

APPLICATION REPORT – FUL/351570/23
Planning Committee 20th December 2023

Registration Date 1st September 2023
Ward Coldhurst

Application Reference FUL/351570/23
Type of Application Full

Proposal Replacement of existing grass training pitch known as Little Wembley (and floodlights, means of enclosure and ball-catch fencing) with a new multi-sports 3G pitch with associated earth works / engineering operations / retaining structure (to provide a flat surface), ball-catch fencing, security and acoustic fencing, 8 column sports lights, 10 cycle parking spaces, and the erection of an ancillary single storey building to accommodate changing rooms, classroom / office, toilets and refreshments area,, a bin store and associated hard and soft landscaping. Access via the existing access from Hilbre Avenue.

Location Little Wembley training pitch, Oldham Athletic Football Club, Boundary Park, Hilbre Avenue, Oldham OL1 2PA

Case Officer Graham Dickman
Applicant Oldham Athletic Football Club
Agent Richard Gee

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major application.

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

3.1 The application relates to the north-west corner of the Boundary Park Football Stadium site. It comprises an existing enclosed grass football pitch and an adjoining area of car parking separated by a mounded area of former spoil material. There are 4 existing floodlight columns.

3.2 Clayton Playing Fields is to the west, separated from the site by a footpath.

3.3 To the north and north-east are established housing areas on Broadway and Downham Close. Further housing is located across a small area of open land to the south on Boundary Drive.

4. THE PROPOSAL

- 4.1 It is proposed to replace the existing facility with a new full-sized, football and rugby league compliant 3G pitch with overall dimensions of 106m by 70m. The site will be re-graded to remove an existing slope, resulting in a lowering of the existing pitch level on the eastern side. Illumination will be provided via 8 new energy-saving LED sports lights at 15m heights.
- 4.2 Acoustic timber fencing and ball-catch fencing will be utilised where the site adjoins residential properties. Existing garden boundary fencing is to be retained.
- 4.3 There will be an associated ancillary changing room building, which will also encompass a classroom and office, toilets, and a refreshment area.
- 4.4 The structure measures 19m by 18m by 2.4m in height containing 4 changing rooms, two either side of a central pergola to be used as a café area. Walls to be faced with vinyl graphics over painted profile steel.
- 4.5 There will also be a separate refuse storage enclosure measuring 6.7m by 3.15m, and 2.7m in height.
- 4.6 Ancillary landscaping, comprising additional planting to northern boundary, will be carried out.
- 4.7 Approval for use of the facility is sought between 08.00 hours until 18.00 hours on Saturdays, and from 09.00 hours until 21.00 hours on all other days.
- 4.8 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.9 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, at 0.3 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.10 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- 5.1 PA/053017/07 - Outline application for mixed use redevelopment including demolition of existing and construction of new south and west stands, with a combined capacity of 6,200 seats and accommodation comprising spectator facilities, Hotel (west stand) and Fitness club (south stand), Residential apartments (553 Units) and key worker housing (140 Units), Ancillary retail/cafe units together with associated landscaping and external works. Approved 9 May 2008

6. RELEVANT PLANNING POLICIES

- 6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham. The site is partly allocated within a Green Corridor and Link and partly unallocated on the Proposals Map associated with the Local Plan.

As such, the following policies are considered relevant to the determination of this application:

- Policy 1 - Climate Change and Sustainable Development
- Policy 5 - Promoting Accessibility and Sustainable Transport
- Policy 6 – Green Infrastructure
- Policy 9 - Local Environment
- Policy 19 – Water and Flooding
- Policy 20 – Design
- Policy 21 – Protecting Natural Environmental Assets
- Policy 23 – Open Spaces and Sports

7. CONSULTATIONS

Highways Officer	No objection subject to the retention of existing car parking areas adjacent to the site.
Environmental Health	No objections subject to conditions in relation to hours of use and maximum noise levels.
Drainage	Recommend a condition for further drainage details and for a pre- and post- development condition survey of the watercourse running under the site.
United Utilities	Recommend a condition for a drainage assessment and submission of a drainage scheme.
Sport England	Clarification in relation to the noise and lighting assessments has been requested.
G M Ecology Unit	No objections in principle subject to conditions in relation to invasive species and biodiversity enhancement.
Environment Agency	No objections

8.1 PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.2 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of site notices, and publication of a press notice.

8.3 In response, 3 representations have been received raising the following (summarised)

issues:

- The proposal will increase light pollution (discussed at paragraphs 10.4-10.5 below);
- The proposal will increase noise and smells (discussed at paragraphs 10.6-10.7 below);
- There will be increased activity into the evenings and at weekends (discussed Section 10 below);
- The bin store is too close to residential properties and is unsightly (discussed at paragraph 10.8 below);
- There are restrictive covenants on the land (discussed at paragraph 14.1 below); and,
- Reduction in property value (discussed at paragraph 14.2 below)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The proposal relates to the upgrading of an existing grass sports pitch which forms part of the wider Oldham Athletic football stadium.
- 9.2 NPPF Paragraph 98 recognises the importance for the health and well-being of communities of providing opportunities for access to sport and physical activity.
- 9.3 In respect of existing facilities, NPPF Paragraph 99 states these should not be developed unless an assessment has been undertaken to show either that the facility is surplus to requirements, any loss would be replaced by equivalent or better provision, or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
- 9.4 The proposal will result in the loss of a grass pitch and its replacement with an all-weather pitch which will provide a more durable facility allowing more intense use and be of better quality in terms of being entirely flat and with improved lighting and changing facilities.
- 9.5 In assessing the proposals, Sport England (SE) has referred to its Playing Fields Policy and Guidance which notes that SE will oppose development proposals which would lead to the loss of all or any part of a playing field unless one of the exceptions is met.
- 9.6 In this regard SE initially objected that it has not been demonstrated that there is an excess of playing pitches in terms of club or community playing pitch provision, or there is no evidence to suggest that the playing field is not needed, or that the loss outweighs the loss of the existing natural turf pitch has not been established, in view of the need and demand.
- 9.7 In response, the applicant has provided the following comments:

- 9.8 Revisions have been made to the pitch design to create a pitch which is 106m by 70m. This would satisfy the standards for both football and rugby league, including allowing for necessary run-off areas to all sides. It would also provide a suitable training area for rugby union.
- 9.9 The pitch specification will be in accordance with the FA's 3G pitch guidance and be RFL and World Rugby compliant.
- 9.10 The re-positioning of floodlight columns has been designed to take account of the relationship with the perimeter rail and any spectator facilities.
- 9.11 The fencing scheme has been amended to reflect FA guidance to a consistent height of 4.5 metres, with additional ball strike fencing behind the posts.
- 9.12 The changing room design was predicated on enabling some level of use by users of Clayton Playing Fields, however, while the overall long-term vision remains, the scheme has been revised to focus on users of the 3G pitch.
- 9.13 In terms of impact on sports provision, Little Wembley has never been either available for, or used to accommodate, any other sports or any community use beyond the football club, with limitations due to the present position, fencing, and slope of the grass pitch as it stands presently meaning that it cannot (or it would be very difficult to) be moved around and re-sized to cater for changes in sport over the years.
- 9.14 The proposed improvements will enable a full community use programme in a form never formerly feasible.
- 9.15 As this is not on a school site, the 3G pitch offers potential to make a considerable daytime community offer in addition to the comprehensive 40-hour weekday evening/weekend programme.
- 40 peak time community use hours per week (20 hours Monday-Friday 17.00-21.00 and 20 on Saturdays and Sundays (10.00-20.00) plus;
 - 40 hours of school, Club academy and Oldham College use - all weekday daytime-based between 09.00-17.00.
- 9.16 Consequently, the net increase in capacity will rise from a current circa 6-8 daytime hours to a combined total of c. 80 hours per week including large tranches of time devoted entirely to community access. The facility would therefore increase community provision rather than adversely impact on other facilities.
- 9.17 A specific community use agreement is proposed to ensure commitments to community use can be met.
- 9.18 Sport England has confirmed it is satisfied that the additional information overcomes its concerns, although it has requested clarification that the noise and lighting assessments relate to the enlarged pitch.
- 9.19 A Community Use Agreement will be required to ensure the public benefits for access to sport as identified by the applicant can be achieved. This will be secured through a planning condition.

10. RESIDENTIAL AMENITY

- 10.1 The application site is in immediate proximity to neighbouring residential properties on Broadway and Downham Close to the north and Boundary Drive to the south.
- 10.2 Whilst the playing pitch already exists, its use has physical limitations in terms of containing a surface which is subject to weather dependency. Consequently, it is anticipated that the proposed facility would have a significantly increased amount of use.
- 10.3 In this context, it is necessary to consider whether the increased activity and changes to the design and lighting of the facility will have a significant adverse impact on the amenity of neighbouring residents.
- 10.4 In respect of the proposed replacement floodlights, a Lighting Impact Assessment Report, which provides details of how light spillage will be controlled, has been submitted. The lighting has been designed to take account of nearby properties with lighting units containing shielded optics to limit spillage.
- 10.5 After the final booking of the evening the dimming system will reduce light levels to 20% to allow for clear up and will extinguish after 10 minutes.
- 10.6 In respect of noise generation, a Noise Impact Assessment has been submitted. This concludes that noise modelling shows emissions from the proposed pitch should meet the requirements of the Sport England 'Artificial Grass Pitches (AGP) Acoustics – Planning Implications' document. This is subject to the recommended mitigation measures, including dropping the pitch level by 2m and installation of an acoustic screen fence.
- 10.7 The Environmental Health Officer is satisfied with the proposals subject to a restriction to the proposed hours of use and imposition of a maximum sound level at neighbouring residential properties.
- 10.8 Concerns have been expressed in relation to the proximity of the proposed bin store to the neighbouring gardens within the initial plans submitted. In response the store has been re-located to 35m from the nearest boundary in the most recent plans submitted, which should mitigate any potential adverse impact.

