

APPLICATION REPORT - PA/342888/19

Planning Committee, 5 June, 2019

Registration Date: 18/02/2019
Ward: Saint Mary's

Application Reference: PA/342888/19
Type of Application: Full Planning Permission

Proposal: Proposed soccer centre (Use Class D2) with associated car park and access arrangements

Location: Land to east of Alexandra Centre Retail Park, Park Road, Oldham, OL4 1SA

Case Officer: Dean Clapworthy

Applicant Agent : First Choice Property Investments
Mrs Tamworth

THE SITE

The proposal relates to a generally rectangular shaped parcel of land adjoining the eastern side of Alexandra Centre Retail Park. It includes the existing access road via the car parking serving the adjacent retail park from Park Road. The site equates to an area of 0.6 hectares and is elevated relative to the land to the east and south. It is bounded by an existing footpath to the east and south (with Waterloo Street and Woodstock Street beyond and below the banking), by the retail park to the west, and by a remaining undeveloped area of land at the north which benefits from an extant planning permission for the construction of a standby energy reserve facility.

The site is currently vacant and is previously undeveloped. The site had also been reserved for the future expansion of the retail park on the Proposals Map pertaining to the superseded UDP, and a planning permission for retail development has expired (see Relevant History of the Site).

THE PROPOSAL

The proposal is for the erection of a 2224.9 square metre (floor space) building that would accommodate 3no. football pitches with changing and welfare facilities. It would have a maximum length of 64m, width of 41.5m and height of 6.8m. It would have a double pitched roof enclosed on all side by a parapet wall. The element of the building accommodating the welfare and changing areas would be lower at a maximum height of 3m. The building would be finished externally with a mixture of red facing brick (the welfare/changing element) and steel cladding to walls, with aluminium or upvc windows and doors.

It would be positioned with the long elevation fronting the north-west boundary of the site with a car parking area adjacent to the south-east entrance (33no. spaces including 10no. disabled persons spaces) which would be accessed by extending eastwards the access road serving the car park relating to the retail park. An area of the entrance forecourt is indicated as being utilised for the provision of cycle parking spaces (12no. cycle stands providing 24no. secure cycle parking spaces).

The remaining areas of the site would be landscaped. No indication is given to boundary treatment/enclosure for the site.

It is proposed that the site would operate for use by the public between 10:00 and 22:00 hours daily and would employ up to 6no. staff.

RELEVANT HISTORY OF THE SITE:

PA/340709/17 - Outline application for proposed construction of a portal frame building with a mezzanine floor - internally includes 3 No. 30 x 20m artificial grass pitches, changing facilities, refreshment and viewing areas (Use class D2). All other matters reserved. Withdrawn January 2018.

PA/055553/08 - Reserved Matters of PA/37179/98 for the redevelopment and extension of existing retail park, retention and conversion of former railway warehouse to include mixed retail and leisure and construction of new access from Oldham Way. All reserved matters to be considered. Approved November 2008.

PA/037179/98 - Outline application for redevelopment and extension of existing retail park; retention and conversion of former railway warehouse for mixed retail and leisure use; and construction of new access from Oldham Way - Granted subject to a legal agreement September 2005.

Adjacent site

PA/342701/18 - Variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 15 relating to PA/340859/17 for the construction of a standby energy reserve facility. Undetermined.

PA/340859/17 - Construction of standby energy reserve facility including associated buildings, apparatus, perimeter fencing and landscaping. Approved January 2018.

CONSULTATIONS

Highway Engineer	No objection, subject to conditions.
Environmental Health	No objection.
LLFA	No comment provided.
The Coal Authority	No objection.
United Utilities Asset Protection	No objection, subject to conditions.
Greater Manchester Police Architectural Liaison Unit	No objection, subject to condition.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letter and press and site notices. One representation has been received welcoming the proposal in general terms and thereafter raising specific matters that can be summarised as follows:

- The proposal should provide adequate dedicated vehicle parking as parking would not be allowed to take place on the adjacent car park;
- Any additional associated uses (such as function rooms/cafe) would increase the parking burden;
- It should be ensured that the proposed use is compatible with the approved gas turbine facility on the adjacent site;
- The site may be affected by invasive species;
- There is an easement across the site (a main sewer);
- There are no details of external lighting, boundary treatment or servicing during the operational phase.

PLANNING CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Core Strategy & Development Management

Policies Development Plan Document (DPD) which forms part of the Local Plan for Oldham. The application site is unallocated on the Proposals Map pertaining to the Local Plan.

The following policies of the Joint Development Plan Document are relevant to the determination of this application.

Policy 1: Climate change and sustainable development

Policy 2: Communities

Policy 5: Promoting Accessibility and Sustainable Transport Choices

Policy 9: Local Environment

Policy 15: Centres

Policy 19: Water and Flooding

Policy 20: Design

The National Planning Policy Framework (NPPF) is also a material consideration.

