

## REPORT FOR RESOLUTION

**Committee**            **PLANNING AND HIGHWAYS**

**Date**                    **14<sup>th</sup> January 2010**

**Subject**                091081/FO/2009/S1

Erection of extension and remodelling of existing pavilion including a new roof to form dressing rooms and ancillary accommodation together with the creation of 1 x grass football pitch and 1 artificial football pitch with associated floodlighting, landscaping boundary treatment and alterations to public footpath

**Location**            Hardy Farm Sportsground, 105 Hardy Lane, Chorlton, Manchester, M21 8DP,

**Applicant**            West Didsbury And Chorlton AFC,

**Agent**                 John Brooks, GVA Grimley Ltd, 81 Fountain Street, Manchester, M2 2EE

**Report of**            HEAD OF PLANNING

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### **Purpose of report**

To describe the above application for planning permission, the issues involved and to put forward recommendations.

### **Recommendation**

The Head of Planning recommends that the Committee **be MINDED TO APPROVE** planning application **091081/FO/2009/S1** relating to Erection of extension and remodelling of existing pavilion including a new roof to form dressing rooms and ancillary accommodation together with the creation of 1 x grass football pitch and 1 artificial football pitch with associated floodlighting, landscaping boundary treatment and alterations to public footpath for the reasons and conditions set out in this report and:

1) Subject to the signing of an agreement under S106 of the Town and Country Planning Act (As amended) relating to the community use of the development.

### **Financial Consequences for the Revenue Budget**

There are no financial consequences for the Revenue Budget

### **Financial Consequences for the Capital Budget**

There are no financial consequences for the Capital Budget

### **Contact Officer(s)**

Roger Hall	0161 234 4536  r.hall@manchester.gov.uk
Dave Morris	01612344539 d.morris@manchester.gov.uk

### **Background Documents**

Planning Application 091081/FO/2009/S1  
Planning Policy Statements PPS1, PPS7, PPS9, PPS23, PPS25  
Planning Policy Guidance Notes PPG2, PPG17  
Circular 6/2005  
EU Habitats Directive 1992  
Regional Spatial Strategy policies DP4, DP7, RT9, EM3  
Unitary Development Plan policies H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22, DC26  
South Manchester Strategic Regeneration Framework policies DPN7, SC7, SC9

### **Responses of:**

Sport England  
The Environment Agency  
The Greater Manchester Ecology Unit  
Highway Services (Lighting)  
Highway Services  
Manchester leisure  
Regulatory and Enforcement Services  
Regulatory and Enforcement Services (Contaminated Land)  
Landscape Practice  
Chief Executives Department Regeneration South Team  
Natural England  
Mersey Valley Wardens Service  
Council for the Protection of Rural England  
The Lancashire Wildlife Trust  
The Open Spaces Society  
Greater Manchester Passenger Transport Executive  
Design for Security (Greater Manchester Police)  
Operational Services

### **Third Party Consultations:**

Approximately 750 letters were sent out to residents in the area bounded generally by the footpath to the north of Brookburn Road Primary School, Brookburn Road South Drive, Cundiff Road, Dagnall Avenue, Hardy Lane, Darley Avenue, Thornycroft Avenue and the Mersey Valley. A plan is attached showing the extent of the area to which neighbour notification letters were sent.

All of the residents within the notification area and those outside of it who made representations by 23<sup>rd</sup> October 2009 were notified of amendments to the scheme on that date.

### **Wards affected**

Chorlton Park Ward

### **Implications for:**

Anti-poverty No	Equal Opportunities No	Environment Yes	Employment No
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### **1. Description**

- 1.1 At their meeting of 17<sup>th</sup> December 2009 members resolved to defer consideration of this application for a site visit.
- 1.2 This application relates to a site of approximately 0.4 hectares, which forms part of the former Manchester University Playing Fields at Hardy Farm, Hardy Lane, Chorlton. The site is located within the Mersey Valley which is part of the Greater Manchester Green Belt. Part of the site also encroaches into a Grade B, Site of Biological Importance. Currently the site comprises a part single, part two-storey building that previously served as changing and social facilities. It is now used as a common room by students living in the Hardy Farm, Hall of Residence across Hardy Lane. Attached to the building is a large car park. The car park and building area is enclosed by a mix of hedges, wooden palisade, metal palisade and chain link fencing between 1.5 and 2 metres in height. To the west of the club house are the football pitches which have not been used for some time and are in need of levelling and maintenance. Only part of the area covered by these pitches forms part of the application site. A public footpath crosses the site linking Hardy Lane to Jacksons Bridge. Within the site are two concrete bases, which are all that remains of two floodlighting columns granted planning permission in 1985.
- 1.3 The site is surrounded by Green Belt land on three sides and the Site of Biological Interest on two sides. The line of the airport Metrolink extension runs along the eastern boundary of the site. To the north of the site are residential properties within the Chorlton Park and Chorlton Wards of the City. Within this area lies the ChorltonVille Conservation Area.
- 1.4 The University have been marketing the site for some time and earlier this year it was purchased by West Didsbury and Chorlton Football Club. Planning permission is now being sought to carry out improvements to the clubhouse, including the construction of a new entrance located centrally on the building, and containing a lift to improve access to the first floor and the replacement of the existing flat roof with a contemporary styled pitched roof. To the front of the clubhouse would be a show pitch. To improve drainage a new sub base would be provided, but there would be no overall increase in the ground level. The pitch would be enclosed by a coloured, 3 metre high welded mesh type

- fence. It was originally proposed to cover the fence with a Willow roll to prevent non-paying spectators from watching the matches. This has now been deleted from the scheme. Within the pitch compound would be 6 x 15 metre high flood lighting columns. There would be a rail around the pitch to keep spectators off and a one or 1.5 metre wide paved strip for them to stand on.
- 1.5 In addition there would be in total five grass pitches on land outside of the application site, three full sized pitches one of which is the clubs existing pitch on Brookburn Road. The other pitches would be junior sized.
  - 1.6 Within the application site a full size all weather pitch would be provided to the north of the existing footpath. Whilst this again involves engineering operations there will be no increase in the level of the land. The all weather pitch will be enclosed by a 3 metre high fence along the sides and 5 metre high fences at either end to the same design as that around the show pitch. Following revisions to the plans, the 'all weather' pitch has been repositioned so that it no longer encroaches into the SBI.
  - 1.7 As part of the scheme it would be necessary to divert the footpath from Hardy Lane to Jacksons Bridge. The existing route crosses the open land to the north of the clubhouse. The new route would take it around the back of the clubhouse, through the SBI, to pick up the existing line at the southwest corner of the all weather pitch. Where the diverted footpath passes the car park it would be illuminated by the existing lighting columns. Five trees in poor condition would be lost to the development. A comprehensive scheme is provided for the reinforcement of the existing landscaping, including the planting of new trees and hedgerows.
  - 1.8 The applicant has indicated that the floodlights to the show pitch will be required until 10.00pm Monday to Friday and 6.00pm on Saturdays. The floodlights to the all weather pitch would be required until 10.00pm Monday to Friday, 9.00pm on Saturday and 8.00pm on Sunday. The applicants have indicated that they would require unrestricted use of the clubhouse, which is unchanged from the current position. The applicant has indicated that FA rules would preclude the floodlights to both pitches being on at the same time.
  - 1.9 The existing grass pitches outside of the application site will be laser levelled and marked out. These will not be fenced off or floodlit. Works to these pitches will be restricted to small-scale cutting and filling to level out the ground, which has been subject to differential settlement. These works are not deemed to be development requiring planning permission.
  - 1.10 The existing car park for 70 vehicles will be retained. The car park will be separated from the new line of the footpath by a fence. Adjacent to the footpath is an area that could be used for overspill parking for the club and by people wishing to use the valley.
  - 1.11 The applicant has an existing pitch and clubhouse within the Chorltonville Conservation Area and adjoining the Hardy Farm Playing fields and this would be incorporated into the development.

- 1.12 The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations As Amended sets down the criteria to be considered in determining whether an Environmental Impact Assessment is required. In this instance the development does not meet the criteria set down in schedule 2 of the regulations.

## 2. Consultations

- 2.1 Local Residents – 9389 responses were received objecting to the proposed development together with a 3,000 name petition. 189 letters and a 53 name petition from Oswald Road Junior football team have been received in support of the application. Following amendments to the scheme and the submission of additional material residents were re-notified and a further 298 responses were received objecting to the proposal. One objector has advised that an application to register part of the application site, and additional land, as a town or village green (s.15 Commons Act 2006) is in an advanced state of preparation; the intention is to submit this before 17th December.
- 2.2 Destruction of Ecology/ Wildlife, Plants and trees – Of the objections received 852 were concerned that the proposed development will destroy the ecology of the area. The ecology of the area consists of various types of animals, insects, plants and trees. According to some objectors, the area is home to nearly 600 species of moth as well as foxes, badgers, shrews, voles, wood mice, hedgehogs, pheasants, birds of prey, frogs, toads and bats. The objectors state that this area is a nature reserve and that wild orchids can be found on the site. The site area also contains an area of significant biodiversity.
- 2.3 In respect of the destruction of Ecology/wildlife objectors quote ‘Green Belt Policy’ in particular, “Facilities should be essential and unobtrusive and preserve the openness of the land”. Objection letters also referred to Manchester’s Unitary Development Plan’ policies CB1, CB3, CB15, CB 16, CB 17 CB 20, CB 23, CB 25, CB 26 CB 40, CB 44, CB 45. Several objectors referred to the ‘Manchester Tree Strategy and one objector referred to British Standard 5837: ‘Trees in relation to Construction’. One objector referred to the Manchester Strategic Regeneration Framework (SRF) in relation to its aim to protect the Mersey Valley from development.
- 2.4 Light Pollution - 801 of the respondents objected on the grounds that the proposed development will result in increased levels of ‘Light Pollution’. A large number of objectors state that the proposed twelve, 49 ft high floodlights would cause some local wildlife to flee their natural habitat. Objectors also felt that this would affect the amenity of the residential properties around the proposed development. A large number of the objectors state that the floodlights are out of character for an area that is protected by ‘Green Belt Policy’.
- 2.5 Regarding light pollution a large number of objection letters quote ‘Green Belt Policy’ when they state, “Facilities should be essential and unobtrusive and preserve the openness of the land”.

