

Application Number	Date of Appln	Committee Date	Ward
124335/JO/2019	25 Jul 2019	2 Sep 2021	Chorlton Ward

Proposal Vary part b of Condition 3 attached to Decision Notice Reference 093164/FO/2010/S1 to have the floodlights operational for 24 occasions, in each period between 1 August and 31 May (relating to a football season) between the hours of 7pm and 10pm on weekdays.

Location West Didsbury And Chorlton Football Club, Brookburn Road, Manchester, M21 8FE

Applicant West Didsbury and Chorlton AFC, C/o Agent

Agent Mrs Beverley Moss, Hourigan Connolly, 2nd Floor, 55 Spring Gardens, Manchester, M2 2BY

Executive Summary

This application seeks to increase the number of times the existing floodlights at the West Didsbury and Chorlton AFC site on Brookburn Road can be used on week days from 12 occasions to 24 occasions during the football season (1 August to 31 May). The site is within the Chorltonville Conservation Area as well as the Mersey Valley which is part of the Greater Manchester Green Belt. There have been 66 letters of objection, and 8 of support for the proposed development. Concerns relate to the impact that the additional usage will have on the amenity of residents, the character of the Conservation Area and the Green Belt and impact on areas that contain ecological interest. Supporters point to the positive benefits of improving sports facilities within the City. Local members have supported residents in their bid to have additional time to formulate their responses.

Description

This application was placed before the Planning and Highways Committee on the 29 July 2021 and at that meeting the Committee deferred deliberation in order to allow Members to undertake a site visit due to concerns relating to the impact of the proposed extension of the use of the floodlights on the residential amenity enjoyed by neighbouring occupiers.

This application relates to the site occupied by the West Didsbury and Chorlton AFC. The club moved to the ground in the mid to late 1990's taking over what was a derelict private sports club, which it is understood was originally provided for the residents of Chorltonville. The use of the site by the Club was not development for which planning permission was required. The site comprises a single football pitch, a single storey clubhouse and changing room block at the south east end of the site.



Adjacent to the clubhouse there is a temporary stand, and adjacent to the south west side of the pitch are two “dug outs” the pitch is surrounded by a rail. There are 6x15 metre high floodlighting columns, positioned one in each corner and one either end of the centre line. The site is accessed from a public footpath/bridleway from the end of Brookburn Road to Jackson Bridge on the River Mersey. An access road from the footpath /bridleway runs alongside the north east side of the pitch and gives access to a small car park adjacent to the clubhouse. There is also a grassed area on the north east side of the access road which is used for parking. The club claims they can accommodate up to 80 vehicles.

To the north west of the pitch is an area of lands also within the curtilage of the site which is unused and contains several trees and areas of undergrowth. The north west and south west boundaries are enclosed by green coloured weldmesh fencing. Along the north east boundary there is a mix of fencing and hedging forming the rear gardens of adjacent residential properties. The south east boundary is formed by the side fence to the rear garden of a residential property.

The site is located both within the Chorltonville Conservation Area and the Greater Manchester Green Belt.

The site is adjoined to the north east by the rear gardens of residential properties on Meadow Bank. The rear gardens of these properties slope down towards the club and the properties are at a higher level. Whilst nominally two storey dwellings when viewed from the front these properties have a full height basement when viewed from the rear and appear to be three storey.



Rear view of properties on Meadow Bank across the pitch

To the south east is the side fence to the rear garden of another property on Meadow Bank. To the south west is the Mersey Valley, the site was originally used as a refuse tip and was reclaimed for use as playing fields and is now in part owned by the club.

To the north west is a belt of trees and undergrowth forming part of the Mersey Valley.

The site has been the subject of a number of applications for planning permission. The one relevant to this application is 093164/FO/2010/S1, for the installation of 6 x 15 metre high floodlighting columns, the lighting only to be used between 3pm and 5pm on Saturdays and between 7pm and 10pm on no more than 12 additional weekday evenings between August and May in each football season. The application was approved in July 2010 subject to amongst others, the following conditions

1. The floodlights erected pursuant to the permission hereby granted shall not be used except:
 - a) between the hours of 3pm and 5pm on Saturdays and
 - b) on a maximum of 12 occasions in each period between 1st August and 31st May (relating to a football season) between the hours of 7pm and 10pm on weekdays. The applicant shall submit a statement at the end of each season outlining the occasions on which the floodlights were used for as long as the floodlights are in place.