11. DRAINAGE AND GROUND CONDITIONS

- 11.1 A Flood Risk Assessment and Drainage Management Strategy has been submitted. The site lies within Flood Zone 1 at the lowest risk of flooding.
- 11.2 The proposed pitch will be permeably surfaced with pitch drainage infrastructure put in place. Where it is demonstrated to be feasible, surface water drainage from the changing rooms will similarly be ground infiltration based.
- 11.3 A culverted section of Plumpton Clough runs under the site and a maintenance off-set will need to be maintained across this area.
- 11.4 As a result, it will be necessary for a detailed drainage scheme to be submitted to ensure this complies with the objectives of sustainable drainage. A planning condition is recommended accordingly.
- 11.5 The Council's Drainage Officer has recommended that this includes a pre- and post-

construction survey of the condition of the culvert.

- 11.6 In respect of ground conditions, a Desk Study Report has been undertaken which reveals a generally moderate risk from ground contamination and landfill gas. The Environmental Health Officer has therefore recommended that any approval is subject to detailed assessments being undertaken to identify any potential remediation measures which may be required.

12. ECOLOGY AND LANDSCAPING

- 12.1 At present the site consists primarily of modified grassland with a mix of trees and shrubs to the site boundaries and therefore has limited biodiversity value.
- 12.2 An assessment of biodiversity has been submitted which indicates the achievement of a net gain of +17.9% and 0.89 habitat units.
- 12.3 Additional tree planting has been proposed which will enhance the boundary to neighbouring residential properties.

13. HIGHWAY ISSUES

- 13.1 A Transport Statement has been submitted.
- 13.2 The proposed development comprises of a sports facility which replaces the existing pitch. Access is available for vehicle parking on the adjacent large car park. This will remain available and be sufficient to support the use. A condition is recommended that this is retained for use by users of the proposed development.
- 13.4 Pedestrian routes around the facility will remain available from the open land between the stadium and the public footpath which will continue to run alongside the western side of the site.
- 13.4 In addition, 10 cycle parking spaces are proposed.

14. OTHER MATTERS

- 14.1 A reference has been made in the representations to a covenant on the site. Such matters do not constitute material planning considerations. In addition, any restrictive covenant is a matter for the owner to ensure that any works are undertaken in accordance with their ownership title and any restrictive covenants in place. The Council is unable to enforce the covenants referred to in respect of this site as it is not the beneficiary of them.
- 14.2 Similarly, any impact on property values would not constitute a material planning consideration.

15. CONCLUSION

- 15.1 The proposal relates to the enhancement of an existing pitch within a larger sports complex providing significant benefits through the provision of a facility of substantially

better quality than the existing poor quality, sloping pitch. As a consequence; the development will enable a much wider range of club and community uses to utilise the facility.

RECOMMENDED CONDITIONS

Granted, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policies 9 and 19 of the Oldham Local Plan.

4. Prior to first use of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy ref: HYD833_LITTLE.WEMBLEY_FRA&DMS Rev 1.0 dated 24th August 2023. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and b.

Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained, and managed in accordance with the approved plan. REASON - In order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.

5. Prior to the commencement of the development, a condition survey of the culverted watercourse running through the site shall be undertaken and the results submitted to the Local Planning Authority. Following the completion of the development, and prior to the commencement of the use of the pitch, a further survey shall be undertaken to demonstrate that there has been no adverse impact on the condition of the culvert and the results submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with any identified remedial measures. REASON - In order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.
6. The existing car park directly adjacent the development site shall always remain available for users of the development and the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles whilst the pitch is in use. Should the parking or turning areas be severed from the development the use hereby permitted shall cease. REASON - To ensure that adequate off-street parking and servicing facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
7. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
8. The development shall be implemented in accordance with the measures as set out in the submitted Construction Management Plan Ref:P23028 dated August 2023. REASON - To safeguard the amenities of the neighbouring residential properties and the area having regard to Policy 9 of the Oldham Local Plan.
9. The use of the pitch shall not commence until the acoustic and ball stop fencing indicated on the approved plans have been installed in full. The fencing shall be retained at all times thereafter whilst the pitch remains in use. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
10. The use of the pitch shall only take place between 08.00 and 18.00 hours on Saturdays and between 09.00 and 21.00 hours on all other days. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
11. The installation of replacement floodlighting to the site shall be carried out in accordance with the details as set out in the ATP Floodlighting Lighting Impact Assessment (Ref:SP1297 Rev 1, Pitch Lighting Details SP1297 Rev 1 plan, column

details HLSSTD Rev A, and lighting unit 'Siteco' LED lamps Ref: SITECO FL11 MAXI PL33T. No lighting shall take place outside these hours except when faded to 20% of luminance for a period of 10 minutes at the end of the period allowed by Condition 10. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.

12. The 1 hour LAeq from the use of the pitch when measured in free field conditions at 1.5 metres from the ground at any residential property shall not exceed 50dBA. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
13. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: AT.23.1262.103 R.04 prior to the commencement of the use of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
14. Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon commencement of the use of the development and shall be retained thereafter REASON - To secure well managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport having regard to Policy 23 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

