

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
135932/FO/2023	23 May 2023	19 Oct 2023	Ancoats & Beswick Ward

**Proposal** Installation of Multi Use Games Area (MUGA) together with the installation of 5 metre high boundary treatment and 3 metre high acoustic barrier

**Location** East Manchester Academy , Grey Mare Lane, Manchester, M11 3DS

**Applicant** The East Manchester Academy

**Agent** Lancaster Maloney Martin

## **EXECUTIVE SUMMARY**

The proposal is for the creation of a Multi-Use Games Area (MUGA) together with the installation of boundary treatment.

The proposal would result in the loss of grass playfield. Sport England have objected on this basis. MCR Active support the proposals.

## **Key Issues**

**Principle of the proposal** There is an identified need for a new MUGA at the East Manchester Academy. The Academy have identified an area of unused and poor-quality grass playing pitch to create a MUGA to meet demand for basketball and netball. It is acknowledged that the proposal would result in the loss of a grass playfield which are normally required to be protected. Policy EN10 of the Core Strategy and Paragraph 99 of the NPPF outline the circumstances where the loss of a playfield can be considered. The proposal would result in an enhanced sporting facility created at the Academy to expand the sporting curriculum as well as making the facility available for community use. This would satisfy the requirements of Policy EN10 (part (a)) and part (c) of the paragraph 99. There would be no loss of athletics provision in East Manchester with a throwing cage relocated off site to facilitate the MUGA.

**Visual amenity** The proposal is located within the curtilage of the Academy alongside other external sporting facilities. The proposal would not affect the openness of the site with the exception of boundary treatment to secure the MUGA and an acoustic fence to minimise any noise from the use of the facility. The boundary treatment is similar in appearance to others located at the Academy.

**Residential amenity** The proposal is not considered to have any greater residential amenity impacts than the current use of the site for sporting use. The introduction of

an acoustic barrier would further minimise the impact on surrounding residential properties, particularly those on Jobling Street to the north of the site.

A full report is attached below for Members consideration.

**Description**

The site is 0.2 ha and is a natural grass playing field at the East Manchester Academy, a co-educational secondary school. It is laid out for use as a football and rounders pitch but has not been in use for over five years due to drainage issues.



***Location of the grass pitch and relationship with Jobling Street***

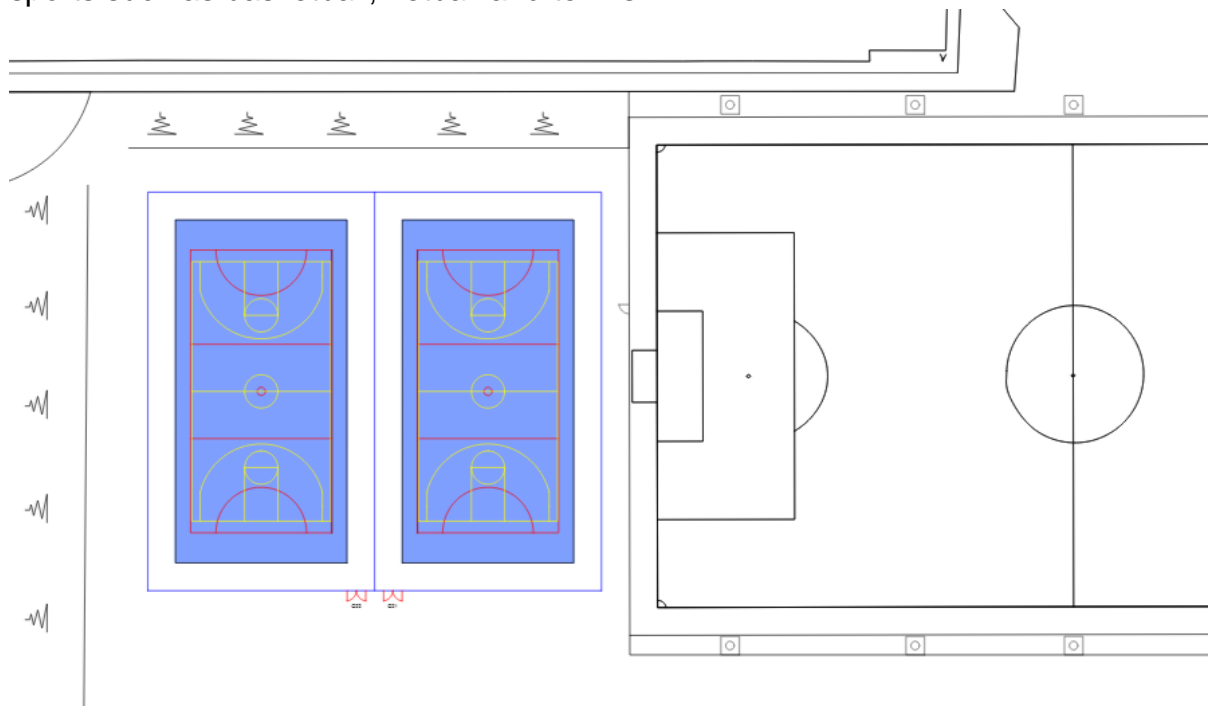
It is bounded by trees, a grass playing field and a Multi Use Games Area (MUGA). The trees are not protected. There is also a throwing cage to the northwest corner of the site. The surrounding area is mainly residential. Terraced housing is directly opposite on Jobling Street. To the west is a children's play area.