Reason - To limit the capacity of the WD&CFC for more intense use of the football ground and thereby to limit the potential for any loss of amenity to the occupiers of the adjoining residential properties pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

2. The floodlighting hereby approved shall be maintained in accordance with the manufacturers specifications and be directed onto the playing surface at all times.

Reason - To prevent any loss of amenity arising from the floodlights being deflected and shining into nearby residential properties pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

This application seeks to increase the number of times the floodlights can be used on weekdays from 12 to 24, reduced from 30 in the initial submission. The hours of use would remain the same namely 7.00pm to 10.00pm and there would be a

requirement to submit a report at the end of the season on usage. The club currently operates and would continue to operate the following teams:

- Mens 1st Team 11 - North West Counties Division 1 South - Level 10 Step 6
- Mens Reserves - Cheshire League - Outside pyramid (Would be at Level 11 Step 7 if the team were to gain promotion into Premier league)
- Veterans - Cheshire Veterans League - Outside pyramid system
- Womens 1st Team 11 - NWRWFL - Level 5 Women's Pyramid
- Womens reserves – Greater Manchester Womens Football League
- Womens Development – Greater Manchester Womens Football League
- All Junior teams - Timperley Junior Football League
- Girls Junior team: South Manchester Girls Football League

In support of the application the following documents were submitted, a lighting survey, a noise survey and an ecology report.

The lighting survey concludes that -

“The lighting installation is suitable for the uses it has been designed for and although it has some nuisance effect on the neighbouring properties, it is of a limited manner and no greater than could be expected by houses opposite street lighting, etc. The lighting is for the playing of sports on the football pitch, therefore use should be limited to when in use and not be used for general access or security lighting.”

The noise survey concludes that-

“Taking all factors into account, we consider that the proposed extension of floodlighting use would not result in a change in noise levels or character of noise at nearest dwellings. The noise impact associated with the additional weekday evening matches will be no greater than for existing permitted weekday evening matches. Furthermore, even with the additional matches, there will still only be up to three evening matches occasionally per month during the ten-month football season. On this basis, noise impact will be of limited duration and will occur only on certain days, and therefore would not result in any demonstrable harm to residential amenity.”

The ecology report concludes-

“The original floodlights were fitted with overspill limiting backshields. There are to be no new floodlamps erected. If the lighting is ever to be replaced, the new installation should be consistent with the most recent guidance on artificial lighting schemes. Given the existing use of the floodlights and the timing of use, there is expected to be no deleterious impact on protected species and habitats with increased use.”

Since planning permission was granted for the installation of the floodlights according to club records they have been used, other than on a Saturday, on the following number of occasions-

2010/11 Season 0 times
2011/12 Season 2 times
2012/13 Season 5 times
2013/14 Season 9 times
2014/15 Season 9 times
2015/16 Season 11 times
2016/17 Season 13 times

2017/18 Season 15 times
2018/19 Season 12 times
2019/20 Season 9 times
2020/21 Season 1 time (season abandoned)

In support of the application, the applicant has made the following comments.

- The site is not in an area with an intrinsically dark landscape; it comprises an established football ground which abuts an urban area.
- The lights can be used an existing number of times already, so the area is already characterised by the use of floodlights on occasions during the football season.
- The light levels in the area were altered when the original planning permission was granted in 2010. The current planning application doesn't seek to change these light levels, it simply seeks to increase the number of times the lights would be switched on. The impact from the increased use of the lights wouldn't be any more conspicuous than the current impact.
- The floodlights are not in or near a protected area of dark sky.
- The increased use of the lights would not have any safety impacts, nor would it have an impact on a protected site or species.
- The existing design measures limit the light pollution. This position would remain the same even if the lights were used more often.
- A suitable planning condition would limit the impact of the lights; this was the approach taken by the Council when granting the original permission.

Consultations

Ward Members

Councillors Eve Holt, Matt Strong and John Hacking have written in support of residents requests for an extension of time in which to make representations. The members are aware of the club's history and of the strength of feeling held by many who neighbour the club grounds around the use of flood lights. They have sought to facilitate meetings between the Club and residents.

