

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
134245/FO/2022	4th Jul 2022		Chorlton Ward

**Proposal** Temporary planning permission for 50 seater stand for 5 years

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

**Applicant** West Didsbury and Chorlton AFC, C/o Agent

**Agent** Mrs Beverley Moss, Hourigan Planning, 10th Floor Chancery Place, 50  
Brown Street, Manchester, M2 2JG

### **Executive Summary**

The application proposals relate to the retention of a temporary 50 seater stand for supporters at West Didsbury And Chorlton Football Club. The stand was originally approved for a temporary 3 ½ year period in 2013 by the Council's Planning Committee with a subsequent further temporary consent granted in 2016 which expired in April 2020. The football club submitted a further extension of time application in July 2019 with a new location of the stand, this application was not determined, with the applicant withdrawing it from consideration earlier this year after the submission of the current application.

The stand is required to enable the football club to meet the standards set out by the Football Association, the temporary stand was intended to be replaced by a more permanent structure and this is still the intention of the football club when funding and the requisite permissions are in place. In the intervening period the football club still require the temporary stand and have submitted a further application for its retention at the site.

As part of the notification of this application 68 addresses were written to and site notices were posted and advertisement placed in the Manchester Evening News given the sites location within the Chorltonville Conservation Area. 18 responses were received, 17 of these set out objections to the proposals including, amongst other matters; impacts of noise from supporters; a further temporary permission would be contrary to planning legislation; parking issues associated with the football club on residential streets; and, residents are not being listened to and the football club continues to expand.

The matters raised above and set out within the consultations section of this report are set out and considered in full within the main body of this report.

### **Description**

The application site is related to a well-established local football club located within the Greater Manchester Green Belt, Chorltonville Conservation area and also within flood zone 3.

Residential properties within Chorltonville are located in an elevated position to the north and east of the application site on Meadow Bank and South Drive whilst to the south and west are areas of open space associated with the Mersey Valley. A single storey clubhouse building is located to the east of the football pitch on the site with the temporary stand subject of this application being located to the immediate south of the clubhouse.

### **The application proposals**

The proposals seek the siting of a temporary stand for a 5 year period, the stand provides covered seating for up to 50 seated spectators. The stand is a metal framed structure with a corrugated metal roof and is 6.6m in width, 2.9m in depth and an overall height of approximately 2.9 m. The stand has been subject to two previous temporary planning approvals as set out in the planning history section below.

The applicant has set out within their submission the need for a further temporary consent whilst it attempts to both meet the standards set out by the Football Association (FA) but to also raise funds to construct the permanent seating structure which has in the past previously been granted full planning permission. The retention of the temporary stand would enable the Club to continue to provide the necessary seating arrangements which it needs to do in order to fulfil the Football Association's requirements, and the Club will use the interim time to work towards getting funding and permissions in place to enable a permanent structure to be erected in due course.



**Location and position of stand is edged red**

### **Planning History**

047395/FO/SOUTH2/95 - Single storey building to form new changing rooms and meeting room after demolition of existing changing rooms. Approved 08.06.1995

057051/FO/SOUTH1/99 - Extension of existing clubhouse building to form ground maintenance and equipment stores. Approved 21.10.1999

093164/FO/2010/S1 - 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. Approved 02.08.2010

103339/FO/2013/S1 - Temporary planning permission for 50 seater spectator stand for 3 1/2 years pending construction of clubhouse extension. Approved 24.10.2013

103100/FO/2013/S1 - Erection of single-storey clubhouse extension incorporating an additional 50 seats for spectators, installation of photovoltaic panels on rear elevation of roof, erection of covered standing accommodation for spectators. Approved 24.10.2013

114274/FO/2016 - Retention of temporary 50-seater stand for a further 3 1/2 years pending construction of clubhouse extension. Approved 13.12.2016

114275/FO/2016 - Erection of single-storey clubhouse. Approved 13.12.2016

124335/JO/2019 - 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. Approved 03.09.2021

## **Consultations**

The application was subject of notification of nearby residential properties with 68 addresses being sent letter, in addition site notices were posted and an advertisement was placed in the Manchester Evening News given the sites location within the Chorltonville Conservation Area and Green Belt. 18 responses were received as a result of this notification with 17 of these raised concerns with the proposals. A summary of the points made is set out below:

- Fans bang on the sides and roof of the stands causing nuisance noise
- A further extension appears to conflict with section 72 of the Town and Country Planning Act 1990 regarding temporary planning permission.
- A further extension conflicts with policy H2.2 of the UDP where the amenity of local residents should be protected from nuisance noise and general disturbance.
- The proposal conflicts with policies in place to protect the conservation area and open green spaces.
- There have been numerous complaints to the council regarding nuisance noise emanating from the club and its fans.
- Over the last ten years there have multiple breaches of planning conditions by the club which are well documented and reported.
- A large expanding football club is inappropriate and unsustainable in a residential Conservation area and will only lead to further conflict if it is allowed to continue with its future plans for growth.
- An increase in vehicular traffic gives rise to an increased risk of injury to local residents, especially children.

- The increase in vehicular traffic caused by spectators attending WDCAFC football matches causes an increase in air pollution.
- We already experience inconvenience on match days at the weekend and in mid-week. Not only parking issues (blocking drives etc) but also anti-social behaviour and littering
- Local residents commissioned their own independent noise survey  
Conclusions drawn include:  
“of note is the increase in maximum noise levels during periods of play, with these regularly reaching a level that exceeds LAF max 80 dB (A). An average ambient noise level of 63 dB(A) indicates that the noise level during a football match is above a level at which it could be considered to cause serious annoyance to the majority of people, according to WHO guidelines.”  
...“Comparing onsite measured noise levels to the guidance from the relevant documents indicate that external noise levels exceed those of the relevant criteria and are an indication that serious annoyance is considered likely for the majority of people experiencing the noise.”

Environment Agency - Having reviewed the Flood Risk Assessment (FRA) the EA have no objection in principle to the grant of planning permission.

Head of Compliance, Enforcement and Community Safety (Environmental Health) – Following assessment of the proposals and a review of the information provided by objectors have no adverse comments or objections to the proposals.

MCC Highway Services – Raise no concerns with the application proposals.

MCC Flood Risk Management Team – Raise no objections to the proposals. It is recommended that an informative be appended to any approval that the applicant signs up to the Environment Agency’s flood warnings service.

## **Policy**

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

### *Core Strategy Development Plan Document*

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester

must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

**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, noise, landscape, 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.

**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 within the 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.

Policy EN14 (Flood Risk) – The application site is located within flood zone 3 the highest flood risk area. Policy directs development away from sites at the greatest risk of flooding.

The application is considered in detail in relation to the above issues within the Issues section of this report.

#### *Relevant Saved Unitary Development Plan Policies*

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.

#### *National Planning Policy Framework*

The National Planning Policy Framework (July 2021) sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role. The NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The following specific policies are considered to be particularly relevant to the proposed development:

Section 8 (Promoting healthy and safe communities) – The proposals are to provide facilities for an existing sports venue and have been sited to minimise impacts on the surrounding community.

Section 13 (Protecting Green Belt Land) – As set out within the issues section of this report the proposals are considered to be compatible with the five purposes of the green belt and through the provision of temporary facilities in connection with an existing use of land for outdoor sport are considered to be appropriate development.

Section 14 (Meeting the challenge of climate change, flooding and coastal change) - Outdoor sports and essential facilities are considered to be a water compatible development as set out within Annex 3 of the NPPF.

Section 15 (Conserving and enhancing the historic environment) – Sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Section 72 of the Town and Country Planning Act 1990 sets out that a local planning authority may grant planning permission for a specified temporary period only.

The guidance within the Planning Practice Guidance prepared by the government does indicate a temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward. The PPG does states that it would be rarely justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale).

## **Issues**

**Principle** – The use of the site for football matches is a long established and a lawful use of the land. Associated with this use of the pitch is the corresponding use of land around the pitch to be used by spectators, there are no planning controls for the use of the land or how many spectators can attend a match. The current proposals seek a further temporary period for the siting of a seated and covered stand which provides a 50 seat capacity. The principle of the siting of the stand has been previously established to enable the football club to bring forward a permanent solution which has previously been granted planning approval on two occasions in the form of an extension to the existing club house. It is considered that the principal for a stand in this position for use by spectators attending matches at the site is acceptable save for consideration of wider matters set out below, which includes impacts on residential amenity and visual amenity.

**Residential Amenity** – The stand is sited on land that is adjacent the football pitch. This land, in the absence of the seated stand, could lawfully be used by spectators attending matches at the pitch, there would no planning controls and no restrictions on numbers of spectators that could frequent this area.

The stand is sited to the south-west of the existing clubhouse building which would create a physical and visual buffer from residential rear gardens to properties to the north on Meadow Bank, the distance from stand to the rear boundaries of these properties is approximately 50 metres. The stand is sited closer to the boundary with the rear garden of number 1 Meadow Bank, which would experience the most disturbance from spectator noise generated from the use of the stand. As indicated above this land and that surrounding the stand could lawfully be used by spectators attending a game, as such whilst there would be noise disturbance before, during and after a game, the fallback in the absence of the stand is that this land could be used by an unspecified number of spectators.





***Aerial view showing relationship between the stand (edged orange) and garden boundaries (in red) with properties on Meadow Bank***

Objections have been raised specifically about noise generated from users of the stand banging on the roof and side of the stand and the disturbance this causes. In addition, a noise impact assessment undertaken on behalf of residents has been submitted to the Council, this assessment was prepared in response to previous proposals from the football club to increase the use of its floodlights, which was subject of consideration and approval by Committee at its meeting in September 2021. This information submitted by residents has been assessed by the Council and the response of the Head of Compliance, Enforcement and Community Safety to the proposals is that there is no adverse comment or objection to the proposals.

