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Your ref:
Our ref: 2024-10-15
Date: 15 October 2024

BY PLANNING PORTAL ONLY

Dear Rob

**RETROSPECTIVE SUBMISSION: TEMPORARY PLANNING PERMISSION FOR TIMBER OUTBUILDING (SERVING HOT AND COLD FOOD AND DRINKS ON THE PREMISES) FOR 5 YEARS
WEST DIDSBURY AND CHORLTON AFC, BROOKBURN ROAD, CHORLTON, M21 8FE**

PLANNING PORTAL REFERENCE: PP-13465563

I write further to our previous telephone conversation regarding the above matter and as discussed, I hereby submit a retrospective planning application in relation to the existing timber building used as a 'tea bar' which is in situ at the ground of West Didsbury & Chorlton Amateur Football Club (hereafter referred to as 'WD&C AFC').

The Application

I confirm the enclosed retrospective planning application is accompanied by the following documents which have all been submitted electronically via the Planning Portal:

- Completed application forms and certificates.
- Location Plan.
- Existing Site Plan – indicates the location in which the tea bar will remain.
- Existing Floor plan and Elevations.
- This Covering Letter which includes a Design and Access and Heritage Statement, and Flood Risk Assessment.
- Completed Waste Strategy Proforma.

The appropriate planning application fee is £293.00 plus the administration fee (£70) payable to the Planning Portal. The Applicant (WD&C AFC) has been nominated to pay these monies.



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Background

The Council is very familiar with WD&C AFC and the Club has been requested by the Council to submit this planning application in order to regularise the erection of a timber building which is currently being used to serve food and beverages to spectators on match days. The Applicant erroneously erected the timber building in June 2023 without the benefit of planning permission and therefore this planning application seeks retrospective full planning permission to retain the timber building in situ as shown on the enclosed submission drawings, for a temporary period of 5 years.

As the Case Officer for previous planning applications at the football ground, you are fully apprised of the reasoning behind the requirement to submit this current planning application, however for the benefit of others who may read this Covering Letter, I shall set out in brief the history of the Club.

WD&C AFC is a popular, community-based football club, with the men's first team currently playing semi-professional football in the North West Counties Football League Premier Division. The Club also has a women's team which competes in the FA Women's North West Regional League. Both teams play at Step 5 of the FA National League System. There are also a number of junior teams (from under-5 through to under-18 age groups) and a veteran's team which plays in the Cheshire Veterans Football League.

The popularity of the Club means that on home match days the Clubhouse is very busy and long queues can form at the bar when people are looking to purchase food and drinks. The Club has sought planning permission to extend the current Clubhouse facilities in the past which would enable service at the bar to be much more efficient, but the Club is not currently in a financial position to extend the Clubhouse, and therefore the temporary 'tea bar' would enable people to purchase their match food and drinks from two different purchase points. This enables the ground staff to manage people more effectively, especially on match days, which not only creates a better experience for people visiting Brookburn Road, but also assists with the Club's responsibility to ensure the Health and Safety of people within the Ground itself.

The Proposal

The proposal comprises the retrospective retention of a timber building. The building is lightweight in its construction, having been erected on site and being placed on timber batons which sit directly on an area of existing hardstanding. The 22.3 sqm (GEA, 16.74 sqm GIA) structure is constructed entirely of timber and has two window and two door openings. The structure has an electricity supply and internally has been kitted out with very simple catering facilities to provide hot drinks (teas and coffees), food which is kept heated in a small oven (such as pies), and alcohol. For the avoidance of doubt, it is confirmed that WD&C AFC has a Premises Licence (Licence Number 281582 with Manchester City Council) which permits the sale by retail of alcohol anywhere within the Ground and therefore the licence permits alcohol to be sold not just from the Clubhouse, but also from the building to which this planning application relates.

The proposed opening times for the tea bar would be the same as those permitted on the Premises Licence, that being as follows:

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
Seasonal variations and Non-standard Timings:							
None							

The timber for the building was kindly provided by a locally based timber merchant.

A temporary time period of 5 years is sought to retain the building in position, to enable the Club to continue to serve people who visit the Ground, until such time that the Club is in a financial position to improve the Clubhouse facilities on a more permanent basis.

Design and Access and Heritage Statement

The Design and Access and Heritage portion of this Covering Letter explains the thought process behind the location and design of the proposals. The physical characteristics of the scheme have been informed by an assessment of the site and surroundings and the potential impact of the proposals on the locality and immediate neighbours.

- *Use*
The wider site comprises an existing football ground and the proposals in this planning application would not alter the principal use of the application site and the wider use of the land within which it is sited. As detailed above, the building would be used to serve hot and cold food and drinks, to reduce the pressure on the small bar area located within the existing Clubhouse when the Ground is busy.
- *Amount*
The building measures 22.3 sqm (Gross External Area) and 16.74 sqm (Gross Internal Area).
- *Layout*
The building has been positioned to the southern part of the wider football Ground area, away from the rear gardens of most of the residential properties which back on to the Ground. It is accepted that the timber structure is adjacent to the fence line of the rear garden of a residential property, however the garden is significant in size, and the timber building is set against the backdrop of an existing football ground which includes a Clubhouse and is more than 70 m away from the main rear elevation of that nearest residential property.
- *Scale*
The timber building is small and functional and should not be considered to be overbearing or obtrusive.
- *Landscaping*
The timber structure is sat on an area of existing hardstanding where there is no existing soft landscaping; no additional landscaping is proposed, and it is not considered proportionate or necessary to propose any given the use of the building.
- *Appearance*
The timber building is simple in its appearance, being constructed entirely from timber and performing a functional role. The timber will weather over time, being subject to the South Manchester climate which will soften the appearance of the timber.
- *Access*
The building is very accessible by all those that are within the Ground, being positioned on a flat ground surface.
- *Heritage*
The application site (and the wider football Ground within the Applicant's ownership) is located within the Chorltonville Conservation Areas.

The building is of a simple structure and finish. Views of the structure are generally restricted to within the application site but there are some longer-range views from outside of the site through perimeter fencing to the south and residential properties to the north, although such views are limited given the siting of the structure to the south-east of the existing clubhouse. Given the size and siting of the

structure in the vicinity of other on-site structures and surrounding fences and landscaping, the Applicant submits that the timber building has been sited without giving rise to unacceptable impacts on the visual amenity of the area, including the Chorltonville Conservation Area. Views of the timber building are generally restricted to public paths around the site to the south and when viewed in the context of the Clubhouse, and so given this and the small-scale nature of the building when compared to other existing buildings within the wider site, it is considered that the timber building would not be visually intrusive in this location.

In conclusion, the timber 'tea bar' building is considered acceptable in relation to its impact on matters of heritage assets.