The application is required to be referred to Planning Committee as the proposal constitutes Major development and pertains to a site that is not specifically allocated for the use proposed.

The application site is unallocated on the Proposals Map pertaining to the DPD. As such, the assessment of the proposal will therefore be made in respect of Policies 1, 2, 5, 9, 15, 20 and 21 of the DPD and Parts 7, 8, 9, 12, 14 and 15 of the NPPF.

Principle of development

An impact assessment is not required to support the application given that the proposal relates to a recreational proposal of less than 2,500 square metres of gross floor space. The proposal relates to a site that is adjacent to a long established retail park which has previously been accepted as being located on the edge of Oldham town centre in connection with an application for additional retail floorspace on the retail park (PA/338985/16). Given the location of the site, a sequential assessment is therefore required.

The submitted Planning, Design and Access Statement includes such an assessment. This states that the site requirement for such a use is very specific and that the most appropriate option would be a purpose built facility given the specific requirements (i.e. a ceiling height of at least 6.1m; a site large enough to accommodate pitches, sidelines and spectator area, changing facilities; car parking and cycle storage and a communal floor area/foyer of between 300sqm and 500 sqm).

The assessment states that a desktop search has been undertaken which indicates that the only sites available within the town centre are small retail units or offices and that none are considered appropriate for the size and functional requirements of the proposed use. Therefore, the next sequentially preferable location would be edge of centre. The position set out in the submitted sequential assessment is considered to be robust and reasonable.

Thus, given that there are no sequentially preferable sites in the town centre, the location of the proposed development at a site that is well connected to the town centre and nearby residential areas is considered appropriate and acceptable. Therefore, the principal of the development is acceptable and would not be contrary to the requirements of DPD Policy 15 and Section 7 of the NPPF. Further, it is noted that a use class D2 leisure use was approved on the adjacent retail park in June 2016 (PA/338467/16) having been considered against the same DPD policy.

Thereafter, the assessment and consideration of the proposal relates to the following matters.

Design and impact on residential amenity

Utilitarian retail units form the dominant building type in the locality and characterise the built

form of the area. These are set within large car parking and servicing hardstandings with little or no landscaping. To the north of the site would be the approved standby energy reserve facility bounded and screened by a 5m high acoustic fence. The proposed building would largely reflect the form, proportions and finishes of the existing building form. Furthermore, relatively large areas of landscaping, with enhancement (indicated as grassed areas presently), would soften the setting of the proposed building and car parking area, which would aid assimilation from principal viewpoints from the car parks serving the retail units to the west and from the public footpath that is routed around the south and east boundaries of the site. Given the change in levels and the heavily vegetated banking on the north side of Woodstock Street to the south, the site would be significantly screened from the opposing residential properties.

The proposal is supported by a Crime Impact Statement that appraises the layout of the site and building and thereafter the physical security attributes in order to achieve Secured by Design accreditation and management and maintenance of the site. GM Police has expressed satisfaction with the proposal, subject to a condition that requires adherence to the recommendations therein.

Due to the above factors, and subject to conditions, the proposal would complement the existing street scene, would not have any unacceptable impacts upon nearest residential amenities and crime and security and would not therefore conflict with the above policies or the NPPF.

Traffic and highway safety

The proposal would be served by 33no. car parking spaces (10no. being for disabled persons) and 24no. secure cycle storage positions immediately juxtaposed to the entrance to the building, which would be accessed from the existing access from Park Road serving the retail park to the west.

The proposal is supported by a Transport Statement, which finds that the site is well located for access by all modes of transport and a pedestrian crossing with dropped kerbs and tactile paving would be provided across the access road to link the development to the shared footway to the south of the site. The single representation raises a concern relating to vehicle parking at the site, stating that parking would not be allowed to take place on the adjacent car park.

The Highway Engineer has expressed satisfaction with the proposed development, subject to conditions requiring the installation of the secure cycle parking, a pedestrian crossing of the access road and formulation of a green travel plan prior to the use commencing. Subject to such requirements, the development would comply with the above policies and the NPPF.

Ground conditions

The proposal is supported by a Ground Investigation Technical Report and a Coal Mining Risk Assessment. These find that the site is probably underlain by abandoned mineworkings at various depths, which present a very low risk to ground stability and the integrity of the proposed development, requiring no remedial action. In relation to the mine shaft located off-site and shallow coal mine workings, it is recommended that observations should be kept throughout all site operations, but that any risks are negligible. The Council's Environmental Health Officer has expressed satisfaction with the proposal. The site is therefore deemed to be capable of being safely developed and the proposal would comply with the above DPD policies and the NPPF.