The site is in Flood Zone 1, where there is a low probability of flooding.

This is a highly sustainable area with access to bus and tram services on Ashton New Road. The Academy has 72 parking bays plus 10 for disabled people.

## The proposal

The application proposes the installation of a two court MUGA and boundary treatment. The surface would be tarmac and could be used for a variety of sports such as basketball, netball and tennis.



The MUGA would have a 5-metre-high green weldmesh fence and a 3-metre acoustic fence would be installed to the northern part of the site. The MUGA would not be lit during the hours of darkness. However, cabling would be installed as part of the scheme to enable lighting to be installed at a later date, subject to permission being granted subsequently.

The MUGA would be open during school hours (9am-5pm) during the week for use by the school and 9am-4pm on the weekend for community use. To facilitate the installation of the MUGA, the existing throwing cage would have to be relocated off site.

**Land Interest** The City Council has an interest in the site as landowner and Members are reminded that they must disregard this and exercise their duty as Local Planning Authority only.

## **Publicity**

A notice was displayed on site. Letters were sent to surrounding residential properties and businesses. No representations have been received.

## **Consultations**

**Highway Services** the development would not impinge on the highway and would not affect parking provision, vehicle operations or pedestrian access routes.

**Environmental Health** a Noise Management Plan, Construction Management Plan, full and final details of acoustic fence and restriction of hours of use should form conditions.

**Neighbourhood Services (Arboriculture)** the proposal does not affect trees which should be protected during the works.

**Flood Risk Management Team** an appropriate drainage scheme is required.

**United Utilities** an appropriate drainage scheme is required.

**Design for Security at Greater Manchester Police** no comments.

**The Coal Authority** the site is in a low-risk area and the standing advice applies.

**MCR Active** support the proposal on the basis that there is a community use agreement, that the final pitch design is agreed and the throwing vague is relocated.

**Sport England** object on the grounds of the loss of the grass playing field and the Policy Exceptions has not been satisfied which is contrary to the provision of paragraph 99 of the National Planning Policy Framework.

**Greater Manchester Ecology Unit** have no comments.

## **Policy**

### **The Development Plan**

The Development Plan consists of the Core Strategy (2012); and saved Unitary Development Plan policies (1995). The Core Strategy is the key document in the Local Development Framework and 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 and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

The relevant policies within the Core Strategy are as follows:

Strategic Spatial Objectives - The adopted Core Strategy contains Strategic Spatial Objectives that form the basis of its policies, as follows:

### **Manchester Core Strategy Development Plan Document (July 2012)**

The relevant policies within the Core Strategy are as follows:

**SO1. Spatial Principles** –The proposal would enhance recreational provision at the Academy for the benefit of the students and the local community. The Academy is in a highly sustainable area and serves the local community.

**Policy SP1 ‘Spatial Principles** – The proposal would enhance the recreational and sporting provision at the Academy which would have a positive impact on the health and wellbeing of the students and local community. The MUGA would enable a wide variety of sports to be played at the Academy. The boundary treatment would not detract from the visual amenity of the area and would reduce impact from noise.