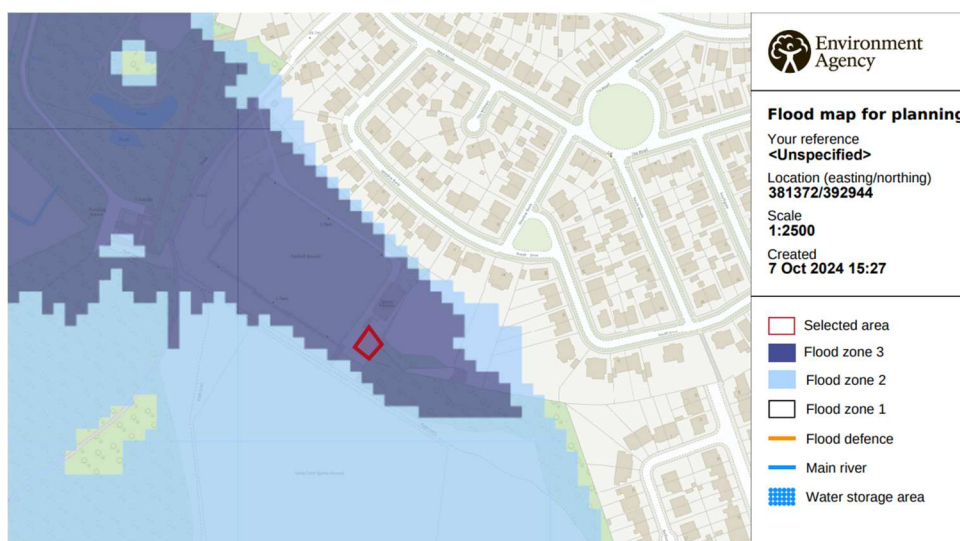
Flood Risk Assessment

The National Planning Policy Framework (the 'Framework') makes it clear at Paragraph 173 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment.

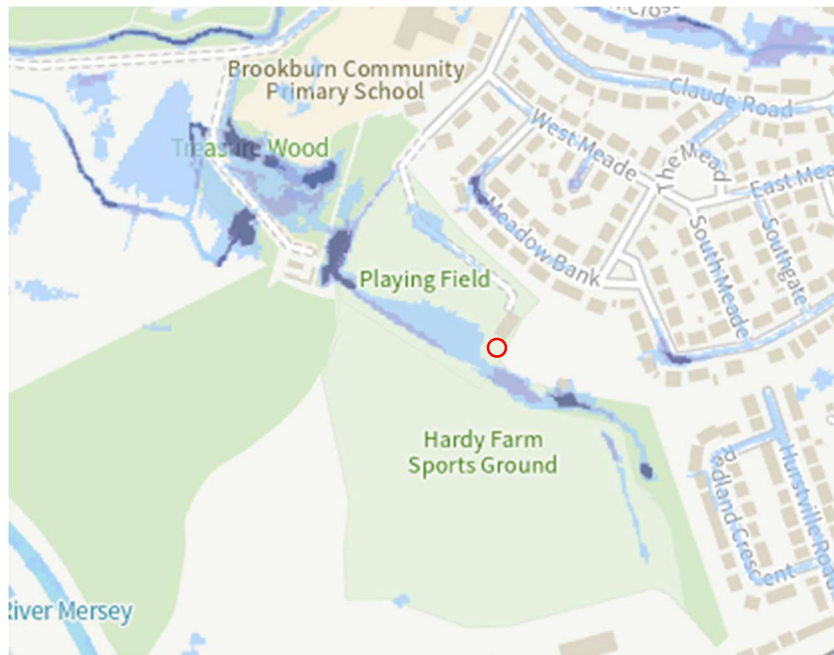
The building to which this application relates is located within Flood Zone 3 and therefore a Flood Risk Assessment (FRA) is necessary. The building is small and is not to be in use all the time, and therefore the detail contained in this FRA is proportionate to the proposed use - both in terms of land use and frequency - of the building.

The contents of a previous FRA submitted to (and approved by) the Council¹ confirmed that within the last 5 years there has been no flooding nor situation where rainfall or the closest river levels have become close to flooding the location. Over the years, the local authorities have been involved in the improvements of the local flood defences from the river Mersey (located more than 420 m to the south of the application site). The banks of the river have been raised in order to increase the overall capacity that can be held, averting the risk of the original river banks becoming over run and the flood plains becoming affected by excessive flood water from the river Mersey. There is more than adequate surface water drainage on site, the surface water has a drain of which leads direct into the river. This surface water drainage has protection from a non-return valve in place to prevent river water encroaching upstream against the flow in the event of a high-water level within the river itself.

The application site is within Flood Zone 3 (as is most of the Ground at WD&C AFC), which is an area with a high probability of flooding but is at very low risk of flooding from surface water:



¹ In respect of Planning Permission 134245/FO/2022 granted on 21 October 2022.



Source: <https://flood-map-for-planning.service.gov.uk/>

It should be noted that outdoor sports uses are considered to be water compatible uses within Annex 3 to the Framework, and the application proposal would be solely associated with this use, i.e. it would only be in use when a football match was being played at the WD&C AFC football Ground.

Current controls are in place via the surface water drainage leading into the river, and given the low-risk rating for surface water flooding this is adequate. As a precautionary measure for any flooding from the river upstream to the surface water drainage, there is a safety device in place. Given the work in the past to build up the height of the river banks, and the facts that these have not breached since they have been raised, gives an increase on the prevention of the location not flooding. In addition to this, the Applicant will be signing up for flood warnings (<https://www.gov.uk/sign-up-for-flood-warnings>).

The building has been located on an area of existing hardstanding. Its placement has not created an increase in additional impermeable surfacing and would not therefore increase the risk of flooding elsewhere. In terms of issues of safety, given that there are existing measures in place to address any potential flood events both within the application site area and in the wider football ground area, and that the building is only in use during match days, it is considered that any residual risk can be safely managed.

In conclusion, the timber 'tea bar' building is acceptable in relation to its impact on matters of flood risk and drainage.

Biodiversity Net Gain (BNG)

Biodiversity net gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. In England, BNG is required under a statutory framework introduced by the Environment Act 2021 and is applicable to an application made on or after 12 February 2024. While every grant of planning permission in England is deemed to have been granted subject to a BNG condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to BNG. In this specific case, the planning application is exempt because it falls under the category of 'Development Subject to the De Minimis Exception'.

The de minimis exemption only applies to development if the following two conditions are met:

- The development must not impact on any on site priority habitat; and
- If there is an impact on other on site habitat, that impact must be on less than 25 square metres (e.g. less than a 5 m by 5 m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)

The current planning application relates to a new timber building measuring less than 25 sqm on an area of existing hardstanding and there are no other habitats within the red line boundary of the development. Therefore, in line with Paragraph: 004 Reference ID: 74-004-20240214 of the Planning Practice Guidance (PPG), the development would be exempted from BNG net gain by the de minimis exemption because:

- The development does not impact on any on site priority habitat.
- The car park would be classified as developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric; and
- There are no other on site habitats.
- The building measures less than 25 sqm (it measures 22.3 sqm GEA).

In conclusion, the timber 'tea bar' building is acceptable in relation to its impact on matters of biodiversity.

Assessment of the Proposal Against The Development Plan and Other Material Considerations

The Development Plan comprises the Places For Everyone (Pfe) Joint Development Plan Document 2022 to 2039 (adopted 21 March 2024), the Core Strategy Development Plan Document 2012 -2027 (adopted 12 July 2012) and the Extant (remaining) Unitary Development Plan (UDP) policies (saved 11 July 2012).

The relevant policies to the planning application are:

Places For Everyone

- Policy JP-P7 - Sport and Recreation.
- Policy JP-S1 - Sustainable Development.
- Policy JP-S4 - Flood Risk and the Water Environment.
- Policy JP-P2 - Heritage.
- Policy JP-G9 - The Green Belt.

Core Strategy

- Policy SP1 - Spatial Principle².
- Policy EN1 - Character Areas.
- Policy EN12 - Area Priorities for Open Space, Sport and Recreation.
- Policy EN14 - Flood Risk⁴.
- Policy DM1 - Development Management.
- Policy EN3 - Heritage³.
- Policy EN13 - Green Belt.

UDP

- Saved Policies CB1, CB15, CB16, CB20, CB23, CB24, CB25, CB40 and CB44 which seek to preserve and improve the character and appearance of the Mersey Valley area.
- Saved UDP Policy DC18 seeks to protect the City's Conservation Areas from inappropriate development and seeks to manage change appropriately.
- Saved UDP policy DC26 seeks to protect the amenity of an area from the adverse impact of noise generating developments.

² The last but one bullet of this Policy has been superseded by Pfe Policy JP-S1 (Sustainable Development).

³ The second Paragraph of this Policy has been superseded by Pfe Policy JP-P2 (Heritage).

⁴ The 3rd bullet point except the final sentence has been superseded by Pfe Policy JP-S4 (Flood Risk and the Water Environment).

Other material considerations at a local and national level include:

- Guide to Development in Manchester SPD and Planning Guidance (April 2007).
- Manchester Green and Blue Infrastructure Strategy (Implementation Plan Refresh 2021-2025).
- Our Manchester Strategy (2016-2025).
- Manchester City Council's Climate Change Action Plan (Refreshed Plan 2022-2025).
- National Planning Policy Framework (Framework) (19 December 2023).
- Planning Practice Guidance (March 2014, and subsequent updates).

The application site is related to a well-established local football club located within the Greater Manchester Green Belt, as well as the aforementioned Chorltonville Conservation Area and Flood Zone 3.

In terms of the principle of the development, the timber building is small in scale and would be associated with a long-established use across the wider site for football matches. The Applicant has sought to control people attending the ground in a more efficient way that would benefit both those attending matches and the wider amenity of the locality, by directing queues of people further away from the rear of the residential properties to a new timber building. This management would also make sure the Club meets its health and safety requirements in terms of crowd management on match days. People who would use the timber building would not be permitted inside (only staff members) but would be served through the window 'hatches' and would already be accessing the wider area because they would be attending the football Ground.

Having regard to the above, it is considered that the Council should view the principle of the use of the timber bar as acceptable. Akin to the Clubhouse, the use of the building would simply be associated with the lawful principal use of the wider area, which is sports and recreation.

It has already been shown above that the building would not be unacceptable in terms of flood risk, biodiversity and heritage.

In terms of impact on the Green Belt, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The construction of new buildings within the Green Belt is considered to be inappropriate except for a limited number of exceptions, which includes amongst other things - the provision of appropriate facilities (in connection with the existing use of land or a change of use) for *inter alia* outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The application proposals are specifically related to an existing use of the land for outdoor sport and recreation. The timber building is considered to be an appropriate facility for the use of the land, and it is considered that the Council should conclude that the siting of the building, its scale and temporary nature do not conflict with the purposes of the Green Belt, nor would it impact on the openness of the green belt.

To conclude, the proposals comply with the relevant policies of the statutory Development Plan; additionally, the other material considerations identified do not indicate that planning permission ought to be refused.

Conclusion

To maintain consistency in decision-making, it is politely requested that the Council approach the current proposals in the same way as they did with the most recent proposals at WD&C AFC, that being the temporary spectators' stand; Planning Application Reference 134245/FO/2022. The Officers report to Planning Committee for that most recent application concluded the following:

'The application site is located within a conservation area and within the Green Belt. Given these specific site constraints together with the temporary nature and design of the stand that is in site, it is considered necessary that control is maintained through the provision of a temporary

consent. It is noted that national guidance advises that it is rarely justifiable to grant further temporary consents. However, it is the Councils view that in these site-specific circumstances and given the continued aspiration of the applicant to bring forward more permanent proposals in due course when funding is available, the granting of a further temporary consent in this instance is justified.'

The Club's position remains the same as it did before, insofar as it simply does not have the financial ability at present to bring forward more permanent proposals at this moment in time, and therefore the Applicant respectfully requests retrospective planning permission for the small timber building for a temporary 5 year period to enable the Club to effectively and efficiently manage people attending the football Ground.

I trust the above and enclosed is in order and I look forward to hearing from you very soon.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B Moss', with a horizontal line extending to the right.

BEVERLEY MOSS BA (Hons) MA MRTPI
Associate Director

cc: West Didsbury & Chorlton AFC
Marc Hourigan Hourigan Planning

Encl Planning Application submission.