

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140697/VO/2024
Date registered valid:	30 August 2024
Proposal:	City Council Development for elevational alterations to sports pavilion.
Address:	Mersey Bank (Fletcher Moss Fc) Pavilion, Mersey Bank Playing Fields, Manchester
Ward(s):	Didsbury West Ward
Applicant:	Peter Wood, Manchester City Council
Agent (if any):	
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	15 October 2024



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 September 2024

Standard consultations:

Printed: 2 September 2024

Expired: 23 September 2024

Neighbour notifications

Printed: 2 September 2024

Expired: 23 September 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application relates to the single storey sports pavilion located on Merseybank Playing Fields, to the south-east of Waterford Avenue. The pavilion, as seen below is adjoining on two sides by the playing fields, while to the south is located the River Mersey. The site and Merseybank Playing Fields are located within the Green Belt.



Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

City Council Development for elevational alterations to sports pavilion.

Consultations & Notification Responses

Local Residents – No comments received.

Manchester Active – Manchester Active are supportive of the proposal as it addresses ancillary provision issues identified in Manchester's Playing Pitch and Outdoor Sport Strategy (2022 updated 2024); the strategic recommendations for increasing physical activity within Manchester's Sport and Physical Activity Strategy (updated 2022), and the priorities set out in Manchester Local Football Facilities Plan (2023).

Cadent Gas Ltd – No objections and suggests an informative.

Environmental Health – Suggests the imposition of the standard "fume" condition.

MCC Flood Risk Management – No objections to the proposal.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 13 of the NPPF, *Protecting Green Belt land*, is also of relevance. It states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

It states in para 143 that the Green Belt serves five purposes:

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

Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states further in paragraph 153 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces

significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles*, - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Issues

Principle of the Proposal – As the proposal external alterations are part of a broader set of refurbishment works which will improve the facilities on offer to the teams who play there and the wider community there is no objection in principle to the development.

It is also noted that the proposal would also assist in the delivery of the aims and objectives of the three strategies below:

- The ***Manchester Playing Pitch and Outdoor Sport Strategy*** identified this site as high priority for pavilion investment, noting the structural issues and need to increase participation into multi-sport on the site.
- The Merseybank Playing Fields pavilion refurbishment is included within the ***Manchester Local Football Facilities Plan*** as a priority project. The current clubhouse has issues with asbestos, although reportedly contained. The changing provision is currently in one communal room, presenting safeguarding issues. Improved provision to facilitate growth of women and girls' participation is a key driver.
- This project will help deliver the aims and objectives of all themes set out in ***The Manchester's Sport and Physical Activity Strategy*** but in particular Theme 5: Creating Great Places to be Active – developing more active and sustainable environments and communities by investing in facilities infrastructure identified within the suite of facility strategies for indoor and outdoor facilities; and widening access to and activating all of the existing 900+ sport and leisure facilities including local parks, community assets, and local sport and leisure centres.

Elevational Alterations – The proposal comprises of the following:

- the installation of a replacement flat roof, with associated soffit and fascia boards;
- the installation of new triple glazed windows to the roof extension and double glazing in the side elevation;
- cleaning of brick work;
- the installation of new security doors and a serving hatch.

The overall design of the pavilion would remain the same but the refurbishment works would improve its appearance, as such the works are welcomed.

Residential Amenity – It is not considered that the proposed elevational alterations would have a detrimental impact upon the existing levels of residential amenity enjoyed by the occupants of the dwellings on Waterford Avenue.

As the proposed internal works do not require planning permission the standard “fume” condition cannot be attached in this instance.

Visual Amenity – It is not considered that the proposed elevational alterations would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Green Belt – As the proposal is only for elevational alterations to the existing pavilion, it is not considered that it would undermine the five purposes of the Green Belt contained within Paragraph 143 of the NPPF.

Drainage – Given the nature of the proposal, it is acknowledged that it would not require the installation of a sustainable drainage system.

Crime and Security – The elevational alterations would include the installation of a new set of *Latham steel entrance double security doors*, as such it is not considered that the proposal would have a detrimental impact upon the level of security experienced on the site.

Ecology – The proposal would not have an impact on any known ecological feature.

Other Legislative Requirements

Equality Act 2010 – Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have 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 in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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

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 received on 27 August 2024:

- a) Location Plan
- b) Plans as Proposed (M20-2944 rev C)
- c) Elevations and Sections as Proposed (M20-2944 rev C)

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

3) The development shall be implemented and thereafter maintained using the materials specified on drawing "Elevations and Sections as Proposed" (M20-2944 rev C) and the document "Specification for Remodelling Mersey Bank Pavilion" (LP45605), both received on 27 August 2024.

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 Policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) Cadent Gas Informative - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land.

The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting - cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on - www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Cadent Gas Ltd
Environmental Health
MCC Flood Risk Management
Merseybank Residents Association
13 Penroy Avenue, Manchester, M20 2ZH
10 Waterford Avenue, Manchester, M20 2ZN
19 Northbank Walk, Manchester, M20 2YH
16 Waterford Avenue, Manchester, M20 2ZN
14 Waterford Avenue, Manchester, M20 2ZN
12 Waterford Avenue, Manchester, M20 2ZN
17 Northbank Walk, Manchester, M20 2YH
9 Penroy Avenue, Manchester, M20 2ZH
15 Penroy Avenue, Manchester, M20 2ZH
11 Penroy Avenue, Manchester, M20 2ZH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Flood Zones Type 2 (low to medium risk) -
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Green Belt Land - Green Belt Area (LDF)
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA