

Your Ref: 133148/FO/2022



18th August 2022

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Dear Steve

Planning Application Ref. 133148/FO/2022

Demolition of all Existing Structures and Erection of a Use Class E Foodstore With New Vehicular Access / Egress to Victoria Avenue East, New Internal Vehicular Access Road, Car Parking, Servicing Area, and Hard and Soft Landscaping; Alongside Creation of a New Vehicular Access and Egress for Adjacent Sports Facility

The Imperial Lounge Indian Restaurant, Victoria Avenue East, Blackley, M19 7HW

I write on behalf of my client Aldi Stores Limited ('Aldi') in regard to planning application reference 133148/FO/2022 which was validated by Manchester City Council ('MCC') on 4th April 2022 and seeks detailed planning permission for the demolition of all existing structures and the *"erection of a retail foodstore (Class E) with new vehicular access / egress to Victoria Avenue East, new internal vehicular access road, car parking, servicing area, and hard and soft landscaping, following demolition of existing structures, alongside the creation of a new vehicular access and egress for the adjacent sports facility"*. The scheme is proposed on the site of The Imperial Lounge, Victoria Avenue East, Manchester, M9 7HW ('the Site').

The purpose of this letter is to provide a response on behalf of the applicant in connection with representations to the planning application from Sport England. The Sport England comments, which should be read in conjunction with this response, are dated 18th May 2022. Sport England identify seven matters that they would like to be addressed by the applicant and these points are responded to in turn below. However, before doing so, it is important to outline the following supporting information which is submitted with this letter and should be read alongside it:

- Rugby Ball Trajectory Analysis (Ref. LSUK.22-0375);
- 16223BOL-105 Proposed Boundary Treatment Plan;

- 16223BOL-108 Proposed Paladin Fence Detail;
- CLD Exempla Perimeter Security Fencing, Technical Specifications;
- Half Pitch Lighting, Two 15 Meter Columns, Technical Specifications;
- NEO LED Flood Light, Technical Specifications; and,
- Rugby Club Access Road, Drainage Layout (Ref. 9104-SWF-XX-XX-DR-S-9006).

Applicant Response to Requests for Additional Information

Sport England Request 1. *“Details of the works required to the 162sqm of land to be brought into use as playing field. The schedule of works should be prepared and undertaken by a sports turf specialist and in accordance with Sport England’s ‘Natural Turf for Sport’ guidance. This could be dealt with via condition if required”*

Applicant Response: Professional Sportsturf Design (NW) Ltd (‘PSD’) has been commissioned to assess the existing ground conditions of the sports pitches and this fieldwork is currently underway. Following review of their topographic survey information and other data, PSD will provide a detailed specification of any works as required. PSD are on the Sport England framework, have a particular expertise in this sector, and carry out similar services on a regular basis. Notwithstanding this, as the Sport England comment highlights, it is considered that this is a matter that could be dealt with via an appropriately worded planning condition, and we would welcome a discussion in this regard should Sport England / MCC have any suggested wording.

Sport England Request 2. *“There is an overall quantitative loss of approximately 1,278sqm of playing field land as a result of the proposed development. It does not appear feasible to provide a new area of playing field land within the site and therefore Sport England would consider qualitative improvements to the two rugby pitches in lieu of a quantitative replacement in this case. A schedule of works should be prepared and carried out by a sports turf specialist and in accordance with Sport England’s ‘Natural Turf for Sport’ guidance. This could be dealt with via condition if required”*

Applicant Response: As above, PSD has been commissioned to assess the existing ground conditions of the sports pitches and this fieldwork is currently underway. Following review of their topographic survey information and other data, PSD will provide a detailed specification of proportionate compensatory works as required. PSD are on the Sport England framework, have a particular expertise in this sector, and carry out similar services on a regular basis. Notwithstanding this, as the Sport England comment highlights, it is considered that this is a matter that could be dealt with via an appropriately worded planning condition, and we would welcome a discussion in this regard should Sport England / MCC have any suggested wording.

Sport England Request 3. *“Ball Trajectory Assessment to inform the type, height and location of ball stop netting required. The submitted plans will need to be amended to show the location, type and height of the ball stop netting as this cannot be dealt with via condition given ball stop netting often has a visual amenity impact. As noted by the RFU the location of the ball stop netting should be on the developers’*

side of the boundary and be managed and maintained by the developer or their appointed management company. This is to comply with paragraph 187 of the NPPF (agent of change principle)"

Applicant Response: As requested, a **Rugby Ball Trajectory Analysis** has been undertaken for the sports pitches, prepared by Labosport (please see submitted document). This analysis has drawn upon worst case scenarios for the rugby pitch and a sophisticated trajectory model was used to predict the flight path of rugby balls, based on representative kick scenarios. In consideration of the risks posed by the simulated rugby ball trajectories in relation to the context of the location, the report recommends ball stop fencing is erected in the location already identified on the site plan (i.e. on the site boundary between foodstore and rugby club). It concludes that this ball stop fencing should have a minimum height of 3m. The report adds that many options are available in terms of fencing at this recommended height.