In response to the concerns raised the applicant has indicated that users of the stand, given it is specifically for seated spectators, are generally less 'animated' when spectating.

As such whilst it is noted that objections have been raised regarding noise generated by spectators, and that the size of a crowd can influence noise, the use of the stand is generally limited to when games are held and it is not considered that such noise and disturbance from the siting and use of the stand would warrant refusal of the proposal.

Visual Amenity and Impact on the Chorltonville Conservation Area – The stand is of a simple structure and finish, with a metal corrugated side and roof and plastic tip up seats. Views of the structure are generally restricted to within the application site but there are some longer range views from outside of the site through perimeter fencing to the south and residential properties to the north although such views are limited given the siting of the stand to the south of the existing clubhouse.





***View northwards from external path to the south of site, stand is edged in red***



***View east towards clubhouse and stand (edged red) from external path to the south of the site***



***View south-east from access track via Brookburn Road (position of stand is edged red)***

Given the size and siting of the structure in the vicinity of other on- site structures and surrounding fences and landscaping it is considered that the stand can be successfully sited without giving rise to unacceptable impacts on the visual amenity of the area, the Chorltonville Conservation area or the open character of the Mersey Valley or Green Belt. The site is included within the conservation area due to its historic link to the development of residential properties and associated amenity space. Views of the stand are generally restricted to public paths around the site to the south and when viewed in the context of the clubhouse. Given this and that the stand is of a smaller scale than existing buildings on the site the stand is not considered to be visually intrusive in this location.

Green belt – The application site is located within the Greater Manchester Green Belt, the NPPF sets out the framework for the protection of Green Belt Land.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The construction of new buildings within the green belt is considered to be inappropriate except for a limited number of exceptions, which includes amongst other things - 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.



The application proposals are specifically related to an existing use of the land for outdoor sport and recreation. The stand is considered to be an appropriate facility for the use of the land and, the siting of the stand, its scale and temporary nature do not conflict with the purposes of the Green Belt nor does it impact on the openness of the green belt. As such the proposals are not considered to conflict with national or local policies in respect of the Green Belt.

**Flood Risk** – The applicant provided a proportionate flood risk assessment to accompany this application following a request from the Environment Agency. There are no objections to the proposals on flood risk grounds from either the Environment Agency or the Council's Flood Risk Management Team, it is noted that outdoor sports uses are considered to be water compatible uses within Annex 3 to the NPPF. In this instance an informative is proposed to be attached to any approval to advise the applicant to sign up to the Environment Agency's Flood Warnings scheme.

**Temporary Permission** – Concerns have been raised by residents that a further temporary planning consent is being requested by the applicant and this does not accord with planning legislation set out in the 1990 Town and Country Planning Act.

The application site is located within a conservation area and within the Green Belt. Given these specific site constraints together with the temporary nature and design of the stand that is in site, it is considered necessary that control is maintained through the provision of a temporary consent. It is noted that national guidance advises that it is rarely justifiable to grant further temporary consents. However, it is the Council's view that in these site-specific circumstances and given the continued aspiration of the applicant to bring forward more permanent proposals in due course when funding is available, the granting of a further temporary consent in this instance is justified.

**Other Matters** – Concerns have been raised by residents relating to parking concerns with the football club and vehicles in the area. The use of the land is lawful and there are no planning controls associated with this particular issue nor given the scale and size of this particular proposal, would it be reasonable for the Council to impose controls on the numbers of spectators that can attend a game at the site.

**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 of the application 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**      TEMPORARY APPROVAL EXPIRING 20<sup>th</sup> OCTOBER 2027

### **Article 35 Declaration**

The application has been determined in a positive and proactive manner. Issues arising through consideration of this application have been discussed with the applicants agent and in this instance further information was submitted in relation to flood risk.

### **Conditions**

- 1) The permission hereby granted is for a limited period of five years only, expiring on 20<sup>th</sup> October 2027. Thereafter the structure comprising the development for which permission is hereby granted is required to be respectively removed and discontinued.

Reason - The proposal is of a temporary nature and is sited within the Greater Manchester Green Belt and Chorltonville Conservation Area pursuant to policies DM1, EN13 and EN3 of the Core Strategy, Saved UDP Policy DC18 and the National Planning Policy Framework.

- 2) The development hereby approved relates to the following drawings and documents:  
LT EX 03 LT Grandstand; Site plan as existing drawing reference 20 as received by the City Council as local planning authority on the 4<sup>th</sup> July 2022.

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.

### **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: 134245/FO/2022 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:**

**Highway Services  
Environmental Health  
MCC Flood Risk Management  
Environment Agency  
Chorlton Voice**

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

<b>Relevant Contact Officer :</b>	Robert Griffin
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