Flood risk and drainage

A Flood Risk Assessment has been submitted in support of the proposal. This confirms that the site is located within fluvial Flood Zone 1 and 2 and is not in a Groundwater Source Protection Zone. Furthermore, the site is generally located in an area that is projected to be have a 'Very Low' vulnerability to surface water flooding and has a low probability of fluvial flooding. It concludes that the proposed development can be constructed without being at

an unacceptable risk of flooding and without increasing the risk to other sites in the vicinity. United Utilities has not raised a concern relating to the main sewer that is routed under the site or objected to the proposal, subject to conditions relating to foul and surface water. Therefore, subject to such conditions, the proposal would comply the above DPD policies and the NPPF.

Ecology and biodiversity

The site comprises re-colonised waste ground with dense scrub and self-seeded saplings and very young trees. The present application is not supported by any ecological information. However, a Preliminary Ecological Appraisal (PEA) was submitted in relation to the site immediately to the north. That Appraisal concluded that the (adjacent) site comprises re-colonised waste ground with a mixture of habitats with low floristic diversity comprising common species ubiquitous to the surrounding area.

It also found that there would be no impacts on any statutory or non-statutory nature conservation designations and that the site had limited value for bats, and is not currently utilised by badgers. It was considered that the dense scrub located throughout the site had potential to be used by nesting birds, although the likelihood of the site supporting a reptile population was considered to be very low. Invasive species were noted on the site and it was advised that they would need to be suitably treated.

It was thereafter determined that the proposal would not have any detrimental impacts upon local ecological interests, biodiversity or legally protected species and no conditions relating to ecological or biodiversity interests were applied.

The application site forms a part of the same parcel of land with the same characteristics that has been re-colonised and there is no physical division between this and the application site. It would therefore be appropriate to accept that the findings are applicable across the entire parcel of land and thus the application site. Given such circumstances, it is considered that the development would not have any detrimental impacts upon local ecology, biodiversity or legally protected species and would not conflict with the above DPD policies or the NPPF.

Other matters

The application site does not lie within an Air Quality Management Area (AQMA) but is located adjacent to part of the Greater Manchester AQMA. This AQMA has been designated due to elevated concentrations of nitrogen dioxide (NO₂) attributable to road traffic emissions.

The single representation raises a concern about the compatibility of the proposed use with the approved gas turbine facility on the adjacent site. However, an Air Quality Assessment (AQA) was submitted in support of application PA/340859/17 that considered the potential air quality impacts of the proposed development during the construction and operational phases. Following detailed consideration by the Environmental Health Section, the local planning authority was satisfied that it had been demonstrated that the site could be developed for the proposed use without adverse impact to air quality and the health of sensitive receptors, including school children.

It would therefore be reasonable to come to the same conclusion in relation to the potential impacts upon the proposed soccer centre.

The Transport Statement submitted in support of the application shows an increase of 5no. vehicle trips and 8no. (max) vehicle trips during the weekday peak AM and PM periods (15no. on Saturday peak hour). This increase is deemed to be barely perceptible. Accordingly, it is not considered that the proposal would adversely affect air quality within the AQMA.

Given the above, it is considered that the proposal would be compliant with the above DPD policy and the NPPF.

Conclusion

The representation received has been carefully considered. The proposed development would be acceptable and subject to appropriate conditions would not have any unacceptable adverse impacts on the vitality and viability of Oldham town centre, traffic and highway safety, neighbouring and general amenity, ecology and biodiversity, ground conditions or flood risk. Furthermore, it would be of an appropriate design in the locality. The proposal complies with the relevant provisions of the Oldham DPD and the NPPF and there are no material considerations which outweigh this finding. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

RECOMMENDATION

Approve, 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 the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the following approved plans:

Site Plan (Drawing No. 3619.6) dated 01/05/2019;
Plans and Elevations (Drawing No. 3619.7) dated 04/02/2019
Location Plan (Drawing No. 3619.8) dated 04/02/2019.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No above ground development shall take place unless and until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. No above ground development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

The approved hard landscaping scheme shall be fully implemented prior to the occupation of the development and the approved soft landscaping shall be carried out at latest in the first planting and seeding seasons following the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

5. Prior to the commencement of development, full details of a scheme for the eradication and/or control of invasive species on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and timing of works contained within the approved scheme.

Reason - In order to ensure the removal/check to the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981, in order to safeguard the biodiversity of the site and its surroundings.

6. Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of occupation of the unit.

Reason - To ensure the development accords with sustainable transport policies

7. Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter remain available for users of the development.

Reason - To ensure adequate cycle storage facilities are available to users of the development

8. Prior to the first occupation of the development hereby approved, a pedestrian crossing with dropped kerbs and tactile paving shall be provided across the access road which will provide a link to the existing shared footpath / cycle path that runs through the site, as shown on drawing number SCP\190032\ATR01 presented in Appendix B of the submitted Transport Statement dated January 2019 (Doc Ref: CT/190032/TS/00).

Reason - In the interests of pedestrian and highway safety.

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Foul and surface water shall be drained on separate systems.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