The applicant's preference is to proceed with a continuous dark-green 'paladin' fence of some 3030mm in height along the length of the foodstore / rugby club boundary. This strikes the right balance between intercepting wayward rugby balls, providing necessary security to the boundary, and being most appropriate option from an amenity perspective – given the transparent and 'light-weight' appearance of the fence. The location and specifications of the proposed paladin fence are outlined in the submitted: **Proposed Boundary Treatment plan** (Ref. 16223BOL-105), **Proposed Paladin Fence Detail drawing** (Ref. 16223BOL-108) and the **CLD Exempla Perimeter Security Fencing Technical Specifications** document.

Sport England Request 4. *"Details of the location of the relocated sports lighting and type of sports lighting heads. The lux levels will need to comply with RFU requirements, and that element should be discussed with the RFU"*

Applicant Response: The applicant is proposing to provide two 15-meter columns c/w 1200watt NB Asymmetric LED units. The full detail and specification of the installation (including illumination levels) is set out in the submitted documents **Half Pitch Lighting, Two 15 Meter Columns - Technical Specifications** and **NEO LED Flood Light - Technical Specifications**. It can be confirmed that the value of the lighting works proposed will exceed £20,000 and the requirements have been informed through liaison with the RFU.

Sport England Request 5. *"Details of the works to the land drains as cited in the Rugby Clubs letter in Appendix 1 of the Planning Statement"*

Applicant Response: Please see submitted **Rugby Club Access Road, Drainage Layout** (Ref. 9104-SWF-XX-XX-DR-S-9006) for further details. It should be made clear that reference to 'land drains' in the rugby club letter of support relates to the inclusion of a new eco-channel as part of the proposed new rugby club access road which will link directly into Aldi's drainage system. This is considered to represent a betterment, given that the existing rugby club access does not benefit from any drainage and water is therefore likely to run onto the surrounding playing fields.

Sport England Request 6. *“Details of how the works required to the Rugby Club will be secured given this area falls outside of the applications red line boundary”*

Applicant Response: In our view, these works can be required through an appropriately worded planning condition. There is a contractual obligation for Aldi to complete these works in order to acquire the land needed for their scheme. Accordingly, there is a more powerful legal mechanism in place than simply the planning process. Notwithstanding this, the fact that Request 7 (below) refers to a condition requiring the undertaking of these works surely answers this question. There is no planning reason why a condition imposed cannot require works to take place outside the red line of a site. The issue is whether the applicant would reasonably be in a position to undertake these works. In this case they inevitably would, given the legal contract between the parties involved.

Sport England Request 7. *“Any works to the Rugby Club will need to be implemented prior to loss of any part of the playing field. This can be written into any associated conditions and/or legal agreement if necessary”*

Applicant Response: Whilst the applicant has no issue whatsoever with a condition of this nature, the words *“any works to the Rugby Club will need to be implemented prior to loss of any part of the playing field”* is unworkable in this case. This is given that construction works to both the foodstore site and rugby club land would take place concurrently. For example, installing the new ball strike fence to the rugby club pitch is unrealistic until the new fence line is established at the boundary with the foodstore (i.e. towards the end of the construction phase).

The applicant’s suggestion is therefore that the condition prevents the *“first occupation of the retail store”* until such time that the works agreed to the Rugby Club have been completed to the LPA’s satisfaction. This surely offers the required control that Sport England are seeking. The suggested wording of such a planning condition is as follows: *“Prior to first occupation of the retail store, the works set out on schedule X and identified on plan X concerning the playing fields adjacent to the site shall be implemented to the full satisfaction of the Local Planning Authority”*. It is suggested that a schedule of finalised works and a plan showing the location of these works is prepared and submitted once Sport England are in agreement with the overall scope of works proposed.

Material Considerations Concerning Rugby / Archery Clubs

Whilst not outlined in our Supporting Planning Statement, it is important to highlighted that the playing fields and sports facilities are not in fact owned by the clubs that rely upon them but by a third-party. However, the structure of the land deal between Aldi and this third-party will mean that when Aldi acquires the small portion of playing field land that it requires to deliver the foodstore scheme, the remaining playing field land and buildings will be gifted to the clubs.

The land deal, triggered through the granting of planning permission, will therefore result in the sports clubs no longer paying annual rent to a third-party. This means that these funds can instead be spent on the continued maintenance and improvement of their sports pitches and wider facilities. This is a clear and significant long-term benefit of the planning application proposals.

Furthermore, it should be emphasised that the total cost of the short-term works planned to the playing fields and wider rugby club by Aldi is envisaged to exceed £76,000, which of itself is also clearly a considerable, immediate benefit of the scheme. Both of these factors should be given material weight in the determination of this planning application, particularly in the context of the current objection by Sport England. There cannot be any suggestion that the scheme will have a negative impact upon the future enjoyment of both the playing fields and the sports clubs that utilise them, the reality will be quite the opposite.

I trust this response is of use in coming to your decision on this planning application, please could you let me know as soon as possible if either yourselves or Sport England require any further information in relation to these matters or clarification on any of these points and I shall be pleased to assist further. I look forward to hearing from you.

Yours sincerely



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For and on behalf of Avison Young (UK) Limited