

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132522/JO/2021

Date registered valid: 16 December 2021

Proposal: Variation of condition 2 (specified plans) and removal of condition 11 (acoustic fence) attached to planning permission referenced 128680/JO/2020

Address: Goals Manchester, 4 Irish Town Way, Manchester, M8 0AE

Ward(s): Cheetham Ward

Applicant: Mr Ian McDermott Goals Soccer Centres Redwood House, 5 Redwood Crescent, Peel Park, East Kilbride, G47 5PA, Scotland

Agent (if any): Mr Maurice Hickey, Inkdesign Architecture Ltd, Unit 1 The Briggait, 141 Bridgewater, Glasgow, G1 5HZ

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 March 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Smallscale Major Other

Date of site visit: 12 January 2022

Standard consultations:

Printed: 23 December 2021 Expired: 13 January 2022

Neighbour notifications

Printed: 23 December 2021 Expired: 13 January 2022

Site notice

Posted: 12 January 2022 Expired: 2 February 2022

Press advert

Published: 11 January 2022 Expired: 1 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building and surroundings

The application site relates to an existing 5 a side football complex – ‘Goals’ previously approved as part of outline planning permission referenced 083788/OO/2007/N1 and a subsequent reserved matters permission referenced 098223/MO/2011/N1.

The permission granted 11 outdoor sports pitches and an associated single storey pavilion and car parking area which are now in situ. To date, only 8 of the sports pitches have been constructed, due to part implementation of the host permission. A subsequent S.73 variation of condition permission has sought to implement the remaining 3 pitches via reconfigured arrangement (Ref: 128680/JO/2020).

The sports pitches are located to the west of the Irish World Heritage Centre building and hotel and to the south/south-east of some existing residential properties that are located to the south of Queens Road. Between the sports pitches and residential properties, there is a landscaped area of land which separates the site from the nearest residential property, approximately 50m away.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission is sought for the variation of condition 2 (specified plans) and the removal of condition 11 (acoustic fence) attached to planning permission referenced 128680/JO/2020.

Planning permission referenced 128680/JO/2020 sought to allow alterations to the originally approved playing pitch configuration. Namely, to allow the reconfiguration and reorientation of pitch 9 shown on the approved drawings. This involves an extension to the pitch to its western boundary and a slight enlargement, to allow for a change from a 5 a side to a 7 a side pitch.

In addition, it was proposed to implement pitches annotated as 4 and 8 on the submitted drawings. Both pitches are located at the western end of the existing, part implemented layout.

The minor changes that led to approval of the reconfigured pitch layout included an additional requirement for the installation of an acoustic fence adjacent to the northern boundary of the site, between the pitches and a wooded area, which separates the entire site from the nearest residential properties along Holborn Drive and Falfield Drive.

The requirement for the fence was as the request by the Planning Service in an attempt to appease neighbouring occupiers from noise objections raised during the application. The fence has not been erected.

The application in this case relates to the removal of the condition (11) which requires the acoustic fence and a variation to the specified plans condition (2) which references the acoustic fence.

The applicant asserts that a new acoustic fence is not required as the 3no. pitches subject to the reconfiguration are further away from neighbouring properties than existing pitches and that the existing landscaped mound between the pitches and the nearest neighbours gives sufficient noise resistance at present without the need of a new acoustic fence. An accompany acoustic fence seeks to demonstrate that the acoustic fence would be of no benefit to the noise environment.

Consultations & Notification Responses

Local Residents/Occupiers – 4 representations have been received from neighbouring occupiers, including 2 representations from the same person and which also includes a letter and petition sent to Goals to complain about current noise levels and hours of operation. Principal concerns are outlined below:

- The noise is currently bad enough;
- It is claimed that the submitted noise assessment contains inaccuracies. Measurements have not been taken from actual affected properties, they have been conducted during a 'lockdown' period.
- Using GOALS in Glasgow is no use to measure against noise levels people are complaining about from GOALS in Cheetham Hill;
- Source measurements have not been taken from resident gardens neither has any permission been sought to do this. therefore it cannot be said that noise levels do not represent a disturbance to local residents;
- It is claimed the premises opens beyond its authorised hours.

Environmental Health - Based on previous correspondence, the last one being dated 2nd December under planning reference 128680 which includes the noise assessment submitted under this variation application reference 132522, It was found that the fence had no acoustic

benefit and did not affect the noise rating from the pitch proposal under application reference 128680.

Planning History

The planning history relating to 'Goals' is set out below:

128680/JO/2020

Variation of condition 2 (specified plans) of planning permission referenced 098223/MO/2011/N1 to allow alterations to the playing pitch configuration. *Approved 25 February 2021.*

106998/JO/2014/N1

Variation of condition application for variation of condition 2 (specified plans) attached to planning approval 098223/MO/2011/N1 to allow for changes to colour of building cladding and reversal (mirroring) of previously approved elevations. *Approved 25 November 2014.*

098222/JO/2011/N1

Variation of condition number 32 attached to previously approved application ref 083788/OO/2007/N1, and subsequently renewed by application 095262/REP/2011/N1, to vary the hours of operation for the external sports pitches. *Approved 24 February 2012.*

098223/MO/2011/N1

Reserved matters application for part of Parcel C for design, appearance, layout and landscaping for external sports pitches and pavilion building, following Outline approval granted under application 083788/OO/2007/N1. *Approved 8 February 2012.*

095262/REP/2011/N1

Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation (planning permission ref 083788/OO/2007/N1) for a further three years. *Approved 16 March 2011.*

091391/MO/2009/N1

RESERVED MATTERS APPLICATION for appearance, landscaping, layout and scale following Outline Approval reference 083788/OO/2007/N1 for the erection of a new Irish World Heritage Centre and associated landscaping, car parking and boundary treatments. *Approved 30 October 2009.*

083788/OO/2007/N1

OUTLINE APPLICATION for new mixed-use multi-phase development. Phase 1 relates to parcel A which comprises an employment park incorporating 34 units (use classes B1c, B2 and B8) and associated car parking with all matters to be considered. Subsequent phases relate to parcel B (comprising employment units with a maximum floorspace of 8140 sq.m of use classes B1c, B2 and B8 and associated car parking) Parcel C (a new Irish World Heritage Centre with associated shop, exhibition hall, function room, restaurant and outdoor leisure facilities/amenity areas) Parcel D (a new 140 bed hotel with associated car parking) and Parcel E (a new retail

unit, use class A1, with a maximum floor area 1161sq.m and associated car parking). All matters to be reserved except access for Parcels B C D and E. Approved 7 February 2008.

Policy

The following policy and guidance is considered relevant to the consideration of this application.

- Saved policy DC26 of the Unitary Development for the City of Manchester;
- Policies DM1 and SP1 of the Manchester Core Strategy;
- National Planning Policy Guidance;
- National Planning Policy Framework;

Issues

Background

The original site plan granted permission in 2011 showed an additional 3no. 5-a-side sized pitches which were never implemented. The 2020 plans alter this to 2no. 5-a-side (pitch 4 and pitch 8) and 1no. 7-a-side (pitch 9), as shown on the submitted drawings.

The approved, reconfigured layout permission included requirement to erect an acoustic fence between Holborn Drive and the pitches, separated by a mound with tree planting.

Principle

The principle of the proposed use of the site has previously been established by the host planning permission and subsequent variations.

The sole issue for the consideration in this case relates to the removal of the requirement to install an acoustic fence.

Based on the submitted acoustic assessment, the comments from Environmental Health and the relationship of the reconfigured pitch arrangement with the nearest affected residential occupiers, it is considered that the requirement for the acoustic fences is unnecessary. It is believed that there would be no material benefit to the prevailing noise environment as a consequence of the fence. On this basis, the principle of the proposal is considered satisfactory and compliant with the aforementioned policy and guidance.

Noise and Impact to Residential Amenity

The proposed variation and removal of condition which requires the erection of an acoustic fence, follows the approval of a variation relating to a reconfigured playing pitch arrangement. The fence is currently proposed to the western side of the complex.

The 3 reconfigured pitches which remain to be implemented are to be sited further away from neighbouring properties than the existing pitches. The reconfigured arrangement includes the re-orientation and alteration to the dimensions of a larger pitch to the south western corner of the complex. - approximately 50 metres to the south of properties along Holborn Drive and Falfield Drive and the nearest noise sensitive property of No.19 Holborn Drive. The proposed fence location is separated from the nearest residential properties by a grassed mound with three planting. It therefore stands to reason that the altered pitch layout would have no further impact to the nearest noise sensitive properties than the existing pitches which are sited closer to such properties.

It should also be noted that the existing football pitches and complex has previously been assessed as being acceptable and approved by the Planning and Highways Committee. This included consideration to residential amenity.

Notwithstanding this rationale, consideration is still required to be given to the noise environment, given that the layout of the pitches is different to that originally approved by the host permissions.

The submitted noise impact assessment references statutory provisions and guidance relating to noise.

As the complex was shut due to lockdown, the assessment and noise modelling includes a comparative study for a similar football complex in Glasgow (noise data recorded pre-lockdown), which has similar pitch layout, dimensions and surrounding boards and is used as the noise source for the assessment of the new pitches subject to the present proposals, with receivers located at the façade line of the nearest noise sensitive receptors at 19 Holborn Drive and 11 Fairfield Drive.

The assessment concludes that with no fence, all the receptors are predicted to have pitch noise levels from the three new pitches of well below the 50dB LAeq,1hr external noise level for “no observed adverse effect level” (NOAEL) as referenced in the government policy.

The highest predicted 1 hour average noise level (with no acoustic fence) being 37dBA (external freefield) at 1st floor height, some 13dB below the 50dBA target and therefore considered to be “no observed effect level”

The addition of a 4m acoustic fence reduces noise levels at the closest receptor at 19 Holborn Drive by 3dB but does little for the other receptors which are less shielded by the natural topography provided by the mound. It is maintained that as predicted noise levels are already so far below the 50dB target noise level it is not considered that the introduction of the acoustic fence is providing significant improvement to justify its inclusion in the design.

Environmental Health have considered the submitted assessment and also provided advice to the applicant at the pre application stage regarding the Council's requirements for noise assessment. They considered the assessment to be robust and that the proposed acoustic fence would be of no acoustic benefit. On this basis, the removal of the requirement of the acoustic fence is not considered necessary and would be of no material benefit in the protection of the existing noise environment.

Whilst it is acknowledged that noise nuisance is of a concern to local residents, the provision of an acoustic fence is not considered to overcome such concerns. It is believed that matters raised relate to the management of the complex, statutory noise nuisance concerns, the use of anti-social language and unauthorised hours of operation. These matters are subject to separate complaints being investigated by Environmental Health and the Planning Compliance team, outside the scope of this application.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have

made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

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

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The development hereby approved must be begun not later than 8 February 2014.

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:

Drawings numbered 20-811-PL 01 and 20-811-PL-03, received by the City Council as Local Planning Authority on 23 November 2020 and 27 November 2020 respectively.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

- 3) The development hereby approved shall only be implemented in accordance with the landscaping scheme detailed on the following documents, previously discharged by the City Council as Local Planning Authority on 30 January 2014:

Blakedown Landscapes Ltd Drawing;
No - 545/01 - Landscape Proposals;
Blakedown Landscapes Ltd word documents;
OH - Land MGT (Management);
OH - Land Statement;
CH - Pref Spec (Performance Specification).

The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. 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 policies DM1 and SP1 of the Manchester Core Strategy.

4) The development hereby approved shall only be implemented in accordance with the security measures received by the City Council as Local Planning Authority via e-mail dated 20 January 2014 and previously discharged on 29 January 2014. Namely:

Caladonian Modular Drawings;
No - 3046 - 003 - Data, CCTV, Intruder;
No - 3046 - 004 - Elec Fire Alarm;
No - 3046 - 005 - Elec External Lighting;

DES Electrical Contractors Drawing;
No - DES - 399-006 - External Services;

Shutter Information;
PDF - Secure Roll Shutter;
PDF - Secure Shield 3801.

The development shall only be carried out in accordance with the approved details. For the avoidance of doubt, all new fittings shall be certified to the standards of Secured by Design.

Reason - To reduce the risk of crime pursuant to saved policy E3.5 of the Unitary Development Plan of the City of Manchester.

5) The development hereby approved shall only be implemented in accordance with the car parking details received on 20 February 2013 and previously discharged on 30 January 2014.