- 2.6 Need to Protect Green Belt/open spaces - There were 714 objections raised on the grounds of 'Need to Protect Green Belt/Space'. A large number of objectors state the need to protect areas of natural beauty in Manchester. Objectors stated that this is one of the last 'Green Belt' areas within the inner suburban ring of South Manchester that has not been developed.
- 2.7 On the need to protect the green belt/open spaces a large number of objection letters quote 'Green Belt Policy' when they state, "Facilities should be essential and unobtrusive and preserve the openness of the land". In addition PPG2 was also referred to.
- 2.8 Noise Pollution - 712 of the objectors expressed concern that the proposed development will result in increased levels of 'Noise Pollution'. A large number of objectors have raised the issue of construction noise presenting a problem for neighbouring dwellings. A large number of objectors also state that football is not a quiet sport and that 'match day' noise would result in irreparable harm to the character and amenity of the area.
- 2.9 On noise pollution a large number of objection letters quote 'Green Belt Policy' when they state, "Facilities should be essential and unobtrusive and preserve the openness of the land". In addition reference is made to UDP policies CB 20 and CB 40.
- 2.10 Re-Routing of Public Right of Way (Public Footpath) – This was raised as an issue by 709 objectors in their letters. A large number of the objectors state that the re-routing of the public footpath would increase the risk of crime in the area, as the location of the proposed new footpath does not have clear visibility. Some objectors are concerned that the re routed footpath will run between the rear of the clubhouse and future metro link line located which will make it less attractive than the current route with its open views.
- 2.11 In respect of the realignment of the public right of way a large number of objection letters quote 'Green Belt Policy' when they state, "Facilities should be essential and unobtrusive and preserve the openness of the land". In addition reference is made to UDP policies CB 24 and CB 45.
- 2.12 Need to Protect Open Spaces. (Loss of Amenity) - 649 of the objectors referred to the 'Need to Protect Open Spaces'. A large number of objectors state that people use this area for recreation. Such recreational uses are listed as walking, dog walking and jogging. Children also play in this area. Objectors state that that this development of football pitches only provides for the needs of a small proportion of the community and would destroy the open space. Objectors state that the planned planting of hedges will also detract from the openness of this space.
- 2.13 In protecting open spaces objectors referred to UDP policies CB 3, CB 15, CB 23, CB 24 and CB 45 and PPG17 Open Space, Sport and Recreation.
- 2.14 Main Pitch Fencing / Astro Turf Pitch Fencing - In 626 letters objectors expressed a dislike of the proposed fencing around the 'main football pitch' as

- well as fencing around the 'all weather astro turf pitch'. A large number of objectors state that both sets of fencing are out of keeping with openness of the area. A large number of objectors also state that such proposals are inappropriate in a 'Green Belt'.
- 2.15 On the subject of fencing a large number of objection letters quote 'Green Belt Policy' when they state, "Facilities should be essential and unobtrusive and preserve the openness of the land".
- 2.16 Impact on Local Infrastructure (Increased Traffic to area.) – Of the letters received 589 objections were raised on the grounds of the 'Impact on Local Infrastructure'. A large number of objectors state that the numbers of people travelling to the area will increase significantly, particularly on match days. Some objectors state that Brookburn Road in particular is on a private residential estate where there are lots of families with young children. Any increase in traffic should be taken seriously in terms of the dangers posed. A large number of objectors also state that the extra traffic will cause traffic fumes and noise pollution in an area where people currently visit to escape such problems.
- 2.17 Increased Parking Problems - 563 of the objectors raised were concerned that the proposed development will result in increased 'Parking Problems'. A large number of objectors state that parking will inevitably encroach into a wider area beyond the development site moving out in to adjacent streets. A large number of objectors state that the proposed 60 parking spaces will not be sufficient for the scale of the development, and in particular on match days when the proposed facilities are in full use and the numbers of people there swelled by spectators.
- 2.18 Existing South Manchester/ Chorlton Area Football Pitches - There were 239 of the objectors felt that South Manchester and the Chorlton area in particular already has sufficient football pitches available for use or available for upgrading, many of which are un-used. The examples of such facilities provided by objectors were 'Hough End' playing fields, 'Hardy Lane', 'Jackson's Boat' and 'Turn Moss'.
- 2.19 In respect of the oversupply of pitches in south Manchester objectors have referred to UDP policies CB 16 and CB 44.
- 2.20 Landfill Gas Exposure -128 of the objectors expressed concern about landfill gas and exposure to it. A number of objectors state there has been inadequate risk assessments performed in relation to possible hazards escaping into the atmosphere from the sites previous use as a landfill site. Some objectors state that the 'Solmek' report found there to be no 'asbestos' content in the soil, which they believe was tipped on the site during the construction of the M60. Some objectors are concerned that the report was produced in May, one of the driest months of 2009 thus far, and therefore is not very representative of the area's soil quality year round. A number of

- objectors fear that this development will unearth 'Asbestos dust' and may cause harm to local residents and their families.
- 2.21 In respect of contamination objectors referred to Health and Safety Executive Publication: "Protection of Workers and the General public During the Development of Contaminated Land". Objectors went on to state Personal Protective Equipment should be worn in accordance with HSE guidance and safeguards should be taken to limit dust during the ground works. Public access should be limited during development.
- 2.22 Litter Pollution - There were 25 references to expressing concern that the development will result in increased levels of littering in the area particularly on match days.
- 2.23 Proposed Metro Link Extension – 22 of the objectors were concerned that the proposed 'Metro Link' extension on Hardy Lane will run in close proximity to the proposed development site. A small number of objectors have stated that this development will result in over development of the area when the Metro Link extension is completed. Both developments will have a deleterious effect on the current open space.
- 2.24 Invasion of Privacy - 15 of the objectors expressed concern that the proposed development will result in an invasion of privacy of local residents. Some felt that the proposed floodlights will have an adverse affect on nearby residential dwellings and will intrude on their privacy.
- 2.25 Environmental Impact Assessment - 3 of the objectors felt that an Environmental Impact Assessment should have been produced in respect of the proposed development. Objectors felt that the green belt warrants more than just an 'Ecology Survey' and a 'Bat Survey' and that a full Environmental Impact Assessment' must be performed.
- 2.26 Mersey Valley Flood Plain - 12 of the objectors were concerned that the proposed development site area falls within the Mersey Valley Flood Plain. Objectors are concerned that drainage problems may arise as the development raises the level of land.
- 2.27 Further Public Consultation – Seven of the writers felt that there will be a need for further public consultation in relation to the diversion of the public right of way (footpath). Some objectors state that a second formal application will be required separately for the diversion of the public right of way. Objectors state that this will then require further public consultation.
- 2.28 Some objectors referred to the Town & Country Planning Act in relation to the diversion of a public right of way and the need to re-consult.
- 2.29 There have been two petitions of objection received in relation to this application. There were over 2000 signatures received in the first part at the end of September 2009. The second part of the petition was received at the beginning of November and contained a further 1,075 signatures.



- 2.30 In addition it has been brought to the attention of the Planning Service that there is 6,080 name petition opposing the proposed development on Facebook.
- 2.31 Comments in support of the proposed development. Supporters state that the proposed development will benefit the whole community. That the development will provide good facilities are being provided for children and adult members of the community and that all pitches are on land, which was previously laid out as pitches.
- Public access will be maintained and enhanced.
  - The number of pitches has been reduced.
  - The modern floodlights will focus the light and will not cause light pollution.
  - The wildlife habitats and surrounding sites of biological importance are all protected.
  - See-through fencing will enclose two Pitches.
- 2.32 Following the re-notification of the original residents and people who had made representations a further 289 letters of objection were received. Non of the respondents felt that the amendments had in any way addressed their concerns and two new issues were raised.
- 2.33 One writer expressed concern that the proposed development would be contrary to Article 8, the right to respect for private and family life of the Human Rights Act.
- 2.34 One respondent also referred to the presence within the site of permanent and occasional ponds and is concerned that the development will result in the loss of these and the amphibians that reside in them.
- 2.35 The following queries have been made in respect of the report of the Head of Planning to the meeting of 17 December 2009

1) The report states, "The lighting, fencing and all weather pitch associated with proposed recreational facilities are all considered to be essential facilities and are therefore not considered to be inappropriate development within the Green Belt."

On exactly what basis are these items deemed to be 'essential'? And does that mean that anything deemed to be 'essential' is ok?

2) The report adds, "The permission that was refused in 1990 sought to level the playing fields by the importing and tipping of inert material, which is in itself contrary to Green Belt policies, and the tipping would also have had a significant impact on the profile of the river valley which is also unacceptable. This current application gives rise to neither of these."

The applicant admitted in front of a group of residents on the meadows that he would be bringing in hardcore to level the area.

3) "There also appears to be an underlying misapprehension that the proposal relates to the provision of seven football pitches not two. As already noted only two enhanced pitches are subject to the need for planning permission."

The other 5 pitches are PART OF THE FACILITY and therefore contribute to many of the issues raised. To ignore them is simply not accounting for the full impact of the proposals. Objectors wish that the attached plan, which was obtained from the Land Registry, is drawn to the Committee's attention. The plan shows the all weather pitch in its current position, on a drawing dated March 2009. The objectors state that this is a clear indication that the developer never sought to place the all weather pitch in the SBI. This was merely a ruse to appear to be making concessions. Indeed in the documentation from the Land registry, the adjacent SBI is actually designated as a site compound during construction of the Metrolink".

### **Chorlton Park Ward Members**

2.36 Councillor Norman Lewis has written on behalf of the Ward Members for Chorlton Park and Chorlton requesting that the application is deferred for a site visit.

2.37 He objects in the strongest possible terms to the proposed development, and sees nothing in the amended plans to alter his opinion.

- There is no need for the development as there are plenty of other pitches in the area including 4 all weather pitches within a two mile radius.

-Whilst supporting football as a means of healthy exercise and personal development this should not be at the expense of the Green Belt.

-Football will destroy the peace and tranquillity of the Green Belt.

- It is wrong for the developer to say that the proposals will not change anything. This is a natural landscape, which will be destroyed by grass and artificial pitches.

-The proposal will result in a loss of visual amenity, noise pollution, light pollution, a loss of natural habitat, a loss of landscape, the re routing of a right of way, increased traffic and increased parking problems.

-To grant planning permission would be a travesty of justice.

2.38 Councillor Bernie Ryan – Objects to the proposed development on the following grounds.

- The proposed development will result in noise and light pollution, the loss of landscape and decimation of wildlife fauna and flora together with the loss of Green Belt and open space.

- PPG2 emphasises the need for openness, visual amenity and conservation to be of primary concern in deciding proposals in the green belt.
- PPG2 says that Green Belts are to provide access to open countryside for urban populations. To retain attractive landscapes near to where people live.
- PPG2 says that Green Belts are to prevent urban sprawl by keeping land permanently open. The introduction of an artificial pitch, floodlighting and fencing would contradict this objective.
- Hardy Farm should stay the way it is. Previous planning decisions were bad and should not be repeated.

2.39 Councillor Tony Bethell – has made the following comments

-He would like to add his own objection to the above planning application since he feels that the application would bring about a loss of a "natural" amenity to the larger community and local residents. There are a number of sites that are currently under used within the ward which offer similar facilities (one of which is less than 200 metres away on Hardy Lane) and therefore he feels that this application will only benefit the developer and not the community as a whole. He also thinks that this application will cause unnecessary destruction to the bio-diversity and ecology of the area which as been allowed to lay fallow for the last twenty years by the site's former owners and is now rich in plant and wildlife.

### **Chorlton Ward Members**

2.40 Councillor Sheila Newman – Has received over 50 e-mail objections to the proposed development and objects to it for the following reasons:

- The proposed pitches are near to residential properties and residents will suffer a loss of amenity from noise and light pollution. The pitches, fencing and lighting will also have a negative impact on the Green Belt.
- The area is well used for informal recreation and the re routed footpath would be less pleasant and walkers would be unable to enjoy the view.
- Many residents and walkers are concerned about the impact the development will have on the flora and fauna of the Mersey Valley and urge a full environmental impact study be undertaken.
- Many residents are concerned that the levelling process will disturb the tipped material below the site and release hydrocarbons and contaminants from the subsoil, which could prove harmful to local residents and future users of the site.