**T2 (Accessible Areas of Opportunity and Need)** – This is a highly accessible location which is well served by the bus and tram networks. There is sufficient parking for the intended use.

**EN10 (Safeguarding Open Space, Sport and Recreation Facilities)** – The proposal would provide an equivalent or better sport facility which would mitigate the loss of the existing playing field.

**EN12 (Area priorities for Open Space, Sport and Recreation)** - The proposal would enhance the sport facility provision at East Manchester Academy and provide a new facility in an accessible location.

**EN14 (Flood Risk)** – The proposal would make use of integrated drainage system and an existing culvert to manage surface water run-off to mitigate flood risk.

**EN15 (Biodiversity and Geological Conservation)** – The proposal would have no adverse ecological impacts. There are no trees or other elements of biodiversity at the site.

**EN 17 (Water Quality)** – The drainage strategy would ensure surface water run off is carried off to an existing culvert, rather than into the ground. It has been demonstrated that the site is sufficiently removed from any groundwater bodies.

**Policy EN 18 (Contaminated Land and Ground Stability)** – The proposal would have a low-medium risk due to ground conditions.

**DM1 (Development Management)** – The design of the boundary treatment would be appropriate, and the materials reflect those in use elsewhere in the Academy. The siting and scale would not be overly dominant. Noise would be mitigated by an acoustic barrier and a noise management plan. The development would be

accessible and have sufficient parking. There are no ecological concerns. Appropriate drainage would be installed.

For the reasons given above, and within the main body of this report, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

### **The Unitary Development Plan for the City of Manchester (1995)**

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

**Saved Policy EM11 (Sportcity)** – The proposal would provide a new facility for community use, which is supported under part ii of this policy.

**Saved Policy DC26 (Development and Noise)** – The proposal would incorporate a noise barrier to control noise levels, as required by the DC26.5.

### **Other material policy considerations**

#### **Places for Everyone (2023)**

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022.

Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

**Policy JP-P7: Sport and Recreation** – The proposal would provide enhanced sports facilities which respond to an identified demand.

## **Manchester's Playing Pitch and Outdoor Sport Strategy (2022)**

The strategy identifies a city-wide shortfall of MUGAs and outdoor 3x3 basketball courts and recommends establishing new provision. The strategy goes on to state there is a need to protect or enhance the existing 3G pitch, cricket nets, rugby pitch and MUGA at the East Manchester Academy.

## **Manchester Green and Blue Infrastructure Strategy 2015**

The Manchester Green and Blue Infrastructure Strategy (G&BIS) sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

## **National Planning Policy Framework (September 2023)**

The revised NPPF re-issued in September 2023 states that the '*purpose of the planning system is to contribute to the achievement of sustainable development*'. The document clarifies that the '*objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*' (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

## **Section 8 (Promoting healthy and safe communities)**

**Paragraph 92 (c)** – *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

*(c) would enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

The proposal will create a community facility that would enable and support healthy lifestyles through exercise.

**Paragraph 93 (a)** – *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments*

The proposal would create a community facility accessible to the local community.

**Paragraph 98** – *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities;*

and;

*Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed*

The proposal is responding to an identified shortfall of 3x3 basketball courts in the *Manchester's Playing Pitch and Outdoor Sport Strategy (2022)*.

**Paragraph 99 (b)** – *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use*



The proposal would be built on a playing field that is not used due to poor ground conditions. The proposal would provide a flexible play area, usable year round, and would improve the current situation.

### **Planning Policy Guidance (PPG)**

The relevant sections of the PPG are as follows:

*Open space, sports and recreation facilities, public rights of way and local green space* states that open space should be taken into account in planning for new development and considering proposals that may affect existing open space. It is advised that Sport England are consulted where the loss of major sporting facilities is proposed.

*Noise* states that Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

*Design* states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

*Health and well being* states opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to

healthier food, high quality open spaces and opportunities for play, sport and recreation);

### **Other legislative requirements**

S149 (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.

### **Issues**

#### **Principle of the development and loss of the grass playfield**

The Academy has a 3G (artificial grass) pitch and three full grass football pitches, including the grass playfield subject to this application, which can facilitate rounders and a rugby pitch.