Elected Members

Councillors Mandie Shilton Godwin (Chorlton Park Ward) and John Leech (Didsbury West Ward) have made representations supporting objectors to the proposed development. The issues raised are summarised below.

Councillor John Leech says "there was very significant opposition to the original application for floodlights, and the use was restricted to protect the amenity of nearby residents. This proposal will result in the floodlights being on practically every midweek during the football season. This will cause unreasonable disamenity to local residents and should be resisted. The existing conditions are already not adhered to, and numerous complaints have been made, but no action taken. Planning permission to intensify the use would undoubtedly result in additional problems."

Local residents

Local residents were notified in respect of the initial application which sought to use the floodlights on an additional 30 occasions and again when the number of occasions was reduced to 24. The issues raised are summarised below.

In response to the initial notification 50 letters were received objecting to the application, including one signed by 61 residents and 3 letters supporting the application.

Representations against

- The site is at a lower level and overlooked by houses approximately 20 to 25 metres away.
- The site was originally part of the Chortonville estate.
- The site is within the Mersey Valley and the floodplain of the River Mersey.
- The Club seem focused on a higher permanent total, despite their verbal arguments to residents that the increase is merely in the case of occasional circumstances arising that would require more week day evening games for their Men's 1st team. Residents remain concerned that Club would wish to exploit a higher permitted total to hold games for other teams and potentially for fund raising.
- Concern is expressed that the proposal would override the reason attached to the condition the applicant is seeking to amend.
- Residents are disappointed at the clubs lack of effort in communicating with them.
- This is a huge increase in the number of times the club can use the lights.
- There is no restriction in the frequency of matches.
- The application does not seek to justify the need to expand the number of times the floodlights can be used.
- It would severely alter the balance of amenities between club and local residents.
- The application is part of the football club's stated expansion ambitions – these are now completely disproportionate to the site and will get more so.
- The applicants have consistently and repeatedly breached previous conditions and inevitably cannot be trusted not to do so again.
- The club has previously recognized its obligations to the local residents, which would be breached by this expansion.
- The development will result in more noise.
- The club frequently breach the current conditions, twice they have been used out of season, twice outside of the permitted hours, and twice they have exceeded the limit of 12 games per season, two games in each of the 2016/17 and 2017.18 seasons.
- The club consistently fail to submit the end of season reports.
- The following statement appeared on the clubs website ...*Over the past few seasons the restriction in permissions has meant on occasions us having to move home league matches and give up home advantage in cup competitions. As well as losing home advantage, which puts us at a disadvantage in the matches, it also results in a loss of revenue for the club and local businesses and extra travel costs for the spectators who attend our away matches. In addition we are often approached to host local league cup finals and charity matches, which we must often turn down. The extra permissions would enable us to host a small number of those types of matches...*
- Residents do not want other clubs to use the ground.
- Matches cause disruption on the adjoining streets and damage the grass verges.

- Increased access will encourage fly tipping adjacent to the bridleway.
- The club has previously assured residents it had no plans to expand.
- The club uses the site in the summer for other activities including a pre school club giving residents no respite.
- The activities of the club are not compatible with a residential area and impact on the health and wellbeing of residents.
- Residents have measured noise levels in the upper 70's DbA range.

Representations for

- The football club have been good neighbours, as well as providing facilities for the area.
- In particular their stewarding of parking on match days has been excellent.
- there is a considerable value in supporting a local football team.
- It is great to see local families and the children enjoying themselves and it helps to foster a sense of community pride.
- It also adds a financial benefit to the area as people buy refreshments in the club house and surrounding area. The club supports local youth groups and offers a valuable community resource
- The club is well organised and managed.
- It is important that the club is in a position to offer facilities, amenities and standards that enables it to participate in the league on a comparable basis to the other clubs.
- The club provides a social , recreational and sporting service for the Chorlton community and is widely viewed as being both progressive and well run .
- It caters for at least 250 young people of both sexes providing them with healthy outdoor activities.
- The additional evening matches and additional spectator infrastructure will assist the club in keeping up with the standards required and of adding to a general improvement of the amenity.
- The lights are only needed on 6% of evenings this is not a problem.

In response to the re-notification 16 letters were received objecting to the application, one signed on behalf of 50 residents and 5 letters supporting the application.

Representations against

- Concern is expressed that matched not involving the club are taking place at the ground. Increasing the amount of noise, in particular swearing.
- The future intentions of the club need to be made clear
- These applications and their context of expansion are essentially urbanising encroachments into the open countryside from the built-up area of the Manchester conurbation. They are erosive of the essential countryside character of a small intimate region, which is also a very important 'wild countryside' resource for residents in the wider area. It was on this precise basis that the Council rejected a previous proposal for all-weather pitches on the adjacent meadows. This current expansion is amounting to a similar level of urbanising encroachment – in terms of its impact on environmental 'openness'.
- Whilst Chorltonville is not a 'town' it is a Conservation Area, well-defined, and an identifiable estate within wider area of Chorlton. Chorltonville affords its Conservation Area status as an historic example of the early 20th Century 'Garden Village' movement. Preserving its setting and special character is not only a heritage issue,

but also falls within this purpose of including land within the green belt in the first place.

- The application site is located both within the Conservation Area and the Green Belt and it is therefore doubly important to safeguard against encroachment as specified in paragraph 134 of NPPF.

- What started as a small local sporting facility for residents is now developing into a much larger and more invasive centre for football

- The stated original purpose of including a small recreational area within the estate was for the quiet enjoyment of residents (tennis and bowls were initial pastimes). This purpose was a key feature of the original estate design (set out in Chorltonville's historic documents). This area has now been purchased by non-residents – but all Chorltonville owners are bound by commitments against public impacts on their neighbours. The character of this intended low key and countryside activity should be preserved, rather than be lost.

- The whole concept of Chorltonville and its heritage was to be an integration of city and country environments on the boundary of the urban area of Manchester and the surrounding open countryside to improve the health and wellbeing of urban residents. Blurring of this boundary through urbanising development completely undermines the historical concept of the Garden Village, conflicts with the reasons for having Conservation Area status, and will permanently damage the heritage asset. Safeguarding of the Conservation Area and its heritage is paramount to preserving its character.

- Residents are of the opinion that the club has a history of planning non compliance and do not see why the club would adhere to any new agreement.

- Increasing numbers of spectators are attending matches.

- No good reason has been given as to why the club needs extra usage of the floodlighting.

- Concern is raised that the lighting is not used at the specified lux levels.

- Question that validity of the Habitat Survey which concludes that the additional usage will not impact on wildlife,

- The noise assessment attempts to justify the proposal rather than providing an objective commentary on existing and proposed noise levels associated with the proposal.

- The noise report makes no reference to the public address system.

- The further use of the existing floodlights is not necessary in conjunction with use of the football field, rather it is desired by the applicant and suits their commercial aspirations.

- The proposal would have a negative impact on the character and appearance of the Chorltonville Conservation Area by virtue in increasing the visibility and intensity of the football field, a relatively new addition to the area in comparison to the c.1910 origins of the garden village.

- Residents ask if the club needs or has planning permission for the public address system.

- The club uses the floodlights in excess of what is permitted.

- The reduction from 30 to 24 was not the result of negotiations with residents.

- Granting consent will result in the reason attached to the original condition being breached.

- The additional usage of the floodlights will result in more traffic in the area.

- The club did not comply with the requirement to submit a usage report at the end of each season.

- It is queried if the lights can be used for other than the first team.
- This is not a suitable location for the club.
- There is no bat survey
- A more restrictive period may be better

Representations for:

- The football club have been good neighbours, as well as providing facilities for the area.
- In particular their stewarding of parking on match days has been excellent.
- there is a considerable value in supporting a local football team.
- It is great to see local families and the children enjoying themselves and it helps to foster a sense of community pride.
- It also adds a financial benefit to the area as people buy refreshments in the club house and surrounding area. The club supports local youth groups and offers a valuable community resource
- The club is well organised and managed.
- It is important that the club is in a position to offer facilities, amenities and standards that enables it to participate in the league on a comparable basis to the other clubs.
- The club provides a social , recreational and sporting service for the Chorlton community and is widely viewed as being both progressive and well run .
- It caters for at least 250 young people of both sexes providing them with healthy outdoor activities.
- The additional evening matches and additional spectator infrastructure will assist the club in keeping up with the standards required and of adding to a general improvement of the amenity.
- The lights are only needed on 6% of evenings this is not a problem.

Following publication of the report considered by Members at their meeting on 29 July 2019 three letters were received from local residents making the following points.

- Residents say the report infers that the noise reading taken by residents was recent. This is not the case and was taken in 2010.
- A resident has offered to fund a noise survey during a match.
- The noise assessment fails to mention how many spectators were present and is therefore meaningless. 50% of readings were taken out of matchtime. Residents say It is the peak noise experience and the fact that it is unpredictable and repeated that is so environmentally damaging for residents surrounding the ground – with impact extending widely to local streets.
- The report also concludes that control and management of the noise from the PA system should be implemented, and yet noise from the crowd (of which we know not the size) is measured at only 0.6 dB lower. It therefore follows that the crowd noise also needs to be controlled as it is more or less at the same level and could be significantly higher, depending on the size of the crowd.
- The noise survey was done in 2019 for a different application and residents therefore question its validity. It to residents that the applicant has copied a different document from another application, modified it slightly, and submitted it for a different purpose and completely different application.

We wonder if that is allowable?

-Residents query the impact that as the floodlighting columns will have on residential amenity, heritage and the green belt. They feel if the lights are used for twice as long they will have twice the impact.

-The Club have given no argument to support a change circumstance except wanting it for 'contingencies'. Residents understand no material change in circumstance except that the Club wishes to expand further its activities, has already increased documented crowd sizes 6-fold, breached existing conditions of use on many occasions since 2010, and stated in writing they have no limit on their further expansion plans.

-The report fails to mention that there has been a six fold increase in attendance at matches. Further larger crowds result in more noise to the detriment of amenity.

-The site is defined in the adopted development plan as 'open countryside', neither 'urban' nor 'residential' and residents therefore, believe E2 is the appropriate category.

E2: Areas of low ambient brightness. Outer urban or rural residential areas.

The site is part of the green belt and the E2 description fits perfectly.

-Residents request a site visit to establish the zoning of the area and to assess the impact during a match.

-The club has persistently and regularly breached planning control by using the lights when it shouldn't, which residents claim is well documented, also, the club has failed every year for the last ten years to comply with condition 3b, namely:

"The applicant shall submit a statement at the end of each season outlining the occasions on which the floodlights were used for as long as the floodlights are in place."

Chorlton Voice

Object to this application which will adversely impact on the amenity of residents as well as harming nocturnal wildlife.

Environmental Health

What the club are proposing is not onerous and Environmental Health have no grounds to recommend refusal of the extended use of the lights provided the remedial measures in terms of the light angles are implemented.

The additional light assessment show that the flood lights meet the ILP criteria for a suburban area pre-curfew, there are issues post curfew so it needs to be conditioned that the lights are turned off by 10pm.

There is an issue with the access lights and mitigation measures are required. A post completion report is required to confirm that the mitigation measures have been implemented and there is no impact to the residents from these lights.

Environmental Health have no concerns over the noise impact of the additional matches. The only noise that we see some potential issues with during the matches is from the tannoy and suggest a condition that controls the noise level of the tannoy.

Greater Manchester Ecology Unit

Greater Manchester Ecological Unit have no objections to the application on Ecology grounds. A restriction in the use of the floodlights so that they are required to be switched off at 22.00 hrs on each use should be maintained.

Policies

National Planning Policy Framework

The Framework is a material consideration in planning decisions and underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of development.

The Governments Guidance on Protecting Green Belts can be found in Paragraphs 133 to 142 of which paragraphs 133, 134 and 141 are relevant to this application.

Paragraph 133 sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 134 sets out that Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 141 sets out that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

In respect of proposals affecting the Green Belt the NPPF states at Paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraphs 144 prescribes that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land

within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraphs 170 through 173 address conserving and enhancing the natural environment.

Paragraph 170. Planning policies and decisions should contribute to and enhance the natural and local environment and should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Habitats and biodiversity are covered by paragraphs 174 to 177 of the NPPF

Paragraph 175. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The NPPF's guidance on proposals affecting heritage assets is contained within paragraphs 189 to 202. The relevant sections are reproduced below.

Paragraph 189 says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. Considering potential impacts

The Development Plan

Manchester's Core Strategy Development Plan Document forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan.

Policy SP1 (Spatial Principle)

This policy sets down the spatial principles that guide development in the City include the creation of neighbourhoods of choice. It also says "The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved."