The car parking shall be demarcated in accordance with the approved details and made available before the development is first brought into use, and remain available for use at all times thereafter.

Reason - To ensure adequate car parking for the development, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) The boundary netting to surround each of the new sports pitches shall be erected before the development is first brought into use, and shall remain in situ at all times thereafter.

Reason - To safeguard amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

7) Before first occupation of the development, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

8) External lighting shall be designed and installed so as to control glare and overspill onto nearby residential properties.

Reason - To protect amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

9) The development hereby approved shall only be implemented in accordance with the waste management strategy detailed within the following documents, previously discharged on 29 January 2014:

JAMM Ltd Drawings;

No - PL02 - Proposed Site Plan (Illustrates the location of the bin store in relation to the main building);

No - PL07 - Enclosure Details (Illustrates the waste bin enclosure in plan, section and elevation);

Copy of email from Veolia Environmental Services (UK) Plc, confirming that Goals Soccer Centres has a national account with it to provide appropriate waste management bins to all its sites and an explanation of what happens to the waste when it leaves the facilities.

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

10) The floodlights for the external sports pitches shall only be illuminated within the permitted hours for the external pitches. However, notwithstanding these hours of use, the floodlights for the external sports pitches shall be switched off unless the external sports pitches are in use or they are required to be switched on for the purpose of maintenance.

Reason - To keep the impact of the floodlighting on the amenity of the occupiers of nearby residential accommodation to a minimum, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

11) The development shall only implemented in accordance with the surface water drainage strategy detailed within the Surface Water Drainage Assessment (Report No. 800100_34_DG_158) produced by Caley Water and drawings referenced A101, A102, A103, A104, A105, A106/A and A107/A received by the City Council as Local Planning Authority on 17 January 2022, together with the e-mail from United Utilities dated 11 February 2022, pursuant to discharge of condition application referenced CDN/21/0709.

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

12) No activity shall occur on the playing pitches outside of the following hours:

Pitches 1-4: 09.00 to 22.30 hrs Monday to Sunday;

Pitches 5-11: 09.00 to 23.00 hrs Monday to Sunday.

The pitch layout numbering is based on drawing referenced 20-811-PL 01, received by the City Council as Local Planning Authority on 23 November 2020.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Falfield Drive, Manchester, M8 8UD
139 Queens Road, Manchester, M8 0QY
141 Queens Road, Manchester, M8 0QY
143 Queens Road, Manchester, M8 0QY
145 Queens Road, Manchester, M8 0QY
147 Queens Road, Manchester, M8 0QY
149 Queens Road, Manchester, M8 0QY
151 Queens Road, Manchester, M8 0QY
1 Hawkeshead Road, Manchester, M8 0QZ
137 Queens Road, Manchester, M8 0QY
153 Queens Road, Manchester, M8 0RB
155 Queens Road, Manchester, M8 0RB
163 Queens Road, Manchester, M8 0RB
165 Queens Road, Manchester, M8 0RB
167 Queens Road, Manchester, M8 0RB
169 Queens Road, Manchester, M8 0RB
171 Queens Road, Manchester, M8 0RB
173 Queens Road, Manchester, M8 0RB
175 Queens Road, Manchester, M8 0RB
177 Queens Road, Manchester, M8 0RB
181 Queens Road, Manchester, M8 0RB
1 Redwood Drive, Manchester, M8 8UR
10 Redwood Drive, Manchester, M8 8UR
12 Redwood Drive, Manchester, M8 8UR
14 Redwood Drive, Manchester, M8 8UR
2 Redwood Drive, Manchester, M8 8UR
3 Redwood Drive, Manchester, M8 8UR
4 Redwood Drive, Manchester, M8 8UR
5 Redwood Drive, Manchester, M8 8UR
6 Redwood Drive, Manchester, M8 8UR
7 Redwood Drive, Manchester, M8 8UR
8 Redwood Drive, Manchester, M8 8UR
9 Redwood Drive, Manchester, M8 8UR
1 Holborn Drive, Manchester, M8 8US
10 Holborn Drive, Manchester, M8 8US
11 Holborn Drive, Manchester, M8 8US
12 Holborn Drive, Manchester, M8 8US
13 Holborn Drive, Manchester, M8 8US
14 Holborn Drive, Manchester, M8 8US
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