The Academy has identified a deficiency in hard surface play space. There is a city wide deficiency in outdoor basketball court provision, identified in the Manchester's Playing Pitch and Outdoor Sport Strategy. The current outdoor basketball court at the Academy is not fit for use as there is no internal fencing and is close to and could damage the Academy buildings. The Academy has been identified as a site to locate enhanced provision to support its curriculum and allow the community to use it.

The Academy is looking to increase the number of students to 1150 and there is a critical requirement to ensure sufficient play space is available to allow them to deliver the curriculum.

This grass pitch has been identified as the preferred location for a two court MUGA as it is not currently usable during autumn and winter due to poor drainage. Improving the drainage would cost between £127,482 and £278,988. The MUGA would cost £120,452.

Two full size grass playfields would be retained for football and rounders with the grass rugby pitch and cricket green. The MUGA would provide a secure and usable play space for outdoor netball and basketball plus other activities including structured play, supervised sporting activities, holiday club use and community use.

The Academy cannot offer community use of the grass playfield due to its condition. The MUGA could be used at evening and weekends, on both a subsidised and chargeable rate, specifically in relation to the netball and basketball which are currently limited in East Manchester. Up to 28 hours per month of all year-round community use would become available as result of this proposal.

The importance of promoting and conserving open space for access by local communities is outlined within policy SP1 'Spatial Principles' of the Core Strategy which states that '*the City's network of open spaces will provide all residents with access to recreation opportunities*'. This policy also outlines core development principles that all development in the City should adhere to. This includes making a positive contribution to health, safety and wellbeing of residents together with the protection and enhancement of the built and natural environment (consistent with paragraph 98 of the NPPF).

The proposal would result in the loss of a grass playfield. Where a development would result in the loss of a use which contributes to these spatial objectives, it is necessary to robustly consider whether development proposals are acceptable. The NPPF and the Core Strategy provide the circumstances that must be considered where the loss of a sporting facility is proposed.

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy EN10 of the Core Strategy is consistent with the assessment criteria within the NPPF and states that existing open spaces should not be built upon unless a specific criteria can be satisfied, namely that:

- Equivalent or better replacement open space, sport or recreation facilities will be provided in the local area;
- or
- The site has been demonstrated to be surplus for its current open space, sport or recreation function and the City wide standards are maintained, and
    - o it could not fulfil other unsatisfied open space, sport or recreation needs, and
    - o a proposed replacement will remedy a deficiency in another type of open space, sport or recreation facility in the local area;
- or
- The development will be ancillary to the open space, sport or recreation facility and complement use or character.

Policy EN12 of the Manchester Core Strategy states that development in East Manchester that would *enhance existing facilities and provide new spaces and facilities in accessible locations* will be supported. Manchester's Playing Pitch and Outdoor Sport Strategy has identified a specific need for enhanced hard surface provision in Manchester. The existing grass play field is not usable.

The installation of a hard surface MUGA would create an all year, weathers hard surface pitch and enhance and diversify the sporting offer at the Academy. The MUGA would be an improvement on the current grass pitch which is not usable.

MCR Active support the proposals.

Sport England have objected on the grounds that the proposal does not meet their Exceptions Test and paragraph 99 of the NPPF. They recognise that sporting provision is proposed but a football pitch and the athletics throwing facility would be lost. No alternative playing field would be provided to accord with Sport England's Playing Field Policy, and the MUGA would not outweigh the resulting harm.

The grass playfield that would be lost has not been for some time. There is unmet demand for hard surface play in Manchester, and the MUGA would enable the Academy to offer secure and safe outdoor netball and basketball which are in demand and are not currently catered for. The MUGA would offer an enhanced sporting facility in comparison to the poor quality grass playfield. This would accord with part (a) of EN10 and part (c) of paragraph 99 of the NPPF. Community use would be secured by planning condition along with the MUGA specification.

MCR Active have agreed to re-locate the throwing cage elsewhere in East Manchester ensuring there is no loss of athletics provision. The exact location would be agreed by planning condition.

Sport England have stated in the event that the Local Planning Authority is minded to approve this application contrary to their advice, the application should be referred to the Secretary of State in line with The Town and Country Planning (Consultation) (England) Direction 2021.