Policy DM1 (Development Management)

This policy seeks to ensure new developments contribute to the overall aims of the Core Strategy. Issues which should be considered are those which will ensure that the detailed aspects of new development complement the Council's broad regeneration policies. These include the impact on amenity, including privacy, light, noise, biodiversity, landscape, archaeological or built heritage as well as Green Infrastructure including open space, both public and private.

Policy EN1 (Character Areas)

The policy says of the Mersey Valley Character Area, this is a wide, flat valley with heavily managed open space and tree cover largely found on the valley perimeter where there are localised significant changes in level. The Mersey Valley acts as an important visual break between the South Area and Wythenshawe Environs.

Extensive long range views exist from the valley sides and the major road network which bisects and runs along the valley.

Developers will need to ensure that any development within or to the periphery of the valley maintains the sense of openness and accessibility.

Policy EN3 (Heritage)

This policy says throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

Policy EN9 (Green Infrastructure)

This policy says new development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function.

EN10 (Safeguarding Open Space, Sport and Recreation Facilities)

This policy says the Council will seek to retain and improve existing open spaces, sport and recreation facilities to the standards set out above and provide a network of diverse, multi-functional open spaces.

Policy EN12 (Area priorities for Open Space, Sport and Recreation)

This policy says South area: enhance the quality of existing provision and using opportunities to address deficiencies.

Policy EN13 (Green Belt)

This policy seeks to protect Manchester's Green Belt and aims to ensure that the visual amenities of the Green Belt are not injured by development. Having considered the impact of the proposal on the openness of the Green Belt,

Saved UDP Policies CB1, CB15, CB16, CB20, CB23, CB24, CB25, CB40 and CB44 seek to preserve and improve the character and appearance of the Mersey Valley area.

Saved UDP Policy DC18 seeks to protect the City's Conservation Areas from inappropriate development and seeks to manage change appropriately.

Saved UDP policy DC26 seeks to protect the amenity of an area from the adverse impact of noise generating developments.

Blue Green Infrastructure

The strategy lays the foundations for the preservation and improvement of green and blue infrastructure within the City.

Issues

Principle

This application seeks to increase the usage of the existing flood lights that were granted planning permission, reference 093164/FO/2010/S1, in July 2010 following a site visit by Committee members. The consent was granted subject to the following condition-

The floodlights erected pursuant to the permission hereby granted shall not be used except:

a) between the hours of 3pm and 5pm on Saturdays and

b) on a maximum of 12 occasions in each period between 1st August and 31st May (relating to a football season) between the hours of 7pm and 10pm on weekdays. The applicant shall submit a statement at the end of each season outlining the occasions on which the floodlights were used for as long as the floodlights are in place.

The reason for the condition was given as -

To limit the capacity of the WD&CFC for more intense use of the football ground and thereby to limit the potential for any loss of amenity to the occupiers of the adjoining residential properties pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

Having, previously granted consent for the principle of flood lighting the issue to be considered is the impact that the additional usage of the lights would have. The issues are discussed in detail in the following sections.

Future intentions of the club.

The site comprises an existing football ground and the proposals in this planning application will not alter the use of the application site. Improvements and alterations are necessary to enable the club to make best use of the existing ground and support the facilities and allow them to prepare in advancing to the next tier of the National League System in the future. The use of the floodlights is not limited to the first team and the club now runs a number of teams. The additional usage of the floodlights would facilitate the continued evolution of the club.

Whilst the original reason for the condition was to limit the potential for the more intensive use of the site and the consequential impact on the amenity of residents, the passage of time means that it is not unreasonable for this issue to be reconsidered as circumstances change.

Whilst any organisation or business would seek to plan for the future, circumstances do change and thus whilst in 2010 it may have been acceptable for the club to limit the use of the floodlights on 12 weekdays within the season, 10 years later it is not unreasonable for this to be reviewed

Intensification of use.

Currently the flood lights can be used on Saturdays between 3 pm and 5 pm during the football season which for the benefit of the planning permission runs from 1 August to 31 May, and on a further 12 weekday evenings between 7pm and 10pm. This application initially sought to increase the number of times the floodlights could be used on weekdays to 30, however, this has been reduced to 24.

The season lasts 305 days, the pitch could be used with floodlights for around 43 Saturdays, dependent upon how the season falls in the calendar. The pitch cannot be used with floodlights on Sundays, so excluding Sundays that would leave a possible 219 weekdays when the pitches could potentially be used during the season, subject to the availability of floodlighting. The current use of the floodlights

for 12 occasions throughout this season equates to approximately 6% of the available days and this would increase to approximately 12% should consent be granted for extended use on 24 occasions. Thus whilst the club are seeking a 100% increase in the number of weekdays on which the floodlights can be used, it remains a relatively small number of the total number of days within the season, and leave 185 days when the floodlights cannot be used, more if you include Sundays.

The planning system has no control over the size of crowds attending matches at the ground. Whilst the size of the crowd influence noise levels, the usage of the floodlights does not determine how many people will attend the match and the consequent level of noise generated.

On balance it is considered that the proposed increase from 12 to 24 is not significant when taken across the whole of the season.

Floodlighting assessment.

In preparing the assessment of the floodlighting the applicant's consultant identified the site as being within Environmental Zoning E3. This was accepted by Environmental Health as being an accurate assessment. The full list is reproduced below.

Zone rating	Description
E1	Areas with intrinsically dark landscapes National parks or residential areas with strict limits on light trespass Roads usually unlit
E2	Areas of low ambient brightness Outer urban or rural residential areas
E3	Areas of medium ambient brightness Urban residential areas
E4	Areas of high ambient brightness Urban areas, residential and commercial with high levels of night time activity

On the Mersey Valley Character Area the Core Strategy says "This is a wide, flat valley with heavily managed open space and tree cover largely found on the valley perimeter where there are localised significant changes in level. The Mersey Valley acts as a important visual break between the South Area and Wythenshawe Environs. Extensive long range views exist from the valley sides and the major road network which bisects and runs along the valley. Developers will need to ensure that any development within or to the periphery of the valley maintains the sense of openness and accessibility." It is considered that the Mersey Valley is a green finger bisecting residential areas and that therefore the E3 category is appropriate rather than E2 which relates more to areas on the fringe of urban areas.

Residential Amenity

The original consent was limited to 12 weekdays as that was what the applicant had applied for. In view of the passage of time it is not unreasonable for the club to bring forward proposals to change this. Residents have highlighted the issues of noise, parking and the intrusive nature of the floodlights and the impact these have on their amenity. In support of the application the applicant has provided a lighting and noise surveys.

Both reports have been assessed by Environmental Health and based on the reports it is considered that there would be not significant impact from either noise or the use of the floodlights, as long as the latter remain focussed on the playing area and are switched off at 10pm. Concern was expressed that the lighting used to ensure that the site can be vacated safely could impact on the amenity of residents, the report highlights measures that could be taken to ensure that the impact is not significant. Both the cut off time for the floodlights and the measures to improve the ancillary lighting can be addressed through condition.

Residents questions the validity of the noise report, however, the survey carried out by the applicant was prior to the submission of the application. It has been assessed by the relevant officers in the Council who have raised no issues with the validity of the report.

The season is approximately 43 weeks long and therefore equates to one match every other week plus three other matches, although there is nothing in the previous condition that would have prevented the club playing five games in one week.

Whilst the installation of the public address system does not require consent this application provides an opportunity as part of assessing the impact of the development on residential amenity to impose a condition to mitigate its impact should consent be granted.

On balance it is therefore considered that an increase in usage of the floodlights of 12 times per season would not significantly impact on residential amenity.

Impact on the character of the Conservation Area

The impact of the floodlighting columns on the character of the Conservation Area was assessed as part of the consideration of application reference 093164/FO/2010/S1. This application seeks only to increase the use of the lights and not to change their appearance or number. The proposed development will not therefore impact on the character of the Chortonville Conservation Area or cause harm to the significance of the designated heritage asset.

Impact on the Green Belt

The impact of the floodlight columns on the Green Belt were assessed as part of the original application reference 093164/FO/2010/S1, as there are no changes to the

lights it is not considered that the proposal will change the impact upon the Greater Manchester Green Belt.

Impact on Ecology

The Ecology report has been considered by the Greater Manchester Ecology Unit and they are satisfied subject to the imposition of a condition that the floodlights continue to be turned off at 10pm. The development will not have a negative or harmful impact on local ecology.