2.41 In respect of the revised plans Councillor Newman has made the following comments:

2.42 She remains of the view that the development is inappropriate and unsuitable for the site. In particular, the size, scale and impact - through light and noise pollution, fencing, and traffic - of the All Weather Pitch and the Spectator pitch would be detrimental to neighbours and to the surrounding green space. The proposed changes to the public footpath is also a cause for concern as it would damage the enjoyment of this much-loved green space.

2.43 In particular reference to the amendments to the plans recently submitted she has a number of concerns that have not satisfactorily been addressed

-The hours of use of the All Weather Pitch (AWP). In discussions with the Club they stated the hours of use would be all day during the week up to 10pm, and at weekends up to 5pm. She is strongly of the view that 10pm is too late in this quiet residential area. Moreover, it appears from the plans submitted that the Club is also asking for permission for use until 10pm at the weekends, contrary to assurances members were given. This would have a hugely damaging impact on noise, traffic, floodlighting and in general to the near neighbours and users of the Meadows.

-The moving of the AWP further from pavilion. This revision would lessen the environmental impact of the plans as it reduces the impact on the site of biological interest and fewer trees would need to be felled. However, the main concerns about the AWP remain - the hours of use, the noise and light pollution, and the traffic and disturbance impact.

-The impact of the Spectator pitch. Another of our principle concerns is with the scale and impact of the Spectator pitch. The revised proposals do not address these concerns in any way. Firstly, the fencing around this pitch which would be especially close to residents on Redland Crescent. The Club states that this would now be see-through fencing. However, the plans themselves still state that this pitch will be surrounded by "willow fencing". Secondly, the seating around the pitch is completely inappropriate for this site. It would create a major built-up aspect to what is currently a green space. Finally, the enclosure of this pitch would dramatically impact on the public pathway and current use and appreciation of this green belt land.

2.44 Finally Councillor Newman still has major concerns around possible contamination from the disruption of the former landfill. They still await sight of the contamination report and remain concerned that the erection of floodlights and other aspects would disturb the former tip. She is strongly of the view that proper consideration of these proposals cannot be given until this issue is properly addressed and put into the public domain.

2.45 Councillor Val Stevens – Has objected to the proposed development. After reassessing the plans and hearing the views of residents, she is primarily concerned with the size, scale and impact of the development and the realignment of the public footpath.

-Specifically she has concerns about the hours of use of the all weather pitch and considers 10pm too late.

-The all weather pitch in its new location still has a detrimental impact in relation to noise and light and traffic.

-The spectator pitch intrudes in an unacceptable way creating a built up arena and is inappropriate on the site.

-The issues of contamination have not been addressed and she asks that the report, when available, should be publicly available and proper consideration cannot be given to this proposal until this has been addressed.

2.46 Councillor Paul Ankers – Is a keen supporter for sport and youth provision to grow in Chorlton and South Manchester. However, he feels that there are a number of fundamental problems with the proposal, which does not ultimately benefit the people of Chorlton as a whole or users of the Mersey Valley. Councillor Ankers is a substitute member and former full member of the Mersey Valley Joint Committee.

- There are a number of under subscribed football pitches in close proximity to the site including Turn Moss, Hough End and Fletcher Moss as well as numerous smaller sites. There are also existing, all weather pitches in the area and some pitches that have gone fallow including Ryebank Road. There are also pitches for sale eg Brantingham Road.

- The Communities and Neighbourhood Overview and Scrutiny Committee discussed the importance of natural and semi natural open space of which there is a creditable 1.92 ha per 1,000 people. This would be reduced to provide outdoor sports facilities, but not one open to all.

- He is concerned about the impact of the floodlighting on residential amenity and biodiversity. There have been problems with floodlights in other parts of Chorlton including Lloyds Hotel and Brookburn School. The intensive use of the all weather pitch caused by hiring it out and using it until 10.00pm will exacerbate the problems of light pollution.

-Whilst Councillor Ankers and his children have been known to test the acoustic qualities of the valley and this has caused no problems for residents, this is unlikely to be the case with large numbers of footballers and their supporters in full voice.

- The diverted footpath will be situated in a narrow and therefore unsafe corridor between Metrolink and the clubhouse. Good and safe access is a key criteria for achieving Green Flag Status.

- Councillor Ankers asks that the legality of moving the footpath is reviewed. It is his understanding that a right of way can only be re-routed if it is of benefit to the users. In this case the benefit is entirely with the developer.

- It is unacceptable for the all weather pitch to encroach into the SBI.

- The ground survey identifies contaminant that pose a significant risk to users of the site and he is concerned that these will be disturbed by the proposed works. Also the prevailing winds could carry and released contaminants to the nearby residential properties.

- It should be the intention to make full use of existing sporting facilities. This proposal is displacing a positive public use of the site for a private use of the site that cannot in Councillor Ankers mind establish a need.

## Members of Parliament

2.47 John Leech MP has made the following comments in respect of the proposed development

-Whilst understanding why the developers are describing this as “Restoration of Playing Fields”, it is much more than that, and is the introduction of a 7 day a week football operation, with late night use of all weather facilities to generate money.

-The all weather 3<sup>rd</sup> generation pitch will change the nature of the area. While the area has been previously used for sport, the intensive nature of day and night use will adversely affect the area with regards to noise and disturbance for local residents and wildlife. The area has never previously been used so intensively in this way. The proposed evening use with floodlights will change the nature of the meadows, with light pollution and noise from the pitches.

-Evidence from other areas where floodlit all-weather pitches have been introduced suggests that there is significant disturbance to local residents in nearby streets, particularly at Whalley Range High School and Loreto High School. At Loreto a condition on the use of floodlights was imposed to restrict the use of floodlights until 9pm. This has failed to avoid late night disturbance for local people. There are also regular complaints from residents in houses along Mauldeth Road West about the bad language that is clearly audible from the nearby houses behind Whalley Range High school. There is no doubt that the same problems would occur on this site.

-Much has been made of the community use attached to such proposals. Unfortunately in all other similar developments there is little or no real community use. Schools, clubs and local people are always expected to pay to use such facilities, and the cost is inevitably prohibitive for most local people. All evening slots are taken up by people who can afford to pay the full charges.

-It has been suggested that there is a lack of 3<sup>rd</sup> generation all weather pitches in South Manchester. This is a complete red herring. Other pitches are currently not being used to their optimum capacity, and the organisations who have been quoted as intending to use the facilities, appear to already be using the other all weather pitches in South Manchester. While the other pitches may not be 3<sup>rd</sup> generation, there is clearly enough capacity already available in South Manchester. There is no “need” for additional all weather facilities.

-If a decision was made to allow the development, restrictions need to be put in place to restrict the hours of operation of the all-weather pitch. Given the nature of the area, this should be restricted to 8pm at the latest, particularly during the week.

-Concerns have been raised about the redirecting of the public right of way. If this is to be done, it is vital that the new route is not only safe, but perceived to be safe by those who use it. The open aspect of the path must be retained so that people confident enough to use it.

2.48 Tony Lloyd MP and Graham Brady, MP for Altrincham and Sale West have written asking to be updated in respect of the development as they have been contacted by some of their constituents who oppose the development.

2.49 Sport England

Are disappointed that the amendments have reduced what would have been a net gain in usable playing field being formed on the site. Equally the provision of a wildflower area along the eastern boundary of the site does reduce the flexibility of this part of the site in order to rest and re-orientate pitched and would appear to reduce the safety margins/run off areas that can be accommodated around some of the pitches. Sport England are mindful that the proposed scheme will still result in a significant level of new investment into football facilities at this site and will help bring the playing fields back into use for football.

As such Sport England do not wish to raise an objection to the proposed amendments and wish conditions be attached to any approval relating to: the approval of the detailed design of the all weather pitch and the approval of a community use scheme for the development.

2.50 The Environment Agency

The Environment Agency are satisfied that the proposed development and FRA meet with the requirements of Planning Policy Statement 25 (Development and Flood Risk). As such we are now able to withdraw our objection on the basis that any planning approval includes the following planning conditions.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to

1. Ensure no overall raising of ground levels.
2. Incorporate flood-proofing measures into the proposed development.
3. Ensure that the maximum rate of surface water discharge does not exceed the existing rate of discharge.

has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

1. To reduce the impact of flooding on the proposed development and future occupants.
2. To reduce the risk of flooding to the proposed development and future occupants and properties downstream of the site.

The Environment Agency has reviewed the submission of a Desk Study Report (dated Nov. 2007), a Site Investigation Report (dated June 2009) and several associated documents to assess the risks to controlled waters from the proposed development. We have reviewed our records and have identified that the site is located above a major aquifer and directly adjacent to the River Mersey. We consider these to be controlled waters.

From the information within the report we are satisfied that the relevant receptor in terms of controlled waters is the adjacent River Mersey.

Despite groundwaters being encountered in all boreholes no groundwater sampling has been undertaken nor has any sampling of the adjacent River Mersey been undertaken.

The borehole and trial pit records for the site indicate qualities of degradable waste types that may produce contaminative leachate, whilst putrescible waste are identifiable in TP10 and elevated hydrocarbon concentrations have been identified in BHD (along with strong odours).

Therefore we believe the applicant will need to undertake an additional controlled waters risk assessment based on suitable sampling and analysis. We are satisfied that this requirement can be achieved through the following condition.

#### Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

-all previous uses



- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure a safe form of development which poses no unacceptable risk of pollution.

#### Informative/Advice for the applicant

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

## 2.51 Greater Manchester Ecology Unit

### The ecological survey reports

-The ecological surveys (that is, the bat survey report and the more general ecological appraisal) have been conducted by suitably qualified consultants. However, the surveys have been conducted in late September, which is at the end of the optimum season for carrying out most ecological surveys. At this time of year bats will likely have dispersed from breeding roosts, and some grassland plants are either not apparent or can be more difficult to identify. Further, there is no evidence in either of the reports that the consultants have

sought any existing detailed ecological information concerning the application site. This is generally considered to be best practice when preparing ecological assessments in order to set the important ecological context of development sites. It is particularly important to collate any existing ecological information available concerning a site where surveys necessarily need to be conducted outside of optimum survey times. These limitations need to be borne in mind when assessing the conclusions of the reports.

#### Impact of the proposed development on grassland on the application site

-The development will result in losses to existing areas of neutral grassland, formerly sports pitches but unused for some years. The ecological survey report prepared by the consultant on behalf of the developer concludes that this area of grassland is relatively species-poor and not of substantive ecological value. Reports submitted by the Friends of Chorlton Meadows contradict this conclusion and report that the grassland to be affected by the scheme 'is one of the most important grassland sites in the central part of the Mersey Valley'. However, this report appears to relate to the whole of the area known as Chorlton Meadows and includes the adjacent Site of Biological Importance, which is undisputedly an important species-rich grassland site, in addition to the application site. GMEU have inspected the application site during surveys of the adjacent SBI and have concluded that, although currently the grassland within the application site is not botanically rich enough to merit inclusion within the adjacent SBI, it's nature conservation value is improving over time and the area has the potential, if it is managed appropriately, to increase in species diversity and value and to (at least) complement the adjacent SBI. It is therefore not without nature conservation value. The creation of the new sports pitches will result in a loss of botanical diversity and a loss of nature conservation potential.

#### Impact of the proposed development on the adjacent Site of Biological Importance

-The application site is adjacent to Hardy Farm Grade B Site of Biological Importance (SBI). Grade B SBIs are regarded as being of City-wide importance for nature conservation. The Hardy Farm site has been designated as an SBI predominantly because of the presence of species-rich grassland, a rare habitat in Manchester and in Greater Manchester as a whole. The proposed development has the potential to directly affect the important habitats within the SBI by –

-Encroachment into the SBI of plant and materials and particularly of spoil resulting from levelling and filling/raising of the new sports pitches, during the construction period. This encroachment could be prevented by either creating a 'buffer zone' between the edges of the proposed pitches and the SBI or by erecting suitable fencing during the construction period.

-A surface water drainage route for the new sports pitches is proposed to cross the SBI to the south of the application site. No details of the

design, construction or maintenance of this drainage system appear to have been provided as part of the application. Since this proposal has the potential to cause direct damage to the special interest of the SBI, GMEU would recommend that details of the drainage be required to be submitted by the applicant and approved before any work on the development commences.

The proposed development also has the potential to indirectly affect the nature conservation value of the SBI by –

-Restricting the movement of fauna using the SBI and by reducing the area of habitat available to this fauna (e.g. small mammals and invertebrates) by the erection of fencing and by the replacement of existing areas of semi-natural grassland with artificial surfacing and/or species-poor sports grassland. I would recommend that fencing be designed in such a way as to allow the free movement of small mammals.

-Effectively reducing the habitat available to fauna using the SBI by causing disturbance from lighting from floodlights. This issue is dealt with in greater detail below.

Impact of the proposed development on bats

The development has the potential to impact upon bats in three ways -

-Direct loss of roosting habitats

The bat survey has concluded that the potential for the development to directly affect a bat roost is low. GMEU has no reason to disagree with this conclusion, although it would agree with the recommendations made in section 11 of the bat survey report concerning precautions to be taken with regard to bats during the proposed refurbishment of the buildings on the site.

-Direct loss of foraging habitats

The proposed development will not result in any significant direct losses to bat feeding habitats, since the majority of existing trees and shrubs on the site will be retained and new trees and hedgerows will be planted. The likely most important bat feeding sites along the river are outside of the application area and will not be directly affected by the proposed scheme.

-Indirect disturbance caused by lighting

The impact of floodlighting on bats is still a subject of research, however it is known that direct lighting of roosting sites can affect bat behaviour and may ultimately cause a roost to be abandoned. In the case of this application there is no evidence to suggest that there will

be direct lighting impact on any existing bat roosts. The impact of floodlighting on bat feeding behaviour is more complex. Although some bats will be attracted to lights that attract the insects on which bats feed, other bats actively avoid lighting and will alter commuting and foraging routes to avoid lit areas. It is known that a number of bat species feed on or close to the application site. GMEU would consider it likely that the new floodlights will alter bat commuting routes and foraging behaviour, in particular commuting routes from potential roosting sites in houses to the east of the application site to feeding areas along the river, and feeding behaviour around trees close to the floodlit areas. GMEU would therefore recommend that, if permission is granted for the development, floodlighting be designed in such a way as to reduce 'light spillage' to as defined an area as possible, and that the timing of any floodlighting is limited. GMEU would support the proposed planting of new trees and hedges at the northern and southern boundaries of the application site to enhance bat feeding and commuting routes at the margins of the developed area.

#### Impact of the proposed development on fauna other than bats

-There are incidental records of small mammals (mice, shrews, voles and hedgehogs) using the site, and these animals will undoubtedly be affected by the scheme. There is good evidence that the application site is of some importance for moths; moth species appear to be unusually diverse here and rare species have been recorded. The development has the potential to detrimentally affect this fauna by –

- Causing the direct loss of rough grassland habitat used by small mammals and invertebrates
- Floodlighting will affect moth behaviour and potentially breeding success.
- Indirect floodlighting of adjoining habitats will deter small mammals and nocturnal invertebrates from feeding and/or breeding in affected areas and fencing may restrict the free movement of fauna.

#### Impact of the proposed development on the Mersey Valley

-PPS 9 states that 'networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment'. The Mersey Valley provides an important habitat network in South Manchester. The nature conservation value of the Valley is evidenced by the number of SBIs present. The greenspaces between the SBIs provide important linkages between the most valuable habitat areas contribute to the habitat network in the Valley and add to the overall nature conservation resources of the Valley.

-The proposed development has the potential to fragment and detrimentally affect the functioning of the Valley habitat network by causing the loss of rough grassland habitat and by restricting the free movement of species.

## Conclusions and recommendations

The proposed development will detrimentally affect habitats and species in the area by causing direct and indirect loss of habitats. The adjacent SBI will be directly and indirectly affected by the development proposals.

The following should be attached as conditions should permission be granted –

- To prevent direct damage to the SBI *either* a buffer zone should be established between the development site and the SBI *or* suitable fencing should be erected during the construction period to prevent encroachment into the SBI.
- Details of the proposed drainage scheme that crosses the SBI should be submitted to the Council for approval prior to any work commencing.
- The fencing around the site should be made 'porous' to allow for the free movement of small mammals and invertebrates across the application site.
- The recommendations made in section 11 of the bat survey report should be adopted and implemented.
- Light spillage from floodlighting should be reduced as much as possible and timing of floodlighting operations should be limited.

### 2.52 Highway Services (Lighting)

-Given the location of the site the proposed external floodlighting columns should only be partially visible from the adjacent properties.

-All external floodlighting of this nature generates some degree of light pollution, the proposed floodlights are shown to be installed with 0 degrees uplift above the horizontal and as such, should not unreasonably contribute to 'sky glow'.

-The propose equipment is deemed suitable for this type of scheme.

-Residents of the nearby properties may observe the lights functioning but should not be affected by any undue glare.

-As the proposed floodlights are to be mounted at a high level (15m), angled horizontally and are 'full cut off' type lanterns, the amount of stray light will be reduced considerably.

-It is presumed a 'lighting curfew' will be applied.

### 2.53 Manchester Leisure

- In 2008 Manchester City Council Leisure Services undertook a desktop analysis of Football provision in Manchester, which revealed that there is an under provision of high quality 3rd generation all-weather football pitches within the city to support the development of the game. This analysis was based on advice from the Football Association of providing

one full sized 3rd generation pitch per 50,000 residents. Manchester currently has 5 full sized 3rd generation all-weather facilities in the city, with a lack of provision for the community in North and South Manchester.

-In early 2009 a proposal from West Didsbury and Chorlton AFC was developed to reinstate playing pitches and create a new 3<sup>rd</sup> generation facility on the former University Sports Ground at Hardy Farm in Chorlton. The club has the acquisition of the freehold on the site and is willing to commit their resources to enable a strategic need to be met in the Chorlton area. Consequently, Leisure Services has acknowledged that the scheme fits a strategic need given that the proposal will enhance the development of the game for the local community.

#### 2.54 Regulatory and Enforcement Services

-There are no objections in principle to this application.

#### 2.55 Contaminated Land

Has advised that a Preliminary Risk Assessment and two phases of site investigations have identified sources of contamination at the site which require further risk assessment and remediation. It is therefore recommended that a bespoke condition relating to the additional works required should be attached to any approval given.

#### 2.56 Highways Services

- The footpath diversion will need an application under S257 of the Town and Country Planning Act. This is handled internally within the Council without need for liaison with Government Office, however it will require the diversion proposals to go to public consultation. Any objections to the diversion will delay its approval procedure and may be subject to public inquiry.
- Provision for car parking has been improved with 70 demarcated spaces and disabled provision.
- An intensification of traffic movement will occur at the site when compared to the existing situation, however, this will be outside of normal network peak hours and reflects the permitted land-use. Local congestion will be minimised by the improved parking provision (mentioned above). A timetable or diary of typical events/training is requested to show typical profiles of attendance at the ground and the development's likely peak periods. This needs to prove that parking provision is adequate for the proposed usage.
- Hardy Lane is proposed to be part of the Metrolink airport extension, it will operate as a shared tram and carriageway. The current access shown on the sports ground plans will be replaced once funding approval has been granted for the extension of the line as part of the works. Verges on the adopted highway will be used to incorporate the widening.

- A turning head has been proposed on the Metrolink preliminary designs which may impinge on the proposed development car park. It is recommended that the developer checks the current plans with GMPTE.
- The existing access road to the site is narrow, however this is subject to the widening associated with the Metrolink. In the interim, two-way movement will be limited, but is unlikely to cause serious congestive impacts on Hardy Lane.
- Overflow parking for busier days is possible within the redline boundary on the gravel access road skirting the southern boundary. This should only be used in exceptionally busy periods as it is likely to affect amenity of the proposed footpath diversion.
- Adequate emergency access provision has been proposed.
- Regular bus services stop within a short walk from the site (Hardy Lane), offering alternative modes of access. Secure cycle provision has also been considered within the plans.

#### 2.57 Landscape Practice

-The character of the Mersey Valley can be experienced by the network of footpaths and the various recreational activities that are available.

-The character of the landscape in proximity of the application site is grassland and has a sense of openness, with a small number of larger trees bordering the former playing fields providing some definition of space, and areas of scrub and woodland to the periphery providing sense of containment. There is one public footpath that passes through the site linking Jackson's Bridge and Hardy Lane. A further path from the same bridge to Brookburn Road passes the north western boundary of the site, while there are views of the site from the Trans Pennine Trail that follows the banks of the Mersey.

-The Practice has assessed the landscape and visual impact of the proposals on the Mersey Valley and the main concerns relate the proposed vertical structures to the perimeter of the pitches and resulting loss of openness and the footpath diversion.

-The proposed fencing to enclose the 2 main pitches and the floodlights, also located to the perimeter will add to the visual impact of the facility.

-The proposals are likely to cause some adverse visual impact, however the layout of the 2 main pitches is more sympathetic to the setting of the Valley and there are opportunities to further reduce the impact by reducing the height of the fencing to the artificial pitch.

#### 2.58 Regeneration South

-Manchester City Council's Strategic Regeneration Framework (SRF) for South Manchester was approved in October 2007. The SRF sets out a vision

for south Manchester as a 'Living City' with one of its key characteristics being green space. The Mersey Valley is acknowledged as an attractive leisure resource for south Manchester's residents and Hardy Farm is noted as being one of four sites of biological importance (grade B) (pp17-19). The SRF states that levels of health in South Manchester are not as good as they could be and there is recurring theme about the need to promote healthier lifestyles among all residents.

-The South Manchester SRF vision for 'the Living City' describes three overarching objectives :

- delivering popular neighbourhoods, which will include enhancing open spaces
- achieving full potential in education, skills and employment, which will include investment in new facilities
- strengthening communities, which will include enhancing the leisure offer, particularly for young and older people, and improving health

-Relevant strategic objectives are DPN7, SC7 and SC9:

-DPN7 includes developing proposals to protect and enhance the natural environment and promote and reinforce the importance of local nature reserves including the Mersey Valley and sites of biological importance including Hardy Farm. The Mersey Valley is seen as a strategic open space asset for South Manchester and a strong contributing factor towards a good quality of life for existing and future residents. The SRF notes that scope for further Green Flag awards in the future could include Hardy Farm.

-SC7 includes addressing the variable coverage and quality of leisure activities for young people.

-SC9 includes achieving healthier lifestyles for all. Childhood obesity is rising across South Manchester as part of the growth in obesity within the overall population. Participation in physical activity is variable with low rates in several areas, including Chorlton. Targeted health interventions will be needed to deliver improvements, including increasing participation in physical activity. Policy SC9.1 states that private and community sports clubs will be supported to increase their capacity so they can facilitate further community use.