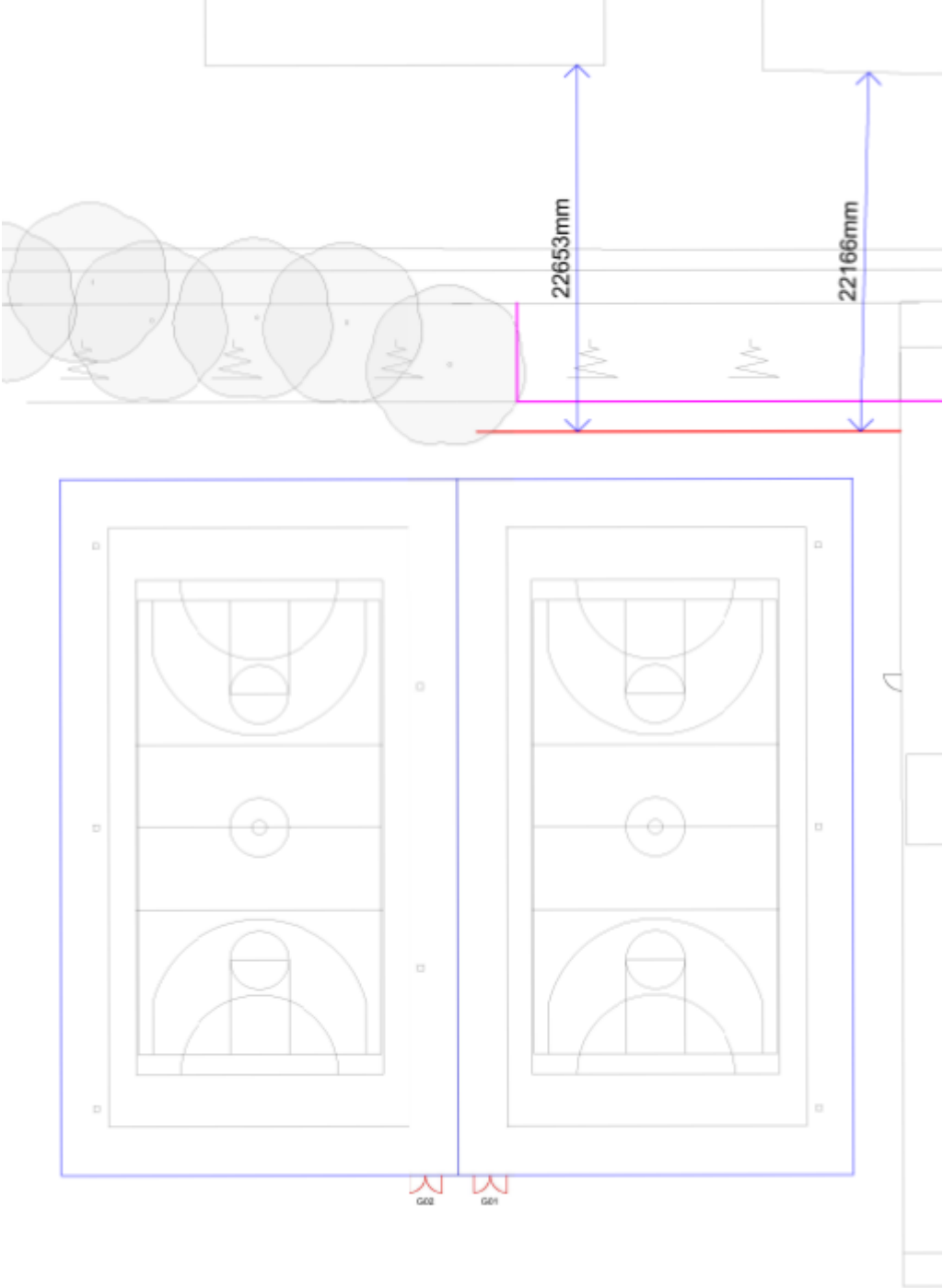
### **Residential amenity**

The proposal site is bounded to the north by Jobling Street, a residential street. These homes overlook the grass pitches and other sporting facilities at the Academy.

The MUGA would be in use during the opening hours of the Academy 09:00 to 17:00 and from 09:00 to 16:00 at weekends for community use. An acoustic report had identified that noise generated at the MUGA could be noticeable at nearby homes.

The activities during the Academy opening hours would be commensurate with the current grass playfield and the existing Saturday community use for football of the adjacent 3G pitch. The MUGA would be used on Sunday. The daytime opening hours, acoustic attenuation barrier and the noise management plan would ensure that the impact on residents would be minimised.

It is proposed to install a three-metre-high acoustic barrier between the existing boundary treatment and the MUGA to minimise the impact on these properties. Environmental Health concur that the acoustic fence would ensure that noise levels are not unduly harmful and have requested a noise management plan (NMP) be agreed through a condition. The NMP would require an assessment of the noise generated by the different types of activity that would take place on the MUGA, to ensure the MUGA is not employed for uses that would negatively impact the amenity of nearby occupiers.

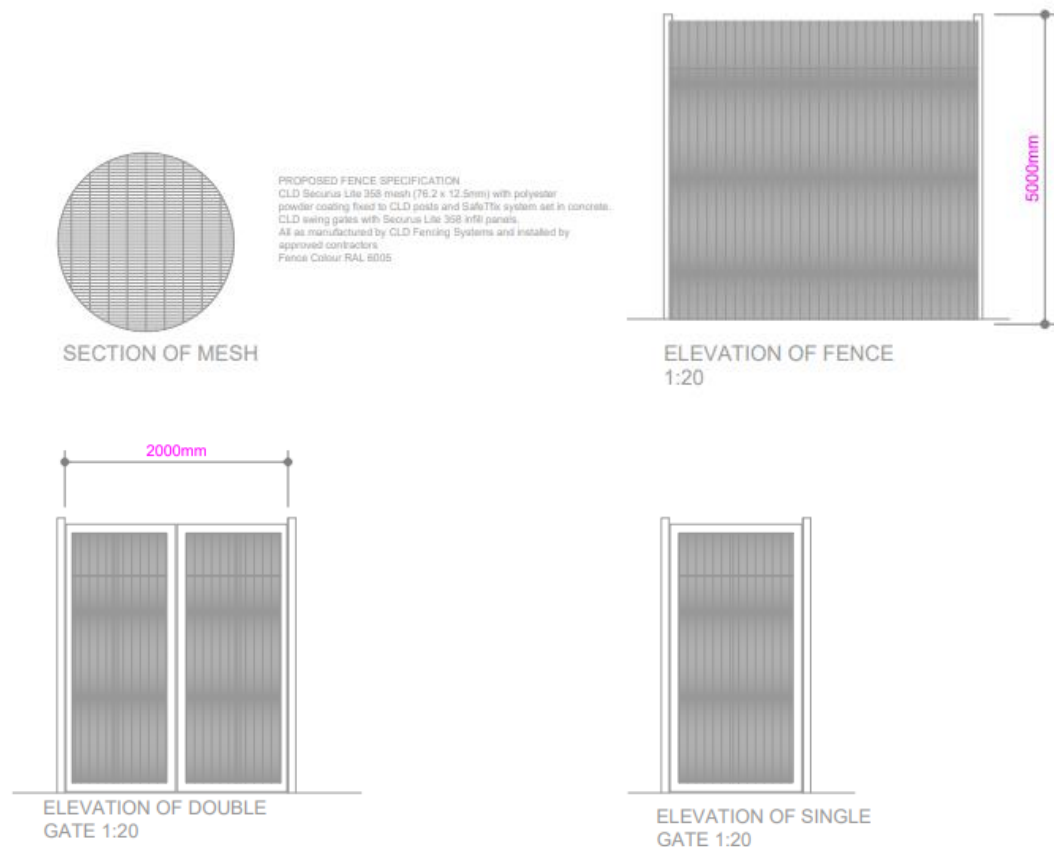


**Distance of the acoustic fence (in red) to the residential properties along Jobling Close**

## Visual Amenity

The acoustic barrier would be 3 metres in height and would be positioned approximately 22.5 metres from the terrace on Jobling Street. The distance to the properties, combined with the height, would ensure that the fence is not overly dominant and there would be no overbearing impact and it would not be incongruous.

The proposal also includes the installation of a 5m high weldmesh around the MUGA which will be powder coated dark green. The weldmesh is similar in appearance to other boundary treatment found at the Academy.



