installation of two new fences and double locking gates 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:** 27/02/2024

## 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

Printed: 17 January 2024 Expired: 7 February 2024

### 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 the grass and paved verges located on the northern and southern side of Loverose Way, a private access/maintenance road that serves the Etihad Stadium located off of Rowsley Street. Loverose Way features a gated access, with accompanying fences, both fronting out onto Rowsley Street. The northern verge features mature trees and an authorised metal mesh fence with gated access, the verge to the south then features ancillary power supply equipment, telecommunications infrastructure, heras fencing and streetlamps.

**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 sheer 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 erection of a metal mesh fence and the retention of a metal mesh fence with gated access.

The proposed metal mesh fence would be run along the southern side of Loverose Way and would abut the existing metal access gate fronting out onto Rowsley Street and the security barrier that lies to the east further along Loverose Way. The fence would be 60m long and 2.4m high. The fence's material finish would match that of existing fences on site, that being pre-galvanised steel coloured green.

The metal fence and access gate along the northern side of Loverose Way is already in place on site. Said fence abuts the access gate that fronts out onto Rowsley Street and terminates at the security barriers to the east further along Loverose Way. The fence runs for a length of 56m and is 2.4m high, with the access gate being the same height as that of the fence. The materiality of the fence and access gate is a match that of the fence and gate along Rowsley Street and that proposed above. The access gate allows vehicular access from Loverose Way to the access road for the Manchester Regional Area.

The submitted supporting information states that the development is required in order to meet Premier League requirements which require the football club to provide a secure outside broadcast compound.

## **Planning History**

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

138675/FO/2023 - Retention of two sealed power enclosures on land adjacent to the Stadium Entrance – Approved February 2024.

## **Consultations & Notification Responses**

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

Coal Authority – No objection received.

Environmental Health – No objection subject to conditions relating to hours of operation and contaminated land.

Highway Services – 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 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](https://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.

## Issues

### Principle of the Development

The development would see the retention of a security fence and access gate and the installation of a new fence. The development would assist in allowing the stadium to meet regulations required by the Premier League. 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 application would see the retention and erection of security fencing along the perimeter of Loverose Way. The neighbouring area is characterised by infrastructure that assists in the operation of the Etihad Stadium, this includes security fencing, power enclosures, ancillary booths/security cabins and streetlamps. As mentioned previously within this report, security fencing coloured green is on site along Rowsley Street, that of the proposed would be a physical match to the existing fencing on site. The proposed fencing being mesh has a degree of visual permeability and thus would not appear as a hard border within the street scene, furthermore through the use of a green finish it would help the fencing blend with neighbouring landscaping measures. On this basis it is considered that the proposed development would blend with existing infrastructure on site and therefore have an acceptable impact on 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 development serves the Etihad Stadium, a major sports/entertainment venue, it is considered that the proposed units do not cause such a level of disturbance that would warrant a refusal. Environmental Health do not object to the proposal subject to a condition relating to hours of construction. Taking into account the scale of the proposal and how half of the proposal is for the retention of existing development, it is not considered necessary nor proportionate to attach such a condition in the event of an approval. 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.

### Contaminated Land

The application site is located on the site of a series of former coal mines. No objection has been received by the Coal Authority. Environmental Health do not object to the proposal subject to a condition that would require that if contamination is encountered on site then work should cease and a scheme for its remediation be submitted to and approved by the Local Planning Authority. Subject to such a condition 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. 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.

### Other Issues

The application site neighbours 2no LP mains gas pipelines to the east and west of the site. Cadent Gas do not object to the proposal subject to an informative notifying the applicant of their responsibilities when operating within the vicinity of Cadent Gas infrastructure. Subject to such an informative it is considered 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, 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 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/A4 Rev 4: Scaled Location Plan showing Proposed Fence and Gate Positions (Dated 20/02/2024)
- o 280866/A4 Rev 4: Scaled Location Plan showing Proposed Fence and Gates with Dimensions (Dated 20/02/2024)
- o 280866/A4 Rev 4: Aerial Site View Showing Proposed Position of Fences and Gate (Dated 20/02/2024)
- o 280866/A4 Rev 4: Isometric View Showing Proposed Position of Fences and Gates (Dated 20/02/2024)
- o 280866/A4 Rev 4: Material Specifications (Dated 20/02/2024)
- o 280866/A4 Rev 4: Face View - Showing Sizes of Fence Panels and Swing Gates (Dated 20/02/2024)
- o 280866/A4 Rev 4: Why these works are considered necessary (Dated 20/02/2024)
- o 280866/A4 Rev 4: North elevation view of Roselove Way (Dated 20/02/2024)
- o 280866/A4 Rev 4: East elevation view of Roselove Way (Dated 20/02/2024)
- o 280866/A4 Rev 4: South elevation view of Roselove Way (Dated 20/02/2024)
- o 280866/A4 Rev 4: West elevation view of Roselove Way (Dated 20/02/2024)

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

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.

4) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time during the groundworks for the fence installation, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the 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 agreed Remediation Strategy and validated. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to Manchester Core Strategy Policies EN18 and DM1.

## **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](https://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://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  
Environmental Health  
The Coal Authority

Tesla, 185 Ashton New Road, Manchester, M11 3DX  
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