## 2.59 Natural England

- Natural England is a non-departmental public body. Their statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. They are working towards the delivery of four strategic outcomes:

- A healthy natural environment;



- People are inspired to value and conserve the natural environment;
- Sustainable use of the natural environment;
- A secure environmental future.

They have considered the proposal against the full range of Natural England's interests in the natural environment and their comments are focussed on the following specific matters:

They are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application.

They are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

#### Protected Species

Whilst they note that the information provided concludes that there is an extremely low risk of significant detriment to protected species (Bats in this location) as a result of this proposal, Natural England does not hold protected species records and is therefore not able to verify this independently. Protected species records are held locally eg by Local Record Centres or Wildlife Trusts. They assume that the relevant centre has been consulted in production of the information provided. If not, then the relevant centre should be contacted for up to date species information before proceeding.

The developer should be made aware that should Bats be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

They further recommend that the mitigations measures detailed in the Ecotrak Bat Report, which detail measures in respect of buildings, trees and lighting be made into enforceable planning conditions in any determination.

#### Breeding Birds

Another potential impact identified within the 'Ecological Appraisal' is to breeding birds associated particularly with scrub habitat.

All wild birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended) during the nesting season. Work must not begin if nesting birds are present on site and should occur outside of the bird nesting season (March through to August, although weather dependant). If building works are undertaken during the bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. If breeding birds are found during this survey, the nest should not be disturbed and works should be delayed until nesting is complete and any young birds have fledged.

Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites. Further guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.

#### Other Mitigation

Natural England recommend that measures detailed in the Ecological Appraisal in respect of invasive species, landscape planting and enhanced management of the adjacent 'Hardy Farm' Site of Biological Interest also be made into enforceable planning conditions in any determination – the latter two subject to consultation with the Greater Manchester Ecology Unit.

They believe this would help to demonstrate your Council's compliance with the new Biodiversity Duty.

#### Biodiversity Duty

Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities. All local authorities and other public authorities in England and Wales now have a Duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity and to make it a natural and integral part of policy and decision making.

The Duty is set out in Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

This is a new duty for Local Authorities and Natural England recommend that the Council takes this into consideration when determining planning applications.

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by your Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

## 2.60 Mersey Valley Wardens Service

-The principle of the proposed development follows the existing use rights and UDP classification for the site and there are thus no objections in principle.

-The warden service has previously highlighted concern over potential leachate arising from the proposed development with respect to nutrient and fertilizer run off from the new pitches in close proximity to the SBI and the weight of material causing compaction which releases new leachate.

-The SBI needs to be protected throughout the construction phase of the development.

-There is no objection to the footpath diversion, however the Wardens Service would want to see it constructed in a way which complements existing user controls onto the valley.

-The Warden Service has no issue with the removal of the specified trees. In their current situation and condition they comprise a potential hazard.

-There is no issue with the proposed planting mixes. Given the location they believe that these would require reinforced temporary protective fencing and a minimum after care programme of three years.

-Concern is expressed about the proposed floodlighting. The Service would accept a compromise which would restrict the use of the lighting ie not at all at weekends and for fixed periods of 2 to 3 hours no more than twice a week. The impact of the lighting needs to be discussed with appropriate bat groups.

-This application could be conditioned with a S106 agreement relating to the resurfacing of the public footpath leading from the corner of the existing football club fence towards the river at Jacksons Boat.

-Japanese Knotweed is present on the site. A recognised regime for elimination of this plant needs to be implanted as a condition.

## 2.61 Council for the Protection of Rural England

Object to the proposed development on the following grounds

-Development in the Green Belt- impact on the openness of the Green Belt through fencing, lighting and building- PPS2 and RSS.

-Loss of bio-diversity- duty to conserve under NERC 2006

-Removal of a portion of a Site of Biological Importance-UDP policy E2.2

-Loss of informal recreational facility used by the local community- Green Infrastructure Guidelines and PPG17.

-Bat Survey carried out late in the season and revised location of 3G all weather pitch has bat disturbance potential from flood lighting.

-Contaminated Land-potential hazard from excavating and soil removal from site.

-Traffic pollution from importing/exporting soil for development and increased usage on match days.

-Settlement concerns and lechate from development due to being sited in an Environment Agency Flood Zone.

-No Flood Risk Assessment supplied with the planning application even though guidance clearly states if a development is in a flood risk zone, one must be submitted.

## 2.62 The Lancashire Wildlife Trust

The Hardy Farm Sports Ground is bounded on the west side by Hardy Farm, Grade 'B', Site of Biological Importance (SBI).The SBI is important for a range of vegetation types, ferns and butterflies.

The map seems to indicate that the developments will encroach onto the SBI, particularly along a path leading from Rifle Road, although it isn't clear what, if anything will be done to the track. Because of the importance of the SBI. care should be taken not to jeopardize any of the wildlife interest of the SBI.

## 2.63 Open Spaces Society

The Open Spaces Society (formally the Commons, Open Spaces and Footpaths Preservation Society) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.

The society strongly objects to this application as it will lead to a loss of open space and to the deprivation of the local community who currently use the land for recreation. It would appear that this land once developed, will only be available to members.

The Society would remind the City Council of the need to address the issues required by PPG 17 Open Space, Sport and Recreation. In particular paragraph 10 which states that 'existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements, which should include an assessment of all functions that the open space performs'.

In addition the Society objects to the re-routing of the public right of way, which at present crosses the open meadow land.

The Society believes that the proposals, in particular the fencing, flood lights and AstroTurf pitch are contrary to the Green Belt policies, which requires that any facilities should be essential and unobtrusive and preserve the openness of the land. Policy CB3 also refers to the land being protected from development which would materially affect its character as a site of biological importance.

#### 2.64 GMPTE

The applicant has consulted with the GMPTE in respect of this proposal. The GMPTE had entered into a legal agreement with the original owners regarding the use of some of the land as a compound in connection with the construction of the Metrolink airport extension. This agreement is binding on the new owners. The proposed development encroaches into this area, however the applicant is willing to enter into an updated legal agreement identifying and alternative site. On that basis the GMPTE do not object to the proposed development.

#### 2.65 Design for Security

No objections to the proposed development provided that the built accommodation is attractively but securely fenced and gated so that there can be no casual access from the footpaths after hours.

#### 2.66 Mersey Valley Joint Committee

At a special meeting on 14 December the Joint Committee resolved to object to the planning application for the following reasons:

1. The development would result in a loss of amenity to surrounding residents and a general increase in noise.
2. The site is within flood zone 1 because it is a former landfill site and is contaminated should the site be flooded the contamination would be spread to the adjoining land.
3. The development would have a harmful impact on the ecology of the area.
4. The development would result in a loss of habitat and impact on wildlife in the area.
5. The floodlighting will have a detrimental affect on the area.

#### 2.67 The Ramblers Association

Object to the proposed development on the following grounds:

- The area is well used for informal /quiet recreation and this will be lost.

- The fencing and floodlighting will be an eyesore in this visually pleasant area.
- The use will generate noise and traffic that will destroy the tranquillity of the area.
- There will be traffic congestion in the surrounding area.
- The development would contravene Green Belt policy which requires developments to retain the openness of the area.
- The diversion of the footpath would result in people who use it losing their views.

2.68 Green Spaces manager

No objection to the development insofar as it affects existing tree cover. All works to trees should be carried out in accordance with BS5837.

2.69 Friends of Chorlton Meadows.

The Friends group was set up in 2006 with the following objectives:

- The protection and improvement of Chorlton Meadows for people and wildlife.
- The safe use and enjoyment of Chorlton Meadows.
- Working towards nature conservation and improvement of the meadows' ecological value.
- Involvement in Chorlton Meadows by all sectors of the community
- Good environmental practice.
- Good access and opportunities for recreation on the Meadows.

To the Friends Group Chorlton Meadows comprises Chorlton Ees, Ivy Green Nature Reserve and that part of Hardy Farm managed by the Mersey Valley Wardens Service.

Since UMIST ceased using the land wild grasses have re-established themselves and the area is rich in grasses and 5 species of orchid have also been identified.

The group are not convinced of the developers sincerity in terms of the proposed planting scheme and the contribution it is claimed it will make to the ecology of the area.

There are no formal records of amphibians on the site though there is informal evidence.

The rough grassland attracts flocks of Jackdaws and Rooks. In addition raptors such as Sparrowhawks and Kestrels are fairly common.

The presence of the Kestrels suggests large numbers of small mammals can be found in the area. Foxes and hedgehogs have also been found in the area.

Bats have been identified as roosting and foraging in the area.

The draft Biodiversity Action Plan for Grasslands states that grassland areas of previously developed land is a habitat that is known to support important populations of invertebrates. The presence of a healthy bat population suggest that many night flying insects are present.

Over 600 species of moth have been identified in the area. For a small area it is extremely rich in unusual moths many of which cannot be found in other areas including designated areas. As most moths live high up in the trees or fly only at night much of this is unnoticed. The loss of an area such as this would be devastating for the biodiversity of the Mersey Valley.

Concern is expressed about the impact of the proposed floodlights on the ecology of the area in particular bats. High powered lights can also cause deciduous trees to retain their leaves in winter.

Reference is made to The Natural Environment and Rural Communities Act 2006, Planning Policy Guidance Note 9, Planning Policy Statement 2, Policy EM3 of the Regional Spatial Strategy and Policies E2.2, E2.3, E2.4 and E3.4 of the Unitary Development Plan.

The Friends do not believe that the damage caused by the proposed development can be adequately or credibly compensated for or mitigated against, especially not by token tree planting. They also believe that the development is contrary to national legislation and planning policies and several local planning policies.

The Friends demand that before a decision is made a thorough independent ecological survey and assessment is carried out and that this is conducted at an appropriate time of year. They also demand that if the development is allowed to go ahead a follow up survey and assessment is carried out at an appropriate time afterwards to measure the effects of the development.

### **3. Issues**

#### **3.1 Unitary Development Plan**

The relevant part 1 policies within the UDP are:

Policy H2.2, which seeks to protect the amenity of residents from the adverse impact of developments,

Policy E1.4, The Council will control noise levels by ensuring that new developments that generate noise are located away from residential properties.

These two policies relate to residential amenity. The proposal is considered in accord with these policies and the reasons for this are set out in paras. 3.12 and 3.28.

Policy E2.1, refers to development within the Green Belt. It states that planning permission will not be granted except in special circumstances for the construction of new buildings for purposes other than agriculture, forestry, and essential facilities for outdoor sport and recreation. In all instances the Council will ensure that the visual amenities of the Green Belt are not injured by development.

The proposal is considered to generally accord with this policy as set out further in paras. 3.7, 3.9, 3.11, 3.13, 3.14 and 3.19.

Policy E2.2, states that planning permission will not normally be granted for development which would adversely affect designated sites of biological importance.

Policy E2.3, The Council will protect important wildlife habitats

Policy E2.4, states that the Council will ensure that the effects upon wildlife are taken into account when considering development proposals.

Policy E2.6, The Council will prevent wherever possible the loss of trees.

Policy E3.4, The Council will create a series of linear recreational routes along, amongst others, river valleys.

These policies relate to ecology and environmental issues, the proposal is considered to be in accord with these policies as set out further in paras. 3.18, 3.19, 3.20, 3.21 and 3.22.

Policy E3.5, The Council will promote measures which will lead to a safer environment. Para 3.29 sets out how the proposal accords with this policy.

Policy L1.2, Existing outdoor sporting facilities will be protected from development and the provision of all weather pitches encouraged.

Policy L1.5, The Council will seek to upgrade other parks and recreational areas, wherever possible making use of private sector finance.

The proposal is considered to accord with these policies.

The following part 2 policies are also relevant:



Policy CB1, seeks to safeguard major areas of open land especially in the Mersey Valley and make better use of existing recreational facilities particularly open space.

Policy CB3, states that the low lying area of land adjoining the playing fields at Hardy Farm will be protected from development that would materially affect its character as a site of biological importance.

Policy CB15, Existing land in the Mersey Valley will be conserved and improved and will for the most part continue in recreational use.

Policy CB16, Throughout the valley existing outdoor recreational sites will be improved to cater for mainly informal recreation activities.

Policy CB20, that there will be a presumption against recreational activities which could spoil the enjoyment of the Mersey Valley. Approval of such activities will only be considered if there is clear need and they can be sited where no significant disturbance would result.

These policies relate specifically to the Mersey Valley and Hardy Farm, consideration of the proposal in the context of these policies is set out throughout the report.

Policy CB21, refers to the needs of disabled people when developing and improving recreation facilities in the Valley. This is covered further in para 3.23.

Policy CB23, The Council will protect, conserve and improve the landscape quality of the valley.

Policy CB24, The Council will seek the provision of a more enclosed and varied landscape by amongst others encouraging tree planting.

Policy CB25, The Council will encourage tree planting and the provision of refuges for wildlife in sensitive sites which will be kept free of recreational pressure

Policy CB26, The Council will not normally permit any development which would damage or destroy those areas or those features such as woodland and hedgerows valuable water areas and wetlands identified by the Council as being of landscape or natural history importance.

The proposal is considered to be in accordance with these policies and is detailed in paras 3.18, 3.20, 3.21 and 3.22.

Policy CB30, Where appropriate new access points will be created into the valley.

Policy CB33, Where appropriate car parks will be created to serve areas of recreation.

Policy CB37, There will be a strong presumption against new tipping in the valley.

Policy CB40, The Council will oppose any new development which could result in a significant deterioration in, or hinder the improvement of either water or atmospheric quality, or introduce unacceptable noise levels.

Policy CB44, underlines that new development within the Valley shall be of a high standard with careful attention to siting, design, layout and materials.

Policy CB45, highlights that development in the Valley shall seek to safeguard the line and amenity of existing and proposed footpaths. Where changes to existing routes are required, the alternative proposed shall be as attractive as that being replaced.

The following City wide development control policies apply:

Policy DC21, Development would not normally be allowed where it is at risk of flooding or would unacceptably increase the risk of flooding elsewhere.

Policy DC22 The Council will take into account the impact of developments on existing pedestrian routes.

Policy DC26, Seeks to protect residents from the harmful affects of noisy developments.

### 3.2 Regional Spatial Strategy

In terms of regional policy, the Regional Spatial Strategy for the North West was adopted in September 2008. The Regional Spatial Strategy forms part of the statutory development plan for every Local Authority in the North West and provides a framework for development and investment over the next fifteen to twenty years. The following policy is considered relevant::

Policy DP4 states that development should build upon existing concentrations of activities and existing infrastructure.

Policy DP7 which seeks to promote environmental quality.

Policy RT9 Requires local authorities to ensure that proposals and schemes for new development incorporate high quality pedestrian and cycle facilities.

Policy EM3 Which seeks to ensure that a key aim of green infrastructure is the maintenance and improvement of biodiversity.

### 3.3 National Guidance

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system.

Emphasis is placed on the need for good design to ensure, attractive, usable, durable and adaptable places.

PPS7 Rural Areas sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.

PPS9 Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

PPS23 Pollution Control The policies in this statement and the advice in the accompanying Annexes (Annex 1: Pollution Control, Air and Water Quality and Annex 2: Development on Land Affected by Contamination) should be taken into account by Regional Planning Bodies and Local Planning Authorities in preparing Regional Spatial Strategies and Local Development Documents.

They are also material to decisions on individual planning applications

PPS25 Flood Risk outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

PPG2 'Greenbelt provides guidance on development within the Green Belt. The policy guidance on green belts is restrictive in nature for both the redevelopment of redundant/underused buildings as well as for wholly new development. The main characteristic of a green belt designation is its permanence with the most important attribute being its openness.

There is a general presumption against inappropriate development within the green belt, and any inappropriate development should only be approved in special circumstances. Any applicant should show why development should be granted, particular weight should be applied when making a decision on the likely harm to the green belt of any planning application. For the reasons set out in paras. 3.7, 3.8 and 3.9 the proposal is considered to be in accord with the principles of set out in PPG2.

PPG17 'Planning for Open Space, Sport and Recreation' - outlines how the planning system can help deliver accessible, high quality and sustainable open spaces and sport and recreation facilities which meet local needs and prevent the erosion of such facilities from insensitive development or the incremental loss of sites. In considering planning applications - either within or adjoining open space, Local Authorities should weigh any benefits being offered to the community against the loss of open space that will occur. The development would provide enhanced football facilities on a site that had

previously been used for sporting activity and includes a comprehensive landscaping strategy.

### 3.4 Circulars

Circular 6/2005 advises Local Planning Authorities to give due weight to the presence of protected species on a development site to reflect EC requirements. This may potentially justify a refusal of planning permission.

### 3.5 EU Directives

European Community Habitats Directive 1992 requires that UK to maintain a system of strict protection for protected species and their habitats.

### 3.6 Principle

This development is about bringing back into use and improving existing, albeit unused for some time, sports facilities within the Green Belt. Government guidance suggests that the provision of sports facilities is appropriate within the green belt. The developer could without planning permission bring the pitches back into use and it is the proposed enhancements that require consent. The broad principle of reinstating the former football pitches at Hardy Farm is outside the control of the City Council as Local Planning Authority and is therefore considered acceptable. The issues for this application are the physical works proposed to improve the facilities and therefore the impact of the proposed changes on the green belt and the amenity of the adjacent residents. That the pitches could be reinstated without permission needs to be borne in mind in consideration of the issues addressed in the following sections.

### 3.7 Planning History

In February 1967 planning permission was granted to UMIST (University of Manchester Institute of Science and Technology) for the creation of playing fields on the site with ancillary buildings. A condition was attached to the approval requiring the preservation of the footpaths between Jacksons Bridge, Hardy Lane and Brookburn Road, by the provision of suitable alternative footpaths.

In July 1969 planning permission was granted for the erection of a part single part two storey building to form a sports pavilion. A similar condition was imposed in respect of the footpaths to that on the original planning permission.

In October 1985 planning permission was granted for the erection of two 16 metre high floodlighting columns. A condition attached to the approval required the lights to be switched off at 9.00pm Monday to Saturday and 7.30 pm on Sundays and Bank holidays.

In November 1990 planning permission was refused for the use of land at Hardy Farm for spoil disposal and subsequent restoration of land for playing

fields, including construction of all-weather playing surface and six floodlighting columns. The reasons for refusal related to the impact that the proposed tipping would have on the character of the river valley, the scale of the tipping and the impact that the noise and dust caused by the tipping would have on the residential amenity of nearby properties.

### 3.9 Green Belt Policy

PPG2 says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. They help to protect the countryside and can assist in moving towards more sustainable patterns of urban development.

There are five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

In addition policy E2.1 within the UDP is concerned with preserving the openness of the Green Belt and the Council will only grant planning permission for, amongst others, essential facilities for outdoor sport or recreation which preserve its openness and which do not conflict with the purpose of including land within the green belt. Also the Council will ensure that the visual amenities of the Green Belt are not injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice its main purpose, might be inappropriate by reason of their siting, materials or design.

The continued use of the land for outdoor recreation is considered to be an appropriate land use within the Green Belt. The lighting, fencing and all weather pitch associated with proposed recreational facilities are all

considered to be essential facilities and are therefore not considered to be inappropriate development within the Green Belt.

By situating the enclosed pitches close to the existing club house, which is itself enclosed by fencing and hedgerows, the impact of the proposed enclosures on the openness of the green belt is not considered to be significant. The use of a fencing type that blends into the background will also serve to minimise the visual impact of the enclosures.

Having considered the impact of the proposal on the openness of the Green Belt. It is considered that the proposal will not significantly change the character of this part of the Mersey Valley and proposal will not conflict with the intentions of Green Belt policy or the purposes of including land within it as set out in PPG2.

### 3.10 Clubhouse

The alterations to the clubhouse are largely cosmetic and does not involve the construction of a new building within the Green Belt. The existing building, which is in a poor state of repair, would be refurbished. The existing flat roof would be replaced with a new mono pitch roof, in a contemporary style, which at its highest would increase the height of the building by 2.5 metres. The existing plant room, which effectively forms a second floor to the building, will be removed. At the middle of the building where there is a narrow link and a two storey extension will be constructed to form a new entrance and this will incorporate a lift. The elevational alterations to what is an existing building are a positive step in improving the visual amenity of the area.

### 3.11 Show Pitch

The show pitch will involve engineering works to provide a high quality playing surface. This will include improving the drainage. The pitch is required to be in front of the clubhouse as there is a terrace on the clubhouse for spectators and it would only be used for competitive matches. The pitch will be enclosed by weldmesh fencing. The provision of an improved pitch on the site of existing pitches is appropriate development within the green belt and complies with national Guidance and Local and Regional policies. The usage of this pitch would be limited by the need to retain it in good condition. Whilst the principle use would be at weekends, the requirements for cup matches means that it needs to be available for weekday evenings.

### 3.12 All Weather Pitch

This pitch by its very nature could be more intensively used for training, private lets and community use. It is also has the potential to be more intrusive visually due to the material used for the playing surface and the height of the fencing. In mitigation it has been repositioned so that it no longer encroaches into the SBI, is the furthest pitch from residential properties and would be seen against the backdrop of the trees that bound the site.

It is noticed that the Head of Leisure Services has stated that there is demand for all weather pitches in the City and Sport England support the provision in this instance. The impact that the pitch would have on the green belt and residential amenity are the issues that must now be considered.

In terms of the impact on residential amenity, it is recognised that the late night and intensive use of such pitches could detract from peoples enjoyment of their homes. However, given the proposed hours of use, and the distance from residential properties, 140 metres, it is not believed that there is so significant a harm as to justify refusing permission.

### 3.13 Fencing

The existing Club house is enclosed by a variety of means including hedges, wooden palisade, galvanised palisade and chain link. Of these the galvanised palisade fencing, which is to be removed from the front of the clubhouse, is potentially intrusive. The hedge and the wooden palisade naturally blend into the valley quite effectively, whilst the chain with the exception of the post is largely invisible from any distance.

The proposed fencing is a modern day version of chain link. It is more robust and generally colour coated. Within a location such as the green belt the choice of green would ensure that the visual intrusion of the fencing itself is minimal particularly when set against a landscaped backdrop. It is no longer proposed to enclose the fencing around the show pitch in willow roll as it is believed this would impact considerably on the openness of the valley. Should permission be granted it is recommended that a condition be imposed that would prevent any alterations to the fencing that would reduce its openness including the display of advertisements. (It is noted that the applicant could erect around the site a means of enclosure up to 2 metres high without the need for planning permission).