## Specification of the boundary treatment

### Impact on the local highway network

The development would not impact on the local highway network during both construction and when the development is in operation. The construction activities would be undertaken within the curtilage of the site and vehicular access would be through the existing access point. The existing 72 space car park (together with 10 disabled access spaces) would ensure there is sufficient car parking available when the development is available for community use.

### Accessibility

There is level access to the site which would be maintained as part of this development. The gates into the MUGA would be 2000mm in width.

### **Crime and safety**

The enhanced boundary treatment would ensure that the MUGA is safe and secure. Access to the MUGA would be from within the site. Design for Security at Greater Manchester Police have raised no concerns about the proposal.

### **Ground conditions**

A preliminary risk assessment identified a low to medium risk associated with the ground conditions. Environmental Health have raised no concerns regarding the ground conditions. The Coal Authority stated that the site falls within a low-risk area and so had no objection to the proposal.

### **Drainage**

The MUGA would have an enhanced drainage scheme using a culvert which drains the existing MUGA. Land drainage would beneath the playing surface would carry water to the culvert, which has sufficient capacity to accept the additional run off. The drainage strategy has been considered by the Flood Risk Management Team who require further details on the final scheme. This would be secured by planning condition in order to satisfy policy EN14.

### **Impact on Trees**

An arboricultural survey has identified that there are no trees within the development site. There are trees within the wider Academy site which should be protected during the works. This should be a condition.

### **Impact on Ecology**

Greater Manchester Ecology Unit do not believe that the loss of the grass play field, would cause ecological concerns.

### **Conclusion**

The proposal conforms to the development plan taken as a whole as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 and there are no material considerations which would indicate otherwise.

The application would provide a hard surface multi-use games area available for use by the pupils of the East Manchester Academy as well as the local community. Policy EN12 of the Manchester Core Strategy supports development that will enhance the provision of sports facilities in East Manchester.

The development would enhance an existing unused facility and transform it into viable space. Whilst this would result in the loss of a grass playfield, this is not used and is in a poor condition due to drainage.

It would address an identified need at the Academy and the community use would bring public health benefits to the wider community.

The MUGA would be an improvement of the existing sport's facilities and is consistent with the requirements of policy EN10 and paragraph 99 of the NPPF.

The development would not result in any unduly harmful impact on residential and visual amenity.

### **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 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 polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the 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**

**Minded to approve** subject to the referral to the Secretary of State in line with The Town and Country Planning (Consultation) (England) Direction 2021

#### **Article 35 Declaration**



Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning 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:

-Drawing - Proposed P04 LINE MARKING LAYOUT

-Drawing - Site Plan P03

received by the City Council, as Local Planning Authority, 10/01/2023

-Drawing - Proposed P08 PROPOSED SITE LAYOUT received by the City Council, as Local Planning Authority, 26/09/2023

-Drawing - Proposed P05 TYPICAL GATE ELEVATION AND FENCE PROFILE received by the City Council, as Local Planning Authority, 03/10/2023

-Flood Risk Assessment or Drainage P06 DRAINAGE PLAN received by the City Council, as Local Planning Authority, 25/05/2023

-Supporting Information COVERING LETTER

-Noise assessment or information RSA418/2023 THE EAST MANCHESTER ACADEMY PROPOSED MUGA NOISE -ASSESSMENT REPORT

-Tree survey or information TREE CONDITION REPORT WITH A RECOMMENDED SCHEDULE OF WORKS

received by the City Council, as Local Planning Authority, 25/05/2023

-Supporting Information SPORTING BENEFITS STATEMENT received by the City Council, as Local Planning Authority on 10/08/2023

-Correspondence ACOUSTICIAN NOTE received by the City Council, as Local Planning Authority, 26/09/2023

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) Prior to the commencement of development, a construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

-Measures to control noise and vibration;

- Dust suppression measures;
- Compound locations where relevant;
- Details of an emergency contact telephone number;
- A community consultation plan; and
- Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

4) Prior to commencement of any sporting activities a Noise Management Plan (NMP) shall be submitted to and approved in writing by the City Council as local planning authority. The NMP shall include an assessment of noise from all activities associated with the use and shall not give rise to any significant adverse impacts on the occupants of nearby residential properties.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 of the MCS.

5) Prior to the first use of the MUGA hereby approved, full design and materials specifications for the three metre high acoustic barrier, shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be completed in strict accordance with the approved design, shall be fully installed prior to the first occupation of the dwellings and shall be retained in situ for as long as the MUGA is being used.