Breaches of Planning Control

Residents have highlighted breaches of planning control in respect of the usage of the floodlights and the failure of the club to provide the required end of season reports on floodlight usage. The alleged breaches are that twice the floodlights have been used out of season, twice outside of the permitted hours, and twice the club have exceeded the limit of 12 games per season, two games in each of the 2016/17 and 2017/18 seasons. The club have submitted an account of the midweek usage of the floodlights and this confirms that in 2016/16 one extra game was played in excess of the 12 and in 2017/18 three extra games were played. Whilst breaches of planning control are serious matters, in these instances they do not equate to a systematic breaching of the conditions that necessitate the taking of enforcement action. Enforcement action can only be taken in respect of ongoing breaches of planning control and this was not considered to be the case in relation to this site.

There have been other complaints in respect of breaches of planning control, including the use of the club house for a summer school and the installation of a generator. These issues have been resolved.

Whilst there may have been breaches on occasion in respect of the conditions attached to planning permission reference 093164/FO/2010/S1, there is no evidence that the club has continuously operated the floodlights in breach the conditions. Enforcement action can only be taken in respect of an ongoing breach and not an occasional lapse.

Undertakings by the Club

Residents claim that the club is in breach of undertakings it has given them in the past notably about its future plans for growth. From a planning perspective there are no Planning Obligations or conditions in place to this effect and the conditions in respect of the floodlights were imposed over ten years ago. It is therefore legitimate for the club to seek to vary the condition in the light of changing circumstance. Any agreements between residents and the club, verbal or otherwise are not a material consideration in the determination of the application, which must be considered on its planning merits.

Conclusion

The football club and the floodlighting are established features within the area and presumably will remain so irrespective of the outcome of this application. In

considering the proposed development the issue is the impact that the extra 12 nights use of the floodlights. Having regard to the technical advice submitted and that as a total of the football season as a whole the number of nights remains quite small, around 12% it is on balance considered that any additional harm arising from the extra nights is not so significant as to impact in the amenity of residents.

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 the right to a fair hearing and to this end the Committee 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 approval of the application is proportionate to the wider benefits of approval 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 issues arising from the consideration of this application.

Conditions to be attached to the decision

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:

Lighting Report by ECS Consulting reference 22/074/LR/01/B received 24 July 2020

Noise Assessment by Hepworth Acoustics reference P19-459-R01v2 received 10 January 2020

Ecology Report by Rachel Hacking Ecology received 25 July 2019

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) The floodlights erected pursuant to the permission hereby granted shall not be used except:

a) between the hours of 3pm and 5pm on Saturdays and

b) on a maximum of 24 occasions in each period between 1st August and 31st May (relating to a football season) between the hours of 7pm and 10pm on weekdays.

The applicant shall submit a statement at the end of each season outlining the occasions on which the floodlights were used for as long as the floodlights are in place.

Reason - To limit the capacity of the WD&CFC for more intense use of the football ground and thereby to limit the potential for any loss of amenity to the occupiers of the adjoining residential properties pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

4) The floodlighting hereby approved shall be maintained in accordance with the manufacturers specifications and be directed onto the playing surface at all times.

Reason - To prevent any loss of amenity arising from the floodlights being deflected and shining into nearby residential properties pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) Within three months of the date of this consent the recommendations of the revised lighting report by ECS Consulting reference 22/074/LR/01/B received on 24 July 2020 shall be implemented in full, and a verification report submitted to the Council for approval.

Reason To protect the amenity of the occupiers of adjacent nearby residential accommodation pursuant to Core Strategy policy DM1.

6) Within three months of the date of this permission a scheme shall be submitted to and approved in writing for the management , control of noise levels from the public address system should be designed, managed and controlled to a levels of the public address system. The approved scheme shall be implemented as part of the development and maintained thereafter

Reason- To protect the amenity of residents from excessive noise pursuant to Core Strategy policy DM1 and Save Unitary Development Plan policy DC26.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 124335/JO/2019 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

**Environmental Health
Greater Manchester Ecology Unit
Highway Services
Environmental Health
Greater Manchester Ecology Unit**

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer :	Dave Morris
Telephone number :	0161 600 7924
Email :	dave.morris@manchester.gov.uk