The proposed fencing will only affect part of the Hardy Farm site and is the least intrusive type currently available. The impact of the fencing on the openness of the valley is not considered to be so significant as to justify refusing permission.

### 3.14 Floodlighting

The proposed floodlighting would comprise 12x 15 metre high floodlighting columns, six to each pitch. Those around the show pitch are required by the applicant to be available for use until 10.00pm Monday to Friday and 8.00pm on Saturdays and not at all on a Sunday. Those around the all weather pitch until 10.00 pm Monday to Friday, 9.00pm Saturday and 8.00pm Sundays. The applicant has indicated a willingness to accept a condition that would allow the lights to only one pitch to be on at any given time.

Floodlighting can by its nature be intrusive, however, modern lighting is designed to focus on the area to be illuminated and to keep spillage to an absolute minimum. The Head of Engineering Services has indicated that in

this respect the proposed lighting scheme would not have a significant impact on the amenity of residents subject to a condition limiting their usage.

In addition to the impact of the floodlights when switched on, there is also potential for the columns to have an impact on the visual amenity of the area. In this instance the galvanised finish of the columns set against the backdrop of sky and trees should keep any intrusion to a minimum.

Should planning permission be granted it is also recommended that conditions be imposed that require the floodlighting to be directed onto the pitches at all times and for them to be switched off unless required for a match/training or maintenance.

### 3.15 Footpath Diversion

The footpaths current line runs across the playing field through what is described as open meadow, before entering the undergrowth close to Jacksons Bridge. The path is not illuminated although it is surfaced.

The proposed realignment would take the footpath behind the clubhouse adjacent to the car park before swinging through the SBI and rejoining the original footpath. The new path would also have a made surface and would be illuminated as it passes the club house.

Concern has been expressed that this route is not as picturesque as the current route and that despite the lighting people will feel more vulnerable using it. Greater Manchester Police have not raised this as an issue.

Policy CB45 seeks new routes to be as attractive as those they replace however, it does not preclude the realignment of a footpath into a visually less attractive area provided there are reasons for this. In this case the potential for improved personal security is of key importance and there is unfortunately no scope to realign the footpath through the meadow without substantially increasing its length.

In para 2.44 Councillor Ankers refers to the footpath closing power. For clarification should planning permission be granted then the footpath would be diverted using Section 257 of the Town and country Planning Act 1990. This enables the City Council to stop up or divert a footpath if it is 'satisfied that it is necessary to enable development to be carried out in accordance with planning permission'. This is not to be confused with a different power under the Highways Act of 1980 which enable the City Council to divert a footpath so that it is 'nearer or more commodious to the public'. This test is not applicable in the case of a s257 diversion.

### 3.16 Contamination

This is an extremely sensitive issue amongst objectors to the proposed development. Accordingly the applicant has been asked to provide greater detail at the planning application stage than would normally be the case.



Whilst there is still some work that needs to be undertaken the Contaminated Land Section are satisfied that the development proposed could go ahead without risk to public health subject to a bespoke condition.

The impact of contamination on the river is an issue for the Environment Agency whose comments are awaited

### 3.17 Drainage

The Comments of the Environment Agency are awaited and it is intended to provide further comment.

### 3.18 Ecology

The Greater Manchester Ecology Unit have expressed concerns about the impact of the proposed development on the ecology of the area. However, they point out that there is a marked difference in the ecological value of the land within the SBI and the land the subject of this application. They further add that whilst this land could ultimately develop into a high quality environment comparable to the SBI its current value lies in its use as a link between areas. They feel that the impact of the development could be mitigated through the use of conditions.

Whilst mindful of PPS9 and the recent case which highlighted the need to apply the tests required by the EU Habitats Directive. These are:

- 1) That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary for environment.
- 2) That there is "no satisfactory alternative".
- 3) That the derogation is "not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Neither the applicants ecology survey nor the Greater Manchester Ecology Unit have identified any protected species as being affected by the proposed development.

With regard to bats, GMEU have indicated that the proposed development would not impact upon any habitats and that the richer feeding areas are to be found down by the river which is away from the proposed development. The impact of floodlighting on bats is not fully understood and can be dependant upon the species. The additional planting will also positively contribute to improving the environment for wildlife. This development should not have a significant impact on the existing bat colonies within the Mersey Valley and should permission be granted a condition is proposed requiring the developer

to provide bat boxes as a positive step in encouraging their continued presence in the area.

### 3.19 Quality of the Landscape.

This part of the Mersey valley is a comparatively level man made area that was created as a consequence of the former use of the site as a landfill site. Any topographical features are limited to the undulations caused by differential settlement across the former tip. The profile of the valley under this proposal would remain virtually unchanged. The proposed physical works such as fencing and floodlighting would be off-set by the additional planting proposed as part of the development.

The permission that was refused in 1990 sought to level the playing fields by the importing and tipping of inert material, which is in itself contrary to Green Belt policies, and the tipping would also have had a significant impact on the profile of the river valley which is also unacceptable. This current application gives rise to neither of these.

### 3.20 Site of Biological Importance

Sites of Biological Importance are declared by the Greater Manchester Ecology Unit and have no statutory protection beyond the policies contained within the Unitary Development Plan.

The SBI has been identified by the GMEU as being of local importance in terms of flora and fauna. The applicant has therefore amended the scheme so that the all weather pitch no longer encroaches into the SBI. Whilst the realigned footpath crosses the SBI its impact is not deemed to be significant. The GMEU has however, requested that the SBI be protected during construction and an appropriate condition is proposed should permission be granted.

(As a separate and unrelated matter it is noted that GMPTE make reference to part of the SBI being used as a compound during the construct of the Metrolink extension to the airport).

### 3.21 Trees

It was originally intended to remove 15 trees, the repositioning of the all weather pitch means that some of these trees could be retained. Eight of the trees are, however, in poor condition and need to be removed in any event. In addition it is proposed to plant a 43 new trees, three new hedgerows and 320 shrubs as part of the development. On this basis it is considered that replacement planting would enhance the character and appearance of the proposal.

### 3.22 Flora and Fauna

Whilst Hardy Farm is abundant with different species of flora most of these are to be found in the SBI which is largely untouched by the proposed development. With regard to fauna the principle concern of the GMEU is that the fencing would break the existing wildlife corridors rather than result in the loss of any habitat. This could be addressed should permission be granted through a suitable condition.

### 3.23 Disabled access

The improved facilities will be more accessible. Discussions are ongoing regarding the design of the gates/styles on the footpath to ensure their accessibility. It is recommended that the details are agreed by virtue of condition.

### 3.24 Community Use

A significant element of the proposal is making better and greater use of the facilities by the wider community, which would be a pre requisite for the Football Association to support the scheme. The applicant has indicated a willingness to enter into an agreement under S106 of the Town and Country Planning Act in respect of the provision of Community Use ( the details of which have yet to be worked up).

### 3.25 Section 106 Agreement

In view of the relationship of the proposal to the Mersey Valley, the Wardens Service have asked that the applicant provide a financial contribution towards upgrading a further length of the footpath from Brookburn Road to Jacksons Bridge. However, the applicant has stated that the proposed development is dependant upon bringing in outside funding and the additional costs would prejudice the viability of the scheme.

### 3.26 Car Parking

Spaces for 70 cars are proposed for the development in the existing car park in addition there is capacity outside of the car park for members of the public using the valley. Whilst understanding objectors concerns about the potential impact of from associated car parking, it is considered that sufficient space would be available to avoid undue impact.

### 3.27 Representations to the development

Representations received from objectors and supporters are a material consideration that must be taken into account in so far as they relate to planning. The volume of objection, however, is not in itself a reason that can justify the refusal of planning permission. The Town and Country Planning Act makes clear that there is a presumption in favour of development where it is in accord with the provisions of the relevant development plan. Whilst many of

the objections make reference to Local and Regional Policies and National Guidance the proposal has been assessed against these and the recommendation made on this basis. There also appears to be an underlying misapprehension that the proposal relates to the provision of seven football pitches not two. As already noted only two enhanced pitches are subject to the need for planning permission.

### 3.28 Noise

Whilst floodlighting will enable the facility to be used more intensively, this would in the main relate to the all weather pitch. This pitch is furthest from residential property which should minimise the impact of noise. The other pitches outside of this application would not be used any more or less intensively than would have been the case previously.

### 3.29 Crime and Disorder

Greater Manchester Police have raised no issues in respect of the proposed development. The increased numbers using the area has the real potential to improve peoples perception of safety when using the area.

### 3.30 Japanese Knotweed

Japanese Knotweed is particularly invasive and difficult to eradicate and it is an offence to cause it to spread. An appropriate condition is proposed to identify if it is present and to subsequently deal with it.

### 3.31 Human Rights Act

The planning system has since the enactment of the Human Rights Act been mindful of the impact its decisions can make on human rights, and to this end all reports in respect of planning applications contain on the implications of the development on the legislation.

### 3.32 Ponds

The existence of the ponds has not been identified in the Ecology Report nor by the Greater Manchester Ecology Unit.

### 3.33 Response to concerns about the report to Planning and Highways Committee 17<sup>th</sup> December 2009.

1)PPS2 says that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation. In this case the nature of the fencing chosen will not significantly detract from the openness of the green belt and is therefore considered to be acceptable. Clearly every case would need to be considered on its merits.

2) The current proposal only involves the importation of hardcore in respect of the show pitch and the all weather pitch and does not involve tipping inert material across the whole of the site which would have resulted in a significant change in the profile of the river valley.

3) The other five pitches are outside the planning application site, they can be brought back into use without planning permission and thus their existence is a material consideration which has to be taken into account. These pitches will not benefit from additional drainage or floodlighting and therefore their usage will be determined by the hours of daylight and the weather, this is no different to the current position. In that the intensity to which the pitches can be used is not affected by this current development, their presence is not deemed to be significant.

#### **4. Conclusion**

4.1 It is acknowledged that the proposal has raised significant concern on a number of counts, for clarity, the proposal relates to the creation of one grass and one artificial pitch on the site that already has been used as football pitches and to provide enhanced facilities. Certain associated works will be required. In this instance this includes the work to the clubhouse, the floodlighting and the fencing. These have been carefully considered in the context of the special nature of the area and whilst there will be an impact, it is not believed this would, on balance, be to such an extent to compromise or harm its character or the amenity of residents in the locality.

The development would bring with it community use which whilst not being an overriding factor in the determination of the application would be of social benefit.

Where there are concerns regarding potential visual intrusion into the green belt and Mersey Valley, mitigation is proposed by virtue of landscaping and the sensitive location of the pitches.

Being recreational in nature the proposed development is in accord with National Guidance on activities that are appropriate generally within a green belt as well as the policies contained within the Unitary Development Plan.

#### **Third Party Representations**

A full list of the addresses from which representations were received will be available for inspection in the Council Chamber, on the planning application file and on the public access system.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the 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 Unitary Development Plan, the Head of Planning 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 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. He 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**

The Head of Planning therefore recommends that the Committee be **MINDED TO APPROVE** planning application **091081/FO/2009/S1**.

1) Subject to the signing of an agreement under S106 of the Town and Country Planning Act (As amended) relating to the community use of the development.

On the basis that the development is in accord with the City Council's Unitary Development Plan in particular policies Policy H2.2, which seeks to protect the amenity of residents from the adverse impact of developments, Policy CB1, seeks to safeguard major areas of open land especially in the Mersey Valley and make better use of existing recreational facilities particularly open space. Policy CB3, states that the low lying area of land adjoining the playing fields at Hardy Farm will be protected from development that would materially affect its character as a site of biological importance. Policy CB15, Existing land in the Mersey Valley will be conserved and improved and will for the most part continue in recreational use. Policy CB16, Throughout the valley existing outdoor recreational sites will be improved to cater for mainly informal recreation activities. Policy CB20, that there will be a presumption against recreational activities which could spoil the enjoyment of the Mersey Valley. Approval of such activities will only be considered if there is clear need and they can be sited where no significant disturbance would result. Policy CB21, refers to the needs of disabled people when developing and improving recreation facilities in the Valley. Policy CB23, The Council will protect, conserve and improve the landscape quality of the valley. Policy CB24, The Council will seek the provision of a more enclosed and varied landscape by amongst others encouraging tree planting. Policy CB25, The Council will encourage tree planting and the provision of refuges for wildlife in sensitive sites which will be kept free of recreational pressure Policy CB26, The Council will not normally permit any development which would damage or destroy those areas or those features such as woodland and hedgerows valuable water areas and wetlands identified by the Council as being of landscape or natural history importance. Policy CB30, Where appropriate new access points will be created into the valley. Policy CB33, Where appropriate car parks will be created to serve areas of recreation. Policy CB37, There will be a strong presumption against new tipping in the valley. Policy CB40, The Council will oppose any new development which could result in a significant deterioration in, or hinder the improvement of either water or atmospheric quality, or introduce unacceptable noise levels. Policy CB44, underlines that new development within the Valley shall be of a high standard with

careful attention to siting, design, layout and materials. Policy CB45, highlights that development in the Valley shall seek to safeguard the line and amenity of existing and proposed footpaths. Where changes to existing routes are required, the alternative proposed shall be as attractive as that being replaced. Policy E1.4, The Council will control noise levels by ensuring that new developments that generate noise are located away from residential properties. Policy E2.4, The Council will take into account the affects of developments on wildlife. Policy E2.1, refers to development within the Green Belt. It states that planning permission will not be granted except in special circumstances for the construction of new buildings for purposes other than agriculture, forestry, and essential facilities for outdoor sport and recreation. In all instances the Council will ensure that the visual amenities of the Green Belt are not injured by development. Policy E2.2, states that planning permission will not normally be granted for development which would adversely affect designated sites of biological importance. Policy E2.3, The Council will protect important wildlife habitats Policy E2.4, states that the Council will ensure that the effects upon wildlife are taken into account when considering development proposals. Policy E2.6, The Council will prevent wherever possible the loss of trees. Policy E3.4, The Council will create a series of linear recreational routes along, amongst others, river valleys. Policy E3.5, The Council will promote measures which will lead to a safer environment. Policy L1.2, Existing outdoor sporting facilities will be protected from development and the provision of all weather pitches encouraged. Policy L1.5, The Council will seek to upgrade other parks and recreational areas, wherever possible making use of private sector finance. Policy DC21, Development would not normally be allowed where it is at risk of flooding or would unacceptably increase the risk of flooding elsewhere. Policy DC22 The Council will take into account the impact of developments on existing pedestrian routes. Policy DC26, Seeks to protect residents from the harmful affects of noisy developments. National Guidance contained in PPS1 'Delivering Sustainable Development', PPS7 Rural Areas, PPS9 Biological and Geological Conservation, PPS23 Pollution Control, pps25 Flood Risk, PPG2 'Greenbelt', PPG17 'Planning for Open Space, Sport and Recreation'. Regional Spatial Strategy policies Policy DP4 states that development should build upon existing concentrations of activities and existing infrastructure. Policy DP7 which seeks to promote environmental quality. Policy RT9 Requires local authorities to ensure that proposals and schemes for new development incorporate high quality pedestrian and cycle facilities. Policy EM3 Which seeks to ensure that a key aim of green infrastructure is the maintenance and improvement of biodiversity and there are no material considerations of sufficient weight to indicate otherwise.

**Conditions and/or Reasons:**

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 unless otherwise agreed in writing by the City

Council as Local Planning Authority: 51/2009/0563/100, 101, 102, 103, 104, 105, 106B, 107, 111A, 112A, 113A, 115A, PL1033M100, m101, M102C, M104B, M105B, M106B, M107A and M108;

#### Reason

To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26; of the Manchester Unitary Development Plan.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

#### Reason

To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26; of the Unitary Development Plan for the City of Manchester.

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref PL1033M102C, M104B, M105B and M106B; shall be implemented not later than 12 months from the date of commencement of works. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the City Council as local planning authority.

#### Reason

To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26; of the Unitary Development Plan for the City of Manchester.

5) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.



## Reason

To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26 and T2.6 of the Unitary Development Plan for the City of Manchester.

6) a) Before the development hereby approved commences, a scheme for the assessment of the impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site (the Risk Assessment) shall be submitted to and approved in writing by the City Council as local planning authority.

A report shall be prepared outlining what measures are required to remediate the land (the Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

## Reason

To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

7) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

#### 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 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

8) Before the development hereby approved commences a scheme for the protection of the SBI from damage during the construction phase shall be submitted too and approved by the City Council. The approved scheme shall be implemented in full for the duration of construction works.

#### Reason

To protect the SBI from damage during construction pursuant to policy E2.2 of the Unitary Development Plan for the City of Manchester

9) No part of the development hereby permitted shall commence until details of a permanent bat roost, have been submitted and agreed with the Local Planning Authority. The permanent bat roost then be installed in accordance with the agreed design, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

To provide a replacement roost for bats a European Protected Species (Habitats Regulations 1994) and to comply with policy E2.3 of the Manchester UDP.

10) The floodlights to the artificial turf pitch shall only be switched on between the following hours:

Monday to Friday 10.00am and 10.00pm

Saturday 10.00am and 9.00 pm

Sundays 10.00am and 8.00pm .

#### Reason

To minimise the impact of the floodlighting on the amenity of nearby residential properties and the wildlife found within the greenbelt. Pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26 of the Unitary Development Plan for the City of Manchester.

11) The floodlights to the show pitch shall only be switched on between the following hours:

Monday to Friday 10.00am and 10.00pm

Saturday 10.00am and 6.00 pm

Sundays the floodlights are to be switched off all day

#### Reason

To minimise the impact of the floodlighting on the amenity of nearby residential properties and the wildlife found within the greenbelt. Pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26 of the Unitary Development Plan for the City of Manchester.

12) Notwithstanding the provisions of Conditions 10 and 11 attached to this permission only one of the pitches hereby approved can be floodlit at any one time. Unless otherwise agreed in writing with the City Council as Local Planning Authority on no more than 6 occasions in any one calendar year.

#### Reason

To protect the amenity of the residents of nearby residential accommodation and to minimise the impact of the flood lighting on the greenbelt pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26

13) Before the development hereby permitted is commenced a scheme showing the detailed design of the stiles that are suitable for use by disabled people shall be submitted to and approved by the City Council. The approved stiles shall be installed and maintained before the approved use commences.

#### Reason

To ensure that satisfactory disabled access is provided to the re routed public footpath pursuant to policies CB21, CB30 and CB40 of the Unitary Development Plan for the City of Manchester.

14) Before the development hereby approved commences a method statement for the construct of the new footpath/cycleway through the SBI shall be submitted to and approved by the City Council. All works shall be carried out in accordance with the approved scheme.

Reason

In order to protect the SBI from damage during the construction of the footpath pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB21, CB23, CB24, CB25, CB26, CB28, CB30, CB33, CB37, CB40, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, DC22 and DC26 of the Unitary Development Plan for the City of Manchester.

15) The clubhouse shall only be available for use at the following times:

Monday to Saturday 7.30 am to 11.30pm

Sundays 9.00am to 11.00pm

Unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

To protect the amenity of the occupiers of nearby residential properties pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development )Order as amended no fencing other than that approved as part of this application shall be erected on the site and the approved fencing shall not be modified in any way without the prior written approval of the City Council.

Reason

To ensure that the impact of the fencing on the openness of the greenbelt is not affected in any way. Pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB23, CB24, CB25, CB26, CB28, CB33, CB37, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, and DC22 of the Unitary Development Plan for the City of Manchester.

17) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisement) Regulations 2007 no advertisements shall be displayed within the site without the prior written approval of the City Council as Local Planning Authority.

Reason

To protect the visual amenity and open character of the green belt pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB23, CB24, CB25, CB26, CB28, CB33, CB37, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, and DC22 of the Unitary Development Plan for the City of Manchester.

18) The fencing to be erected as part of the development hereby approved shall be designed in such a manner as to allow the passage of small mammals and invertebrates.

Reason

To ensure that the enclosure of the pitches does not interfere with the free passage of small mammals and invertebrates along the existing Wildlife corridor pursuant to policies CB1, CB3, CB15, CB16, CB20, CB23, CB24, CB25, CB26, CB28, CB33, CB37, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, and DC22 of the Unitary Development Plan for the City of Manchester.

19) The luminaires shall be directed onto the pitches at all times.

Reason

To ensure that there is no spillage of light that would adversely affect the amenity of the occupiers of nearby residential accommodation pursuant to policy H2.2 of the Unitary Development Plan.

20) Notwithstanding the hours of use set down for the floodlights in conditions 11 and 12 the floodlights shall be switched off unless the pitch is in use or they are required to be switched on for maintenance purposes.

Reason

To keep the impact of the floodlighting on the amenity of the occupiers of nearby residential accommodation and the green belt to a minimum pursuant to policies H2.2, CB1, CB3, CB15, CB16, CB20, CB23, CB24, CB25, CB26, CB28, CB33, CB37, CB44, CB45, E1.4, E2.4, E2.1, E2.2, E2.3, E2.4, E2.6, E3.4, E3.5, L1.2, L1.5, DC21, and DC22 of the Unitary Development Plan for the City of Manchester.

21) A method statement giving details of how the Japanese Knotweed is to be dealt with as part of the development proposals should be submitted to and approved by the City Council as local planning authority prior to the development commencing and implemented in accordance with those approved details.

Reason

To ensure a satisfactory development, pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

22) The development hereby permitted shall not be commenced until such time as a scheme to

1. Ensure no overall raising of ground levels.
2. Incorporate flood-proofing measures into the proposed development.

3. Ensure that the maximum rate of surface water discharge does not exceed the existing rate of discharge.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

To reduce the impact of flooding on the proposed development and future occupants and to reduce the risk of flooding to the proposed development and future occupants and properties downstream of the site pursuant to policy CB40.

23) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure a safe form of development which poses no unacceptable risk of pollution pursuant to policy CB40 of the Unitary Development Plan for the City of Manchester.

#### **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: 091081/FO/2009/S1 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 all held by the Planning Division.

### **Equal Opportunities**

There are no equal opportunities issues arising from this report.

### **Environmental Improvements**

This report has implications for the Mersey Valley, the ecology, biodiversity and openness of the Green Belt and the implications for organised recreation in favour of informal recreation.

### **Employment Implications**

There are no employment issues arising from this report.

HEAD OF PLANNING