Reason - In order to protect the future occupants of the residential accommodation from existing noise sources in the vicinity of the application site pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

6) No activity on the MUGA shall be permitted outside the hours of:

Monday to Friday 09:00 to 17:00  
Saturday/Sunday 09:00 to 16:00 (daylight permitting)

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

7) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work" and BS5837 "Trees in relation to design, demolition and construction".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

8) Prior to first use of the Multi Use Games Area a community use agreement, prepared in consultation with Manchester Active and Sport England shall be submitted for approval in writing by the City Council, as Local Planning Authority. The agreement shall apply to the Multi Use Games Area and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The agreement shall be implemented upon the first use of the development and remain in place for as long as the development remains in use.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policies EN10, EN11 and EN12 of the Manchester Core Strategy.

9) Prior to the commencement of the development, a scheme for the relocation of the throwing cage shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme must set out the location and arrangements for access. The scheme must include a timetable for the relocation of the Throws Cage. The approved scheme shall be implemented in line with the timescale agreed

Reason: To ensure the development is fit for purpose and sustainable and to accord with policies DM1, EN10, EN11 and EN12 of the Manchester Core Strategy.

10) Notwithstanding the details contained in the approved drawings (Drawing - Proposed P04 LINE MARKING LAYOUT; Drawing - Site Plan P03 received by the City Council, as Local Planning Authority, 10/01/2023; Drawing - Proposed P08 PROPOSED SITE LAYOUT received by the City Council, as Local Planning Authority, 26/09/2023; Drawing - Proposed P05 TYPICAL GATE ELEVATION AND FENCE PROFILE received by the City Council, as Local Planning Authority, 03/10/2023; Flood Risk Assessment or Drainage P06 DRAINAGE PLAN received by the City Council, as Local Planning Authority, 25/05/2023), prior to the commencement of the development, details of the design and layout of the Multi Use Games Area shall be submitted for approval in writing by the City Council, as Local Planning Authority. The details shall include scale plans with dimensions and cross sections of the materials and depths of each sub layer along with details of the cabling and ducting routes. The Multi Use Games Area shall be constructed in accordance with the approved details.

Reason: To protect the MUGA from damage, loss or availability of use during the construction of the development and to accord with policy DM1 of the Manchester Core Strategy.

11) Notwithstanding the details in the approved drawing (Flood Risk Assessment or Drainage P06 DRAINAGE PLAN received by the City Council, as Local Planning Authority, 25/05/2023) Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site, based on sustainable drainage principles shall be submitted to and approved in writing by the City Council, as local planning authority. The development shall be constructed and completed in accordance with the approved details.

The scheme shall include:

-Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes is required.

-Surface water drainage layout including all components, levels, connectivity and proposed overland flow routes for extreme events.

-Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates. An email of acceptance of proposed flows and/or new connection will suffice.

-Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority. Consent applications can be arranged by contacting the Lead Local Flood Authority.

-For sites where proposed development would cause pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.

-Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

-Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building;

-Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment. Provide at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area.

-Hydraulic calculations to support the drainage proposal.

-Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

12) Notwithstanding the details contained in the approved drawings (Drawing - Proposed P08 PROPOSED SITE LAYOUT received by the City Council, as Local Planning Authority, 26/09/2023; Drawing - Proposed P05 TYPICAL GATE ELEVATION AND FENCE PROFILE received by the City Council, as Local Planning Authority, 03/10/2023), prior to the commencement of the development hereby approved, full and final details of the siting, scale and appearance of the boundary treatment shall be submitted to and approved in writing by the City Council, as local planning authority. The approved details shall be implemented as part of the development and be in place prior to the first occupation of the development.

The boundary treatments for each phase of development shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and

Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

### **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: 135932/FO/2023 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  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management  
Greater Manchester Police  
The Coal Authority  
Greater Manchester Ecology Unit  
MCR Active  
United Utilities Water PLC  
Sport England**

**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:**

Highway Services  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management  
Greater Manchester Police  
The Coal Authority  
MCR Active  
United Utilities Water PLC

**Relevant Contact Officer :** Max Gibson  
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**Email :** maximillian.gibson@manchester.gov